



# THE CITY RECORD

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## TABLE OF CONTENTS

### PUBLIC HEARINGS AND MEETINGS

City Council	4081
City Planning Commission	4082
Community Boards	4158
Employees' Retirement System	4158
Franchise and Concession Review Committee	4158
Office of Labor Relations	4158
Landmarks Preservation Commission	4158
Transportation	4159

### COURT NOTICES

Supreme Court	4161
Richmond County	4161

### PROPERTY DISPOSITION

Citywide Administrative Services	4162
Office of Citywide Procurement	4162
Housing Preservation and Development	4162
Police	4163

### PROCUREMENT

Administration for Children's Services	4163
Office of Procurement	4163
Aging	4164
Contract Procurement and Support Services	4164

City Council	4164
Citywide Administrative Services	4164
Office of Citywide Procurement	4164
Design and Construction	4164
Agency Chief Contracting Officer	4164
Environmental Protection	4164
Agency Chief Contracting Office	4164
Purchasing Management	4164
Human Resources Administration	4164
Office of Contracts	4164
Parks and Recreation	4165
Capital Projects	4165
Contracts	4166
Small Business Services	4166
Procurement	4166
Transportation	4167
Traffic	4167

### CONTRACT AWARD HEARINGS

Education	4167
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### AGENCY RULES

Commission on Human Rights	4167
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### SPECIAL MATERIALS

Comptroller	4175
Transportation	4175
Changes in Personnel	4175

### LATE NOTICE

City Council	4176
Charter Revision Commission	4176

## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## CITY COUNCIL

### ■ PUBLIC HEARINGS

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

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



### KEW GARDENS HILLS REZONING

QUEENS CB - 8

C 190299 ZMQ

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

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

### KEW GARDENS HILLS REZONING

QUEENS CB - 8

N 190301 ZRQ

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

Matter underlined is new, to be added;  
Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10; \*\*\* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

ARTICLE II

RESIDENCE DISTRICT REGULATIONS

Chapter 1

Statement of Legislative Intent

\* \* \*

21-10

PURPOSES OF SPECIFIC RESIDENCE DISTRICTS

\* \* \*

21-12

R2X—Single-Family Detached Residence District

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

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

\* \* \*

FRANKLIN GUEST HOUSE

BROOKLYN CB - 1

20195667 TCK

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

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

EAST NEW YORK NORTH

BROOKLYN CB - 5

C 190286 HAK

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

UPK/306-SEAT PRE-K CENTER

QUEENS CB - 4

20185509 SCQ

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

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



jy31-a6

CITY PLANNING COMMISSION

PUBLIC HEARINGS

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

BOROUGH OF THE BRONX

No. 1

1155-1157 COMMERCE AVENUE

CD 9

C 190426 PCX

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

BOROUGH OF MANHATTAN

Nos. 2 & 3

TERENCE CARDINAL COOKE

No. 2

CD 11

C 190158 ZMM

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

No. 3

CD 11

N 190156 ZRM

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

Matter underlined is new, to be added;

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

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

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

APPENDIX F

\* \* \*

MANHATTAN

\* \* \*

Manhattan Community District 11

\* \* \*

Map 7 - [date of adoption]

[PROPOSED MAP]



Legend: Shaded box = Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))

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

No. 4

363 LAFAYETTE STREET

CD 2

C 190317 ZSM

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

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

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

CD 1 C 100421 ZMQ

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

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

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

No. 6

CD 1 N 190151 ZRQ

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

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

\* \* \*

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

\* \* \*

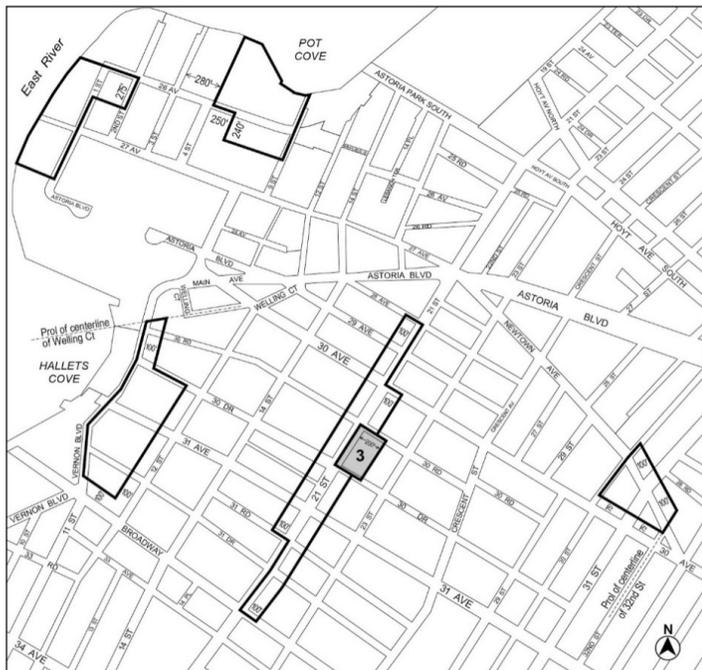
QUEENS

\* \* \*

Queens Community District 1

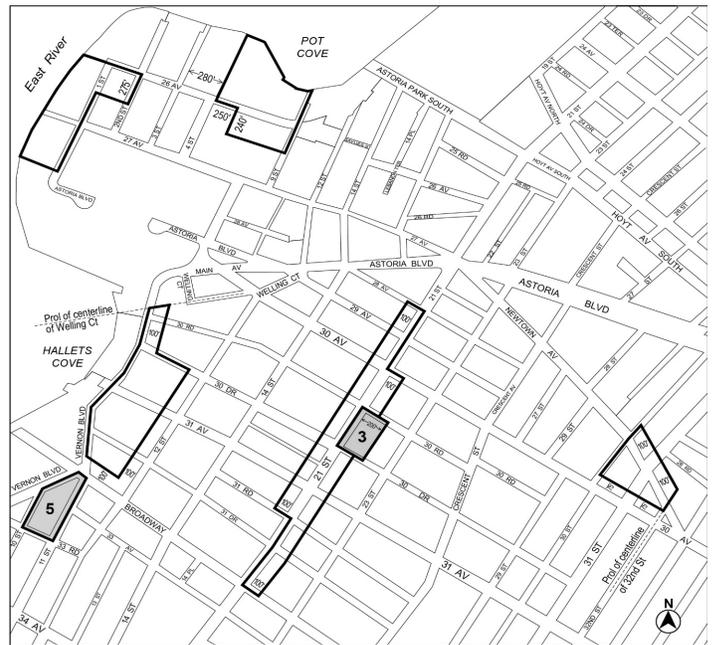
Map 1- (10/31/18) [date of adoption]

[EXISTING MAP]



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

[PROPOSED MAP]



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

Portion of Community District 1, Queens

\* \* \*

No. 7

CD 1 C 190386 ZSQ

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

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

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

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

CD 1 C 180036 ZMQ

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

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

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

No. 9

CD 1 N 180037 ZRQ

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

Matter underlined is new, to be added;

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

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory
Inclusionary Housing Areas

QUEENS

Queens Community District 1

Map 6 [date of adoption]

[PROPOSED MAP]



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

Portion of Community District 1, Queens

\* \* \*

No. 10
112-06 71ST ROAD REZONING

CD 6 C 190422 ZMQ
IN THE MATTER OF an application submitted by Dr T's Pediatrics PLLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District to an R3-2 District property, bounded by 71st Road, a line 100 feet northeasterly of 112th Street, 72nd Avenue and 112th Street, as shown on a diagram (for illustrative purposes only) dated May 20, 2019.

No. 11
91-05 BEACH CHANNEL DRIVE

CD 14 C 180282 ZMQ
IN THE MATTER OF an application submitted by Denis S. O'Connor Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c, by establishing within an existing R4-1 District, a C2-3 District, bounded by Beach Channel Drive, Beach 91st Street, a line 100 feet southeasterly of Beach Channel Drive, a line 100 feet northeasterly of Beach 92nd Street, a line 75 feet southeasterly of Beach Channel Drive, and Beach 92nd Street, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-534.

No. 12
130-24 SOUTH CONDUIT AVENUE SELF STORAGE

CD 10 C 190458 ZSQ
IN THE MATTER OF an application submitted by South Conduit Property Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-932 of the Zoning Resolution to allow, within a designated area in a Manufacturing District in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts), the development of a self-service storage facility (Use Group 16D) not permitted, pursuant to the provisions of Section 42-121 (Use Group 16D self-service storage facilities), on portions of the cellar, ground floor and second floor, and on the third, fourth and fifth floors of a proposed 5-story building, on property, located at 130-02 to 130-24 South Conduit Avenue (Block 11884, Lot 150), in an M1-2 District.

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

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

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

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

CD 4 C 190439 ZSQ
IN THE MATTER OF an application submitted by the LSS Leasing Limited Liability Company, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-512\* of the Zoning Resolution to allow:

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

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

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

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

No. 15

CD 4 N 190440 ZRQ
IN THE MATTER OF an application submitted by LSS Leasing, Limited Liability Company, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying the provision of required reservoir spaces for existing public parking garages with special permits in C4-4 Districts.

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

ARTICLE VII - ADMINISTRATION

Chapter 4 - Special Permits by the City Planning Commission

\* \* \*

74-50 OFF-STREET PARKING ESTABLISHMENTS

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

\* \* \*

74-511 In C1 Districts

\* \* \*

74-512 In other Districts

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

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

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

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

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

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

\* \* \*

No. 16-20

PENINSULA HOSPITAL REDEVELOPMENT PLAN

No. 16

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

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

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

No. 17

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

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

\* \* \*

ARTICLE VII - ADMINISTRATION

Chapter 4 - Special Permits by the City Planning Commission

\* \* \*

74-74 Large-Scale General Development

\* \* \*

74-744 Modification of use regulations

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

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

\* \* \*

APPENDIX F Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

\* \* \*

QUEENS

\* \* \*

Queens Community District 14

\* \* \*

Map 3 - (date of adoption)



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

Portion of Community District 14, Queens

\* \* \*

No. 18

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

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

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

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

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

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

**No. 19**

**CD 14 C 190375 ZSQ**

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

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

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

**No. 20**

**CD 14 C 190251 MMQ**

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

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

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

**NOTICE**

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

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

**BOROUGH OF STATEN ISLAND  
No. 21**

**WHITLOCK AVENUE BLUEBELT SITE SELECTION**

**CD 2 C 190431 PCR**

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

**BOROUGH OF BROOKLYN  
No. 22**

**BAY RIDGE PARKWAY-DOCTOR'S ROW HISTORIC DISTRICT**

**CD 10 N 200008 HKK**

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

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



jj31-a14

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

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

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

**No. 1**

**CD 8 C 190403 ZMX**

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

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

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

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

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

No. 2

**CITY WIDE** **N 190430 ZRY**  
**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special Natural Resources District (Article XIV, Chapter 3), and modifying related provisions, including regulations related to lower density growth management areas, Article X, Chapter 5 (Special Natural Areas District), Article X, Chapter 7 (Special South Richmond Development District), Article XI, Chapter 9 (Special Hillside Preservation District) and related provisions.

\* \* \*

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

\* \* \*

**ARTICLE I**  
**GENERAL PROVISIONS**

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

**11-12**  
**Establishment of Districts**

\* \* \*

**11-122**  
**Districts Established**

\* \* \*

Special Purpose Districts

\* \* \*

\* \* \*

Establishment of the Special Forest Hills District

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

Establishment of the Special Fort Totten Natural Area District

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

Establishment of the Special Garment Center District

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

\* \* \*

Establishment of the Special Harlem River Waterfront District

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

Establishment of the Special Hillside Preservation District

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

Establishment of the Special Hudson River Park District

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

\* \* \*

Establishment of the Special Mixed Use District

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

~~Establishment of the Special Natural Area District~~

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

Establishment of the Special Natural Resources District

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

Establishment of the Special Ocean Parkway District

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

\* \* \*

Establishment of the Special Sheepshead Bay District

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

Establishment of the Special South Richmond Development District

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

Establishment of the Special Southern Hunters Point District

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

\* \* \*

**11-40**  
**EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS**

\* \* \*

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

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

\* \* \*

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

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

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

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

\* \* \*

**12-10 DEFINITIONS**

\* \* \*

**Special Forest Hills District**

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

**Special Fort Totten Natural Area District**

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

**Special Garment Center District**

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

\* \* \*

**Special Hillside Preservation District**

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

\* \* \*

**Special Natural Area District**

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

**Special Natural Resources District**

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

**Special Ocean Parkway District**

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

\* \* \*

**Special South Richmond Development District**

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

\* \* \*

**14-40 AREA ELIGIBILITY FOR SIDEWALK CAFES**

\* \* \*

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

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

\* \* \*

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

\* \* \*

**ARTICLE II RESIDENCE DISTRICT REGULATIONS**

**Chapter 3 Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-00 APPLICABILITY AND GENERAL PURPOSES**

\* \* \*

**23-03 Street Tree Planting in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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

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

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

\* \* \*

**23-04 Planting Strips in Residence Districts**

R1 R2 R3 R4 R5

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

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

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

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

\* \* \*

**23-30 LOT AREA AND LOT WIDTH REGULATIONS**

**Definitions and General Provisions**

\* \* \*

23-32
Minimum Lot Area or Lot Width for Residences

\* \* \*

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

\* \* \*

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

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

\* \* \*

Chapter 6
Special Urban Design Regulations

\* \* \*

26-20
SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS

\* \* \*

26-26
Modification and Waiver Provisions

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

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

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

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

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

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

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

26-27
Waiver of Bulk Regulations Within Unimproved Streets

\* \* \*

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

\* \* \*

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

\* \* \*

Chapter 2
Use Regulations

32-11
Use Groups 1 and 2

C1 C2 C3 C4 C5 C6

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

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

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

\* \* \*

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

\* \* \*

33-00
APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

\* \* \*

33-03
Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

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

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

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

\* \* \*

**Chapter 6**  
**Accessory Off-street Parking and Loading Regulations**

\* \* \*

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

\* \* \*

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

C4-1 C8

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

**36-591**  
**Applicability**

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

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

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

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

- (6) between two #abutting zoning lots# that do not front on the same #street#, and where:
  - (i) existing or proposed #buildings or other structures# would block pedestrian cross access connections;
  - (ii) no open parking areas are proposed on the subject #zoning lot# within 60 feet of the #lot line# where pedestrian cross access would be required; or
  - (iii) the #aggregate width of street walls# exceed 90 percent of the length of the #street line# of the subject #zoning lot#;
- (7) wetlands regulated by the New York State Department of Environmental Conservation or by the United States Army Corps of Engineers, or pursuant to Section 143-16 (Aquatic Resource Protections), are located between the open parking areas or their access driveways along the entire length of #abutting lot lines#, except where blocked by existing #buildings# on the subject #zoning lot#, provided the Commissioner of Buildings shall determine that there is no way to locate a cross access connection that protects such wetlands. The Commissioner may request reports from licensed engineers or landscape architects in considering such waivers.

**36-592**  
**Certification of cross access connections**

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

**36-593 592**  
**Site planning criteria for cross access connections**

- Every potential cross access connection meeting the criteria of this Section shall be shown on the site plan required pursuant to Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations).
- (a) The connection shall be a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#.
  - (b) The connection shall be an extension of a travel lane of the subject open parking lot and align to the maximum extent practicable with a travel lane on any adjacent open parking lot.
  - (c) The connection shall have a grade not greater than 15 percent.
  - (d) The connection shall be placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other lot line boundary of the subject property.
  - (e) The connection shall be placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same or adjacent #zoning lots#.
  - (a) All connections shall be located at least 23 feet from any #street line#, except where connecting to a driveway that does not have #abutting# parking spaces and that provides access to an open parking lot, in which case the connection shall be at least 60 feet from any #street line#.

(b) All cross access connections between two #abutting zoning lots# that front on the same #street# shall provide vehicular access as follows:

- (1) Each connection shall be, to the extent practicable, an extension of a travel lane or connect to a driveway accessing an open parking lot.
- (2) Each connection shall be a minimum of 22 feet in width as measured along a #lot line#. Where the connection is within 60 feet of a pedestrian walkway on the subject #zoning lot#, the connection shall also include a pedestrian pathway with a minimum width of six feet, for a total minimum width of 28 feet. The sides of the pedestrian pathway shall be separated from adjacent vehicle travel paths by a curb, bollard, or vegetation maintained at a maximum height of three feet.
- (3) All connections shall have a proposed slope not greater than 15 percent.
- (4) All connections shall be placed in an area that is not blocked by an existing #building or other structure# on the #abutting zoning lot# that is within 50 feet of the #lot line# of the subject #zoning lot# unless the only cross access location that would otherwise comply with all cross access rules is blocked by such #building or other structure# on the #abutting zoning lot#.

(c) A cross access connection between two #abutting zoning lots# that do not front on the same #street# shall only be required to provide pedestrian access as follows:

- (1) the pedestrian access connection easement shall be a minimum of nine feet in width as measured along a #lot line#;
- (2) the pedestrian access connection pathway shall have a proposed slope not greater than 1:12 for a paved walkway not less than three feet wide, or as otherwise required to meet standards for access determined by the Americans with Disabilities Act; and
- (3) the sides of the pedestrian pathway shall be separated from adjacent vehicle travel paths or parking spaces by a curb, bollards or vegetation maintained at a maximum height of three feet.

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

### **36-594-593**

#### **Establishment of location of required cross access connection**

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

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

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

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

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

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

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

### **36-595594**

#### **Recordation and notice requirements**

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

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

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

### **36-596**

#### **Certification that no connection is required, relocation of previously certified connections and voluntary connections**

(a) Certification that no connection is required

The Chairperson shall certify to the Department of Buildings that no cross access connection is required along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of the following conditions, and provided that no alternate location along such #lot line# or other boundary between properties exists:

- (1) grade changes greater than 15 percent;
- (2) existing #buildings or other structures# to remain that are located within 50 feet of the subject #zoning lot# or property; or
- (3) wetlands or trees with a caliper of six inches or more.

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

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

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

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

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

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

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

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

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

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

\* \* \*

**Chapter 7  
Special Regulations**

\* \* \*

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

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

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

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

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

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

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

along the common #side lot line#, densely planted with evergreen shrubs at least four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted.

However, no such screening shall be required where both such #buildings zoning lots# front upon a #street line# that forms the boundary of a #block# front mapped entirely as a #Commercial District#.

\* \* \*

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

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

\* \* \*

**64-90  
SPECIAL APPROVALS**

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

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

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

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

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

\* \* \*

**Appendix A  
Special Regulations for Neighborhood Recovery**

\* \* \*

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

\* \* \*

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

R1 R2 R3 R4 R5 R6

\* \* \*

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

\* \* \*

ARTICLE X SPECIAL PURPOSE DISTRICTS

\* \* \*

Chapter 5 Special Fort Totten Natural Area District

105-00 GENERAL PURPOSES

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

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

\* \* \*

105-01 Definitions

\* \* \*

Critical root zone

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

Designated open space

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

Hillside

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

Natural feature

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

\* \* \*

Steep slope buffer

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

Street

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

Tier I site

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

\* \* \*

105-02 General Provisions

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

The provisions of this Chapter shall apply to:

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

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

\* \* \*

105-022 Requirements for application

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

\* \* \*

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

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

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

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

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

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

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

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

\* \* \*

105-03 District Plan

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

Appendix A - Special Fort Totten Natural Area District Plan Maps

\* \* \*

105-20 PROTECTION OF NATURAL FEATURES

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

\* \* \*

105-30 PRESERVATION OF NATURAL FEATURES

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

\* \* \*

105-32 Botanic Environment and Tree Planting Requirements

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

or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#.

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

(a) Tree planting

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

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

\* \* \*

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

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

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

Table with 8 columns: #Residence District#, #Average Percent of Slope#, R1, R2, R3, R4, R5, 1-2 Family, Other. Rows include slope ranges like 10-14.9 and corresponding percentages for various districts.

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

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

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

Table with 8 columns: #Residence District#, #Average Percent of Slope#, R1, R2, R3, R4, R5, 1-2 Family, Other. Rows include slope ranges like 12.5 and corresponding percentages for various districts.

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

105-34 Grading Controls for Tier II Sites

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation,

measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

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

\* \* \*

**105-36 Controls During Construction**

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

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

\* \* \*

**105-40 SPECIAL REVIEW PROVISIONS**

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

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

\* \* \*

**105-42 Authorizations to Alter Natural Features**

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

\* \* \*

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

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

\* \* \*

**105-421 Modification of topographic features on Tier I sites**

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

\* \* \*

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

\* \* \*

The #lot coverage# regulations of Table H of Section 105-33 (Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422) shall apply

to any #residential development#, #enlargement# or #site alteration# granted an authorization pursuant to this Section.

**105-423 Relocation of erratic boulders**

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

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

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

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

\* \* \*

**105-434 Modification of requirements for private roads and driveways**

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

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

(b) located on a #zoning lot# containing historic buildings designated by the Landmarks Preservation Commission within the New York City Farm Colony-Seaview Hospital Historic District, as shown on Map 2 in Appendix A of this Chapter, the City Planning Commission may authorize modifications or waivers of the requirements for #private roads# as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) through Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets), inclusive, and Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) through 26-35 (Screening), inclusive, provided that such modification or waiver:

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

\* \* \*

**105-44  
Special Permits**

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

\* \* \*

**105-441  
Modification of use regulations**

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

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

\* \* \*

**105-50  
REGULATIONS FOR PROTECTION OF NATURAL FEATURES**

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

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

in clusters to preserve the #steep slope# areas in their natural state, provided that such clusters are located to the extent feasible in areas of comparatively flat topography and will not require unnecessary grading on adjacent slopes or the creation of new #steep slopes#.

\* \* \*

**105-60  
MAINTENANCE OF NATURAL FEATURES**

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

\* \* \*

**105-701  
Applicability of large-scale residential development regulations**

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

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

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

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

\* \* \*

**105-702  
Applicability of lower density growth management area regulations**

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

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

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

**105-90  
FUTURE SUBDIVISION**

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

\* \* \*

**105-91  
Special District Designation on Public Parks**

When a the #Special Fort Totten Natural Area District# is designated on a #public park# or portion thereof, any #natural features# existing on December 19, 1974, within such area shall not be removed,

destroyed or altered unless authorized by the City Planning Commission. As a condition for granting such authorization, the Commission shall find that any alteration of #natural features# is the least alteration required to achieve the purpose intended and such authorization is consistent with the intent of the #Special Fort Totten Natural Area District#.

\* \* \*

**105-93  
Inter-agency Coordination**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) General purposes

The "Special Fort Totten Natural Area District"-4 (hereinafter referred to as the Special District), established in this Resolution, is designed to promote and protect public health,

safety, general welfare and amenity. These general goals include, among others, the following general purposes:

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

(b) Definitions

(1) Designated open space

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

(2) Street

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

(c) General requirements

(1) Requirements for applications

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

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

(a)(2) Pier #development#

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

(d) Special regulations

(b)(1) Demolition

Except in Area E, no demolition permit or alteration permit for alterations which may affect the character or design of the facade of a #building or other structure# shall be issued

by the Department of Buildings, except as permitted by the Commission, unless it is an unsafe #building or other structure# and demolition or alteration is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code. An applicant for any such permit shall notify the Landmarks Preservation Commission of the application.

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

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

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

(c)(2) Special height regulations

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

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

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

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

(e)(4) Designated open space

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

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

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

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

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

(f)(5) District plan

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

A and is made an integral part hereof. These areas and the specific paragraphs of this Section which contain regulations pertaining thereto are as follows:

Area A - Historic Fort Area, paragraph (d)(6)(g)

Area B - Planned Community Area, paragraph (d)(7)(h)

Area C - Water Related Area, paragraph (d)(8)(i)

Area D - Bay Area, paragraph (d)(9)(j)

Area E - Development Area, paragraph (d)(10)(k)

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

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

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

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

(1)(i) Special permit

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

(i)(a) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning lot lines#;

(ii)(b) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lot# within the development to be distributed without regard for #zoning lot lines#;

(iii)(c) minor variations in the #yard# and #court# regulations required by the applicable district regulations;

(iv)(d) minor variations in the height and setback regulations required by the applicable district regulations;

(v)(e) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot);

(vi)(f) permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard to #zoning lot lines#, or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to findings of Section 78-41 (Location of Accessory Parking Spaces), or where such requirement substantially injures the functioning of the existing area, authorize waiver of all or part of the required parking.

(vii)(ii) Findings

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

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

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

(2)(iii) Parade ground

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

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

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

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

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

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

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

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

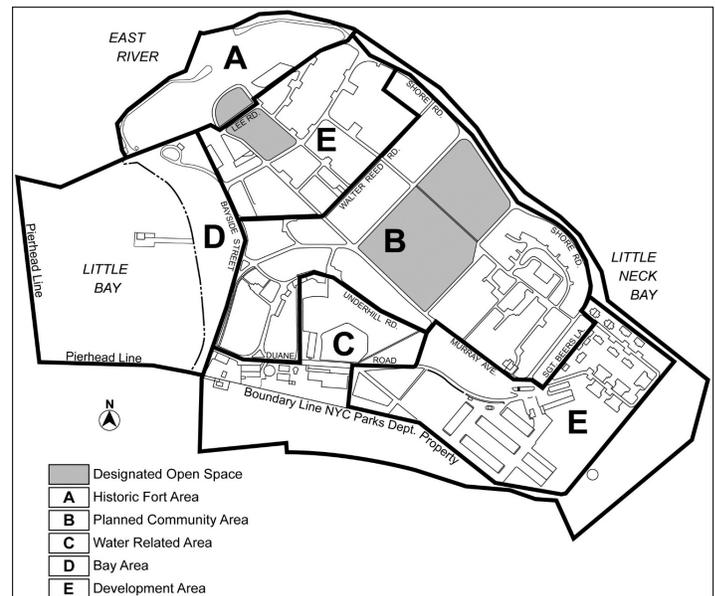
Any #zoning lot developed# predominantly for #community facility uses# may be treated as a #large-scale community facility development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 9.

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

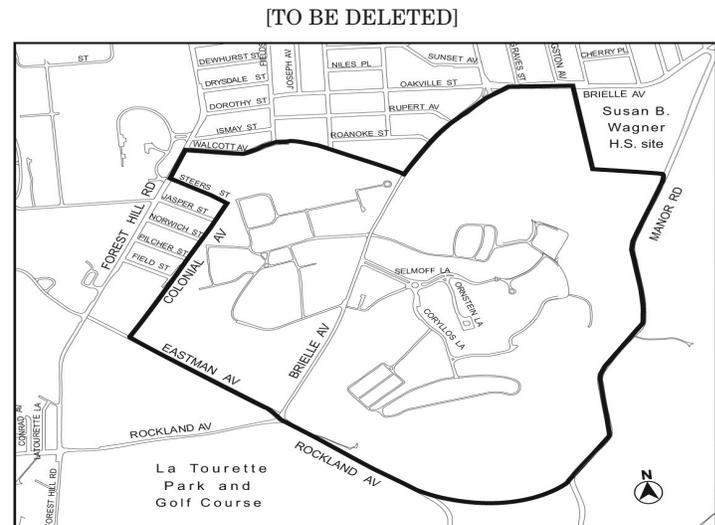
Any and all bonuses permitted in Sections 78-32 through 78-353, inclusive, shall not apply to #development# in Area E.

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

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



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



**Chapter 7  
Special South Richmond Development District**

[ENTIRE CHAPTER TO BE DELETED]

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**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 9  
Special Hillside Preservation District**

[ENTIRE CHAPTER TO BE DELETED]

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**ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS**

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**Chapter 3  
Special Natural Resources District**

**CONTENTS**

143-00 GENERAL PURPOSES

- 143-01 Definitions
- 143-02 General Provisions
  - 143-021 Zoning lots subject to different zoning requirements
  - 143-022 Applications to the City Planning Commission prior to [date of adoption]
  - 143-023 Permits issued prior to [date of adoption]
- 143-03 District Plan and Maps
- 143-04 Subdistricts and Ecological Areas
- 143-05 Application Requirements

143-10 NATURAL RESOURCES

- 143-11 Natural Resource Protection Requirements
  - 143-111 Controls during construction
  - 143-112 Invasive species
- 143-12 Modifications of Certain Natural Features
  - 143-121 Grading standards
  - 143-122 Retaining wall standards
  - 143-123 Rock outcrops and erratic boulders
- 143-13 Tree Regulations
  - 143-131 Tree credits
  - 143-132 Determining tree requirements
  - 143-133 Planting standards for tree credits
  - 143-134 Tree preservation requirement
- 143-14 Biodiversity Requirement
  - 143-141 Determining biodiversity requirements
  - 143-142 Landscape elements
  - 143-143 Planting standards for landscape elements
  - 143-144 Planting requirements for buffer area adjacent to designated aquatic resources
- 143-15 Special South Richmond Landscaping and Buffering Provisions
  - 143-151 Landscaped buffer along Residence District boundaries
  - 143-152 Landscaped buffer for commercial or manufacturing development adjacent to residences
  - 143-153 Landscaped buffer for open parking areas
  - 143-154 Waiver of landscaped buffer
- 143-16 Aquatic Resource Protections
  - 143-161 Permitted encroachment area
  - 143-162 Location of permitted encroachment

143-20 SPECIAL USE REGULATIONS

- 143-21 Residential Uses in South Richmond Subdistrict
  - 143-211 Affordable independent residences for seniors in Subarea SH
  - 143-212 Special use regulations in Subarea M

143-30 SPECIAL BULK REGULATIONS

- 143-301 Special bulk regulations for certain community facility uses in lower density growth management areas
- 143-31 Floor Area and Density Regulations
  - 143-311 Floor area regulations in the South Richmond Subdistrict
  - 143-312 Maximum number of dwelling units in R3 and R4 Districts within the South Richmond Subdistrict
- 143-32 Lot Coverage
- 143-33 Hard Surface Area
- 143-34 Lot Area and Lot Width
  - 143-341 Minimum lot area for zoning lots containing designated aquatic resources
  - 143-342 Minimum lot area within Escarpment Areas
  - 143-343 Minimum lot area and lot width in the South Richmond Subdistrict

- 143-344 Special provisions for existing small lots
- 143-35 Yard Regulations in the South Richmond Subdistrict
  - 143-351 Front yards in the South Richmond Subdistrict
  - 143-352 Side yards in the South Richmond Subdistrict
  - 143-353 Side yard regulations for other residential buildings in the South Richmond Subdistrict
  - 143-354 Side yards for permitted non-residential use in the South Richmond Subdistrict
  - 143-355 Special provisions for arterials in the South Richmond Subdistrict
  - 143-356 Building setbacks along railroad rights-of-way in the South Richmond Subdistrict
- 143-36 Special Yard Regulations for the Protection of Natural Features
  - 143-361 Permitted obstructions in yards
  - 143-362 Front yard reductions
  - 143-363 Rear yard reductions
  - 143-364 Measurement of yards in unimproved streets
  - 143-365 Special rear yard equivalent regulations
- 143-37 Height and Setback Regulations
  - 143-371 Modified height and setback for the protection of natural features
  - 143-372 Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources
  - 143-373 Height and setback in South Richmond Subdistrict
- 143-38 Court and Open Area Regulations
  - 143-381 Open area requirements for residences
  - 143-382 Court regulations in the South Richmond Subdistrict
- 143-39 Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space

143-40 SPECIAL PARKING REGULATIONS

- 143-41 Location of Parking Spaces in Lower Density Growth Management Areas
- 143-42 Parking Modifications for the Protection of Natural Features
- 143-43 Parking Waiver Not Applicable in the South Richmond Subdistrict
- 143-44 Access Restrictions Along Arterial Streets in the South Richmond Subdistrict
- 143-45 Special Surfacing Regulations

143-50 SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK

- 143-51 Designated Open Space
  - 143-511 Certification for public pedestrian ways
  - 143-512 Certification for active recreational facilities
- 143-52 Waterfront Esplanade
- 105-53 Boundary Adjustments of Designated Open Space

143-60 SPECIAL REGULATIONS FOR PLAN REVIEW SITES

- 143-61 General Provisions
  - 143-611 Habitat preservation area standards
  - 143-612 Amenities allowed in connection with reduced habitat preservation area
  - 143-613 Planting regulations for plan review sites
  - 143-614 Open area and lot coverage requirements for community facilities
  - 143-615 Requirements for private roads
  - 143-616 Minor enlargements or site alterations on plan review sites
  - 143-617 Site planning requirements
- 143-62 Authorization for Plan Review Sites
- 143-63 Development Plan
  - 143-631 Establishment of a development plan
  - 143-632 Certification for preliminary plan site
  - 143-633 Authorization for conceptual plan site
- 143-64 Habitat Preservation Area
  - 143-641 Modification of habitat preservation area standards
  - 143-642 Special permit for modification of habitat preservation area
  - 143-643 Natural area dedicated for public use
- 143-65 Residential Sites
  - 143-651 Modification of permitted residential building types
  - 143-652 Modification of bulk regulations for residential sites
- 143-66 Modification of Bulk Regulations for Certain Community Facilities
- 143-67 Certification to Permit Tree Removal

- 143-70 CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE SOUTH RICHMOND SUBDISTRICT
- 143-71 Public Schools in the South Richmond Subdistrict
- 143-72 Authorizations Applicable Within the South Richmond Subdistrict
  - 143-721 Affordable independent residences for seniors in Subarea SH
  - 143-722 Residential uses in Subarea M
- 143-73 Special Permits Applicable Within the South Richmond Subdistrict
  - 143-731 Exceptions to height regulations in the South Richmond Subdistrict

**143-00 GENERAL PURPOSES**

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

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

**143-01 Definitions**

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS). Maps referenced in this Section (Definitions) are located in Appendix A through D of this Chapter.

Area adjacent to aquatic resources

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

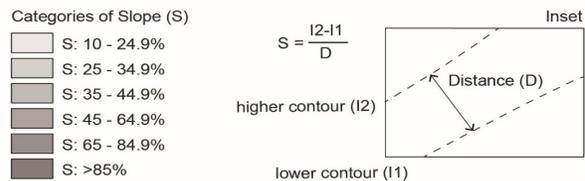
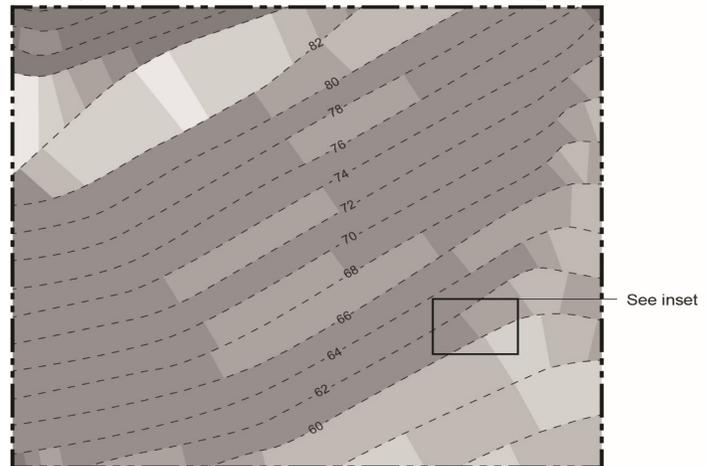
Area of existing slope

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

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

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

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



AREA OF EXISTING SLOPE

Area of no disturbance

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

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

Arterial

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

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

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

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

#### Biodiversity point

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

#### Buffer area

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

#### Caliper (of a tree)

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

#### Designated aquatic resources

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

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

#### Designated open space

“Designated open space” is a portion of the #open space network# located on a #zoning lot# as shown on Map 1 in Appendix D of this Chapter, and is to be preserved in its natural state in accordance with the provisions of Section 143-50 (SPECIAL SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK).

#### Environmental professional

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

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

#### Erratic boulder

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

#### Ground layer

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

#### Habitat area

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

#### Habitat preservation area

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

#### Hard surface area

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

#### Invasive species

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

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

#### Landscape element

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

#### Open space network

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

#### Plan review site

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

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

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

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

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

#### Qualifying lot

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

#### Rock outcrop

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

#### Root zone, critical

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

#### Root zone, structural

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

#### Shrub layer

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

#### Site alteration

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

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

#### Target species

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

#### Tree credit

A "tree credit" is a value given to a tree for the purposes of calculating its relative value pursuant to vegetation requirements. #Tree credits#

are based on the #caliper# of a tree and whether or not the tree is a #target species#. #Tree credits# are described in Sections 143-13 (Tree Regulations) and 143-131 (Tree credits) of this Chapter.

#### Tree protection plan

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

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

#### Waterfront esplanade

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

### 143-02

#### General Provisions

The provisions of this Chapter shall apply within the #Special Natural Resources District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

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

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

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

### 143-021

#### Zoning lots subject to different zoning requirements

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

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

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

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

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

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

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

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

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

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

**143-022 Applications to the City Planning Commission prior to [date of adoption]**

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

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

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

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

**143-023 Permits issued prior to [date of adoption]**

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

**143-03 District Plan and Maps**

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

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

- Appendix A. Special Natural Resources District and Subdistricts
  - Map 1: Staten Island Subdistricts
  - Map 2: The Bronx: Riverdale-Fieldston Subdistrict
- Appendix B. Resource Adjacent Areas in The Bronx
- Appendix C. Staten Island Ecological Areas
  - Map 1: Escarpment Areas (Maps 1.1 through 1.7)
  - Map 2: Resource Adjacent Areas (Maps 2.1 through 2.31)
- Appendix D. South Richmond Subdistrict
  - Map 1: Open Space Network in South Richmond Subdistrict (Maps 3.1 to 3.6)
  - Map 2: Arterial Setback Plan in South Richmond Subdistrict
  - Map 3: Special Areas LL, M and SH South Richmond Subdistrict

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

**143-04 Subdistricts and Ecological Areas**

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

- (a) Subdistricts are established within the #Special Natural Resources District#. The Subdistricts are as follows:
  - South Richmond Subdistrict, Staten Island
  - Hillside Subdistrict, Staten Island
  - Shore Acres Subdistrict, Staten Island
  - Riverdale-Fieldston Subdistrict, The Bronx

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

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

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

- (b) Ecological Areas are established within the #Special Natural Resources District#. The regulations of the Ecological Areas supplement and modify the regulations of the Subdistricts. In each of these Ecological Areas, certain special regulations apply that do not apply in the rest of the #Special Natural Resources District#. The Ecological Areas consist of:
  - (1) Resource Adjacent Areas are designated on those portions of land within 100 feet of and adjacent to

#habitat areas# on public lands. Resource Adjacent Area boundaries are shown along the boundaries of public lands on Maps 1 and 2 of Appendix B (The Bronx) and Maps 2.1 through 2.31 of Appendix C (Staten Island) of this Chapter. Resource Adjacent Areas shall be measured perpendicular to the Resource Adjacent Area boundaries shown on such maps.

- (2) Escarpment Areas are designated on land that contains steep slopes located through the serpentine hills of the central and northern portions of Staten Island. These areas are shown on Maps 1.1 through 1.7 of Appendix C.
- (3) Base Protection Areas are all other areas within the #Special Natural Resources District# that do not fall within Resource Adjacent Areas or Escarpment Areas. Base Protection Areas do not include #areas adjacent to aquatic resources#.

**143-05  
Application Requirements**

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

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

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

(a) Applications for #developments#, #enlargements# that increase #lot coverage# by 400 square feet or more, or #enlargements# that result in an increase in #floor area# of 20 percent or greater that increase the #lot coverage# by any amount, shall include the following materials:

- (1) A site context map that shows the location of the #zoning lot#, zoning district boundaries, boundaries between Resource Adjacent Areas, Escarpment Areas and Base Protection Areas, #designated aquatic resources#, #areas adjacent to aquatic resources#, #buffer areas# and #designated open space#, as applicable, within 100 feet of the #zoning lot#.
- (2) A survey, dated no more than two years from the date of application, or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable, that establishes existing conditions related to topography at two-foot contours, the location of trees that are of six inch #caliper# or greater, #rock outcrops# and #erratic boulders#, #designated aquatic resources#, #buffer areas#, #buildings or other structures# and all other #hard surface areas#.
- (3) A compliance report that compares the survey described in paragraph (a)(2) of this Section with the most recent plans approved by the City Planning Commission or the Department of Buildings, as applicable.
- (4) Photographs, representing current conditions at the time of the application, showing the location and condition of trees proposed to be preserved and any #rock outcrops# or #erratic boulders# within or adjacent to the subject area within which construction or disturbance is proposed.
- (5) A set of architectural drawings, including:
  - (i) a site plan representing changes in topography at two-foot contours, when applicable, location of new #buildings or other structures# or #enlargements#, and modified locations of #hard surface areas#, with detailed zoning calculations as per Section 143-30 (SPECIAL BULK REGULATIONS); and

(ii) plans, elevations and section drawings detailing all new and modified #buildings or other structures# and #hard surface areas#;

- (6) A set of landscape drawings for the entire #zoning lot# or subject area with a key plan showing:
  - (i) the location and details of newly proposed or modified #hard surface areas#;
  - (ii) the location, #critical root zone#, #caliper# and species of all trees, newly planted or preserved, to be counted as #tree credits# with tree schedule pursuant to Section 143-13 (Tree Requirement), inclusive;
  - (iii) the location of all newly planted vegetation to be counted as part of a #landscape element# for #biodiversity points#, or otherwise required pursuant to Section 143-14 (Biodiversity Requirement), inclusive;
  - (iv) the boundaries and square footage of all existing vegetation to be preserved and counted as part of a #landscape element# for #biodiversity points# or otherwise required pursuant to Section 143-14, inclusive;
  - (v) for sites with #areas of existing slope#, a grading plan, showing all existing and proposed contours at two-foot intervals, all categories of slope affected by areas of encroachment, pursuant to Section 143-32 (Lot Coverage), critical spot elevations, and at least one longitudinal and one latitudinal cross-section located within areas of modified topography at the greatest areas of topographical change, showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;
  - (vi) where applicable, #designated aquatic resources# and #buffer areas# pursuant to Section 143-16 (Aquatic resource protections);

(7) a drainage plan and soil report, as applicable, showing direction of water flow over land, and locations of stormwater collection or infiltration; and

(8) A set of construction plans detailing erosion controls, #area of no disturbance#, location of temporary fence, staging area, trenching for utilities and foundations, areas used by construction equipment and other provisions pursuant to Section 143-11 (Controls During Construction).

(b) Applications for #enlargements# that result in an increase of #lot coverage# of less than 400 square feet and that result in an increase in #floor area# of less than 20 percent shall include materials described in paragraphs (a)(1), (a)(5), (a)(6)(i) and (a)(6)(ii) of this Section. Applications for #enlargements# that do not result in an increase in #lot coverage# shall include materials described in paragraphs (a)(1) and (a)(5) of this Section.

(c) Applications for #site alterations# that modify the location or size of #hard surface area# totaling:

- (1) an area 400 square feet or greater, or that remove more than 12 #tree credits#, shall include the materials set forth in paragraphs (a)(1), (a)(2), (a)(4) and (a)(6) of this Section, as applicable; or
- (2) an area of less than 400 square feet shall include the materials set forth in paragraphs (a)(6)(i) and (a)(6)(ii) of this Section.

(d) In addition to materials required pursuant to Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), all applications to the Commission:

- (1) shall include the materials set forth in paragraph (a) of this Section;
- (2) shall include an area map and an aerial photograph illustrating the #plan review site# and any #designated resource area# or #designated open space# partially or wholly within 600 feet of such #zoning lot#;

- (3) for any subdivision, #zoning lot# merger or other change to #lot lines#, the site plan shall include the proposed layout of individual #zoning lots# and all proposed improvements thereupon, in addition to all the other requirements of this Section;
- (4) may also be required by the Commission to include:
  - (i) a schedule for carrying out the proposed construction;
  - (ii) a maintenance plan for any common areas, including #private roads# and any #habitat preservation areas# to be commonly held; and
  - (iii) any other information necessary to evaluate the request.

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

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

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

**143-10  
NATURAL RESOURCES**

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

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

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

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

For #zoning lots# with #developments# or #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that involve an increase in #lot coverage#, the certificate of occupancy shall specify that the #zoning lot# is subject to the provisions of Sections 143-13 and 143-14.

**143-11  
Natural Resource Protection Requirements**

**143-111  
Controls during construction**

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

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

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

- (a) Equipment access roads, loading and unloading areas, concrete washout locations, fueling locations, utility trenching locations with soil stockpiling and staging areas;
- (b) The staging area shall be as close to the construction area as practical, or within the nearest #hard surface area# of sufficient size for such purpose;
- (c) Deep mulch blankets or other methods to avoid soil compaction shall be provided in all locations used for

equipment access, staging or storage, except where such uses are located on # hard surface areas#;

- (d) Construction fences shall be erected so as to be located between all areas of construction activity and all #areas of no disturbance#;
- (e) Excavating for the purpose of producing fill shall be prohibited; and
- (f) Any exposed earth area, other than areas excavated for #buildings#, shall have straw, jute matting or geotextiles placed on it and be seeded with annual rye grass within two days of exposure. All areas downhill of areas of disturbance shall have temporary structural measures for erosion and sediment controls in accordance with New York State Standards and Specifications for Erosion and Sediment Control.

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

**143-112  
Invasive species**

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

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

**143-121  
Grading standards**

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

- (a) In the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, the following grading requirements shall apply to all tracts of land with #areas of existing slope#:
  - (1) cut slopes shall be no steeper than one horizontal to one vertical, and subsurface drainage shall be provided as necessary for stability;
  - (2) fill slopes shall be no steeper than three horizontal to one vertical; and
  - (3) tops and toes of cut slope or fill slopes shall be set back from #lot lines# and #buildings or other structures# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.
- (b) Within the Escarpment Area, for tracts of land with #areas of existing slope# with a slope category of 25 percent or greater and that are more than 150 square feet in area, no topographical changes shall be permitted beyond 20 feet of a #building#, excluding #accessory buildings#, except that driveways with a maximum width of 10 feet may be permitted beyond 20 feet of such #building#.

**143-122  
Retaining wall standards**

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

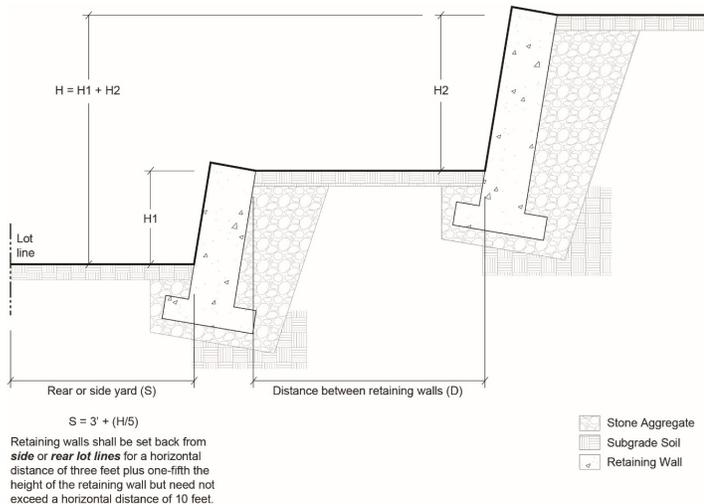
- (a) Maximum height  
Within 10 feet of a #street line#, individual retaining walls shall not exceed an average height of four feet, as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of six feet.  
Beyond 10 feet of a #street line#, retaining walls shall not exceed an average height of six feet as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of eight feet.
- (b) Minimum distance between retaining walls

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

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

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

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



RETAINING WALL STANDARDS

(d) Planting requirements

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

**143-123**

**Rock outcrops and erratic boulders**

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

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

(a) No #rock outcrop# shall be removed or disturbed in any way within a #front yard#, except as set forth in paragraph (c).

(b) Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within 50 feet of the #front lot line# in R1 Districts, or within 30 feet of the #front lot line# in all other Residence Districts, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation.

(c) Nothing in paragraphs (a) or (b) shall preclude the construction of a single driveway no more than 10 feet in width and a single walkway or staircase no more than five feet in width in the area between the #street wall# and its extensions and the #street line#. For driveways providing access to more than one dwelling unit, the maximum width shall be 20 feet, or where the driveways are separated by a distance of 60 feet, two driveways with a maximum width of 10 feet each.

(d) No #rock outcrop# shall be removed or disturbed in any way within a #rear yard#, except as set forth in this paragraph (d). Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within a #rear yard#, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation. Elevation view shall be based on the view of the #rear yard# from the #rear yard line#.

(e) No #erratic boulder# shall be removed or destroyed in any way, except that they may be relocated from their existing location to anywhere within 50 feet of the #front lot line# in an R1 District or within 30 feet of the #front lot line# in all other Districts.

**143-13**

**Tree Regulations**

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

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

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

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

**143-131**

**Tree credits**

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

INDIVIDUAL TREE CREDIT VALUES

Individual Tree Designation	Description	#Tree Credits#: #Target species#	#Tree Credits#: Non-#target species#
Old tree	A preserved tree of 50 inch #caliper# or greater, or at least 144 years of age*	36	18
Mature tree	A preserved tree of 34 inch #caliper# or greater, or at least 98 years of age*	18	12
Large tree	A preserved tree of 22 inch #caliper# or greater, or at least 62 years of age*	6	4

Medium tree	A preserved tree of 14 inch #caliper# or greater, or at least 38 years of age*	4	3
Standard tree	A preserved tree of six inch #caliper# or greater, or at least 24 years of age*	3	2
Young tree	A newly planted tree of two inch #caliper# or greater	2	1
Sapling	A newly planted tree of between one and two inch #caliper#	1	n/a

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

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

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

**143-132 Determining tree requirements**

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

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

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

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

(b) All other #zoning lots#

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

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

(c) Trees within unimproved portions of mapped #streets#

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

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

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

**143-133 Planting standards for tree credits**

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

(a) **Newly planted trees**

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

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

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

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

(b) **Preserved trees**

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

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

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

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

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

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

**143-134 Tree preservation requirement**

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

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

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

**143-14 Biodiversity Requirement**

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

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

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

- (1) #developments#;
- (2) #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that result in an increase in #lot coverage#;
- (3) the removal of more than 12 #tree credits#;
- (4) newly constructed or relocated #hard surface area# with an area of 400 square feet or more; or
- (5) for #zoning lots# previously subject to paragraphs (a)(1), (a)(2), (a)(3) or (a)(4) of this Section, the establishment of a new category of #landscape element# where such newly planted vegetation counts toward #biodiversity points# previously satisfied by another type of #landscape element#.

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

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

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

**(b) Requirements for maintaining vegetation on all other lots**

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

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

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

**143-141 Determining biodiversity requirements**

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

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

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

**143-142 Landscape elements**

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

BIODIVERSITY POINT VALUE PER REQUIRED AREA

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

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

**(a) Basic gardens, wildlife gardens and green roofs**

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

feet, each wildlife garden or green roof shall have a minimum horizontal dimension of four feet.

**(b) Wildlife garden buffers**

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

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

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

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

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

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

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

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

**(a) Basic gardens**

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

**(b) Wildlife gardens**

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

**(c) Wildlife garden buffers**

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

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

**(d) Green roofs**

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

**Illustrative Example**

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

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

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

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

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

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

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

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

- (a) For all #uses# lawfully existing on [date of adoption], planting shall not be required within portions of #buffer areas# that contain #buildings# and other #hard surface areas#, to the extent that such #buildings# and other #hard surface areas# lawfully existed in those locations on [date of adoption]. In addition, planting shall not be required within portions of #buffer areas# within five feet of any #building# lawfully existing on [date of adoption]; and
- (b) For a #residential building# lawfully existing on [date of adoption], and for a #development# or #enlargement# of a #residential building# on a #zoning lot# existing both on [date of certification] and on the date of application for a building permit, planting shall not be required within portions of #buffer areas# that:

- (1) are open areas where disturbance is permitted pursuant to Section 143-161 (Permitted encroachment area); and
- (2) are within a #front yard#.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**143-154  
Waiver of landscaped buffer**

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

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

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

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

**143-16  
Aquatic Resource Protections**

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

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

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

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

**143-161  
Permitted encroachment area**

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

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

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

Zoning District	#Lot coverage# (in square feet)
R1-1	1200
R1-2	800
R2 or R3 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

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

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

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

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

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

#### 143-162

##### Location of permitted encroachment

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

- (a) Where the permitted encroachment area is located utilizing the applicable modified #yards#, but cannot be located fully outside of a #designated aquatic resource# or #buffer area#:
- (1) the permitted encroachment area may encroach into a #buffer area# to the minimum extent necessary to accommodate such permitted encroachment area;
  - (2) where encroachment into a #buffer area# pursuant to paragraph (a)(1) of this Section does not accommodate the entire permitted encroachment area, only then shall encroachment into a #designated aquatic resource# be permitted, to the minimum extent necessary to accommodate such permitted encroachment area.
- (b) A single driveway with a width of 10 feet, or greater where required by the New York City Fire Department, shall be permitted to access a permitted encroachment area, and may encroach into a #buffer area# or #designated aquatic resource# to the minimum extent necessary.
- (c) the provisions of Section 143-42 (Parking Modifications for the Protection of Natural Features) shall be used, as applicable, to facilitate the location of required off-street parking that minimizes the area of encroachment on a #designated aquatic resource# and #buffer area#. Required #accessory# off-street parking spaces need not be located within a #building# in order to minimize the area of encroachment;
- (d) in #Residence Districts#, if it is necessary to locate proposed #accessory# off-street parking spaces within a #designated aquatic resource# or #buffer area#, no more than one #dwelling unit# shall be permitted.

#### 143-20

##### SPECIAL USE REGULATIONS

#### 143-21

##### Residential Uses in South Richmond Subdistrict

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

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

#### 143-211

##### Affordable independent residences for seniors in Subarea SH

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

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

- (a) such #development# or #enlargement# will contain no more than 250 #dwelling units# of #affordable independent residences for seniors#, individually or in combination with other #developments# or #enlargements# within Subarea SH that have received prior certification pursuant to this Section;
- (b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and

- (c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts). The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

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

#### 143-212

##### Special use regulations in Subarea M

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

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

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

#### 143-30 SPECIAL BULK REGULATIONS

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

#### 143-301

##### Special bulk regulations for certain community facility uses in lower density growth management areas

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

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

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

#### 143-31

##### Floor Area and Density Regulations

#### 143-311

##### Floor area regulations in the South Richmond Subdistrict

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

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

- (a) The provisions of Sections 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and 33-15 (Floor Area Bonus for Front Yards) shall not apply to any #community facility use#; and

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

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

[Note: provisions relocated from Section 107-42 and modified]  
 In R3 and R4 Districts within the South Richmond Subdistrict, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #single-# and #two-family semi-detached residences# in R3-1 and R3-2 Districts.

**143-32**  
**Lot Coverage**

R1 R2 R3

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

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

The maximum permitted #lot coverage# shall be as set forth in paragraph (a) of this Section. However, in the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, the provisions of paragraph (b) modify the maximum #lot coverage# of a #zoning lot# in cases of encroachment of #areas of existing slope#. In no case shall the #lot coverage# resulting from paragraphs (a) or (b) be required to be less than the #lot coverage# set forth in paragraph (c) of this Section. Paragraph (d) sets forth an exemption from #lot coverage# for a #building# or portion of a #building# containing required off-street #accessory# parking spaces in certain instances.

- (a) Basic maximum #lot coverage#

TABLE I  
 BASIC MAXIMUM LOT COVERAGE

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

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

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

determined by the slope category with the largest area encroached upon. When the maximum permitted #lot coverage# indicated in Table II exceeds the maximum permitted #lot coverage# set forth in Table I, the more restrictive shall apply.

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

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

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

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

TABLE III  
 PERMITTED LOT COVERAGE

Zoning District	Permitted #lot coverage# (in square feet)
R1-1	1,200
R1-2	800
R2 or R3 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

- (d) Exemption from #lot coverage# for enclosed #accessory# parking spaces

For #qualifying lots#, an #accessory building# enclosing required off-street #accessory# parking spaces, or a portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces, shall be exempt from #lot coverage# requirements if such #accessory building# or portion of a #building#:

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

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

**143-33**  
**Hard Surface Area**

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

R1 R2 R3

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

TABLE I

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

Table with 2 columns: Maximum permitted #lot coverage# (in percent) and Maximum permitted #hard surface area# (in percent). Rows include values like 12.5, 15, 17.5, 20, 22.5, 25, 30.

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

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

TABLE II

PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ALL OTHER ZONING LOTS

Table with 2 columns: Zoning district and Maximum permitted #hard surface area# (in percent). Rows include R1 R2 R3 R4 R5 R6, C1 C2 in Escarpment Area, Resource Adjacent Area, or in #areas adjacent to aquatic resources#, C1 C2 in Base Protection Area, C3, C4 C8 M1 M2 M3.

143-34 Lot Area and Lot Width

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

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

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

Areas) or Section 143-343 (Minimum lot area and lot width in the South Richmond Subdistrict), as applicable.

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

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

143-342 Minimum lot area within Escarpment Areas

R1 R2 R3

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

- (a) In R1 Districts, the minimum required #lot area# per #single-family residence# shall be 12,500 square feet;
(b) In R2 Districts, and for #detached single- or two-family residences# in R3 Districts, the minimum required #lot area# for each #single-# or #two-family residence#, where permitted, shall be 6,250 square feet;
(c) In R3 Districts, for #attached# or #semi-detached single- or two-family residences#, the minimum required #lot area# for each #attached# or #semi-detached single-# or #two-family residence# shall be 4,000 square feet;
(d) In R3 Districts, for all other #residences#, the minimum required #lot area# for each #dwelling unit# shall be 2,650 square feet; and
(e) In R1, R2, and R3 Districts, the following provisions shall also apply:
(1) Where at least 50 percent of the area of a #zoning lot# has slopes of less than 25 percent, the provisions of Section 23-32 shall apply without modification;
(2) For #zoning lots# subject to the provisions of paragraphs (a), (b) or (c) of this Section, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:
(i) has less than the minimum #lot area# required pursuant to this Section; and
(ii) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts both on [date of certification] and on the date of application for a building permit.

143-343 Minimum lot area and lot width in the South Richmond Subdistrict

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

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

- (a) Minimum #lot area# and #lot width# for #residences#
For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements adjusted by #building# height#, shall apply as set forth in the table in this paragraph (a). Where two or more #buildings# that are #single-# or #two-family detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.
The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10 (DEFINITIONS), provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between a #side lot line# and any opposing #lot line# that is parallel to, or within 45 degrees of being parallel to, such #side lot line#, where such #lot lines# would be nearer to one another at any point where such #residence# is located

than the applicable minimum #lot width#, in feet, set forth in the table.

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

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

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R1-1	#detached#	1-4	9,500	100
R1-2	#detached#	1-2	5,700	40
		3	5,700	50
		4	5,700	60
R2	#detached#	1-4	3,800	40
R3-1	#detached#	1-2	3,800	40
		3-4	3,800	45
R3-1	#semi-detached#	1-2	2,375 <sup>2</sup>	24 <sup>3</sup>
R3-2		3-4	3,800	40
R3-2	#detached#	1-2	3,800	40
		3-4	4,275	45
	#attached#	1-2	1,700	18
		1-2	2,375 <sup>1</sup>	24 <sup>1</sup>
		3-4	2,280	24
		3-4	3,800 <sup>1</sup>	40 <sup>1</sup>
R3A	#detached#	1-3	3,325	35
R3X <sup>2</sup>	#detached#	1-2	3,800	40
		3	4,750	50
		4	5,700	60
R4A	#detached#	1-3	3,325	35
R4-1	#semi-detached#	1-3	2,375 <sup>2</sup>	24 <sup>3</sup>
	#detached#	1-3	3,325	35

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

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

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

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

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

- (1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group

4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and

- (2) child care service as listed under the definition of #school# in Section 12-10, except where:

- (i) such #zoning lot# contains #buildings# used for houses of worship; or
- (ii) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

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

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

**143-35 Yard Regulations in the South Richmond Subdistrict**

In the South Richmond Subdistrict, required #yards# shall be provided in accordance with the provision of this Section, inclusive. However, for certain #zoning lots#, the provisions set forth in this Section may be modified in accordance with the provisions set forth in Section 143-36 (Modified Yard Regulations for the Protection of Natural Features).

**143-35.1 Front yards in the South Richmond Subdistrict**

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

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

**143-35.2 Side yards in the South Richmond Subdistrict**

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

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

REQUIRED SIDE YARDS

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

R3X*	#detached#	1-2	2	15	5
		3	2	20	8
		4	2	25	10
R4-1	#detached#	1-4	2	15	5
		#semi-detached# 1-4	1	9	9

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

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

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

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

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

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

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

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

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

For #community facility buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section 24-35 (Minimum Required Side Yards) shall apply to such #community facility buildings# or the provisions of Section 23-464 (Side yards for buildings used for permitted non-residential uses) shall apply to such other #non-residential buildings#, except that no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three #stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

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

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

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

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

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

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

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

- (a) the #street wall# of the building shall be located within 15 feet of the #street line# for a minimum of 50 percent of the frontage of the #zoning lot#;

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

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

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

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

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

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

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

**143-361**  
**Permitted obstructions in yards**

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

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

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

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

**143-362**  
**Front yard reductions**

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

- (a) In R1, R2, R3, R4 and R5 Districts
- (1) In R1 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet;
- (2) In R2 and R3 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet; or
- (3) In R2 through R5 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet, provided that certain natural features are preserved within specified portions of the #zoning lot#, as follows:
- (i) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
- (ii) such natural features, including #critical root zones#, are, in whole or in part located beyond 30 feet of the #rear lot line# and are in the rear half of the #zoning lot#; and
- (iii) such natural features are located within an #area of no disturbance#.
- (b) In Resource Adjacent Areas, Escarpment Areas or #areas adjacent to aquatic resources#
- (1) In R1 Districts, #front yards# shall have a minimum required depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet; and
- (2) In R2 and R3 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet.
- (c) Along #arterials# and railroad rights-of-way
- (1) In all districts, for #zoning lots# subject to the provisions of Section 143-355 (Special provisions for arterials in the South Richmond Subdistrict), the required setback area shall be 15 feet provided that natural features are preserved as specified in paragraph (a)(3) of this Section.
- (2) In all districts, for #zoning lots# subject to the provisions of Section 143-356 (Building setbacks along railroad rights-of-way in the South Richmond Subdistrict), the required setback area shall be 10 feet provided that natural features are preserved as specified in paragraph (a)(3) of this Section.

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

#### **143-363** **Rear yard reductions**

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

- (a) In R2 and R3 Districts, for #qualifying lots#, and for #zoning lots# located in Resource Adjacent Areas, Escarpment Areas or #areas adjacent to aquatic resources#; and
- (b) In R1 through R6 Districts, provided that certain natural features are preserved as follows:
- (1) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer

area# or trees equal to or greater than 12 #tree credits#;

- (2) such natural features, including #critical root zones#, are, in whole or in part located outside of the #front yard# and are in the front half of the #zoning lot#; and
- (3) such natural features are located within an #area of no disturbance#.

#### **143-364**

##### **Measurement of yards in unimproved streets**

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

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

#### **143-365**

##### **Special rear yard equivalent regulations**

###### **R1 R2 R3**

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

#### **143-37**

##### **Height and Setback Regulations**

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

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

#### **143-371**

##### **Modified height and setback for the protection of natural features**

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

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

- (a) In R1 and R2 non-contextual districts, paragraph (a) of Section 23-631 (General provisions) shall be modified so that the front wall or any other portion of a #building# or other structure# shall not penetrate the #sky exposure plane# beginning at a height of 30 feet above the #front yard line#.
- (b) In R3 Districts, paragraph (b) of Section 23-631 shall be modified as follows:

- (1) Perimeter walls shall be subject to setback regulations at a maximum height of 31 feet above the #base plane#.
- (2) The provisions set forth in paragraphs (b)(1) through (b)(6)(i) of Section 23-631 shall be modified so that the sloping planes controlling the maximum #building# height shall meet at a ridge line of 40 feet above the #base plane#.

#### **143-372**

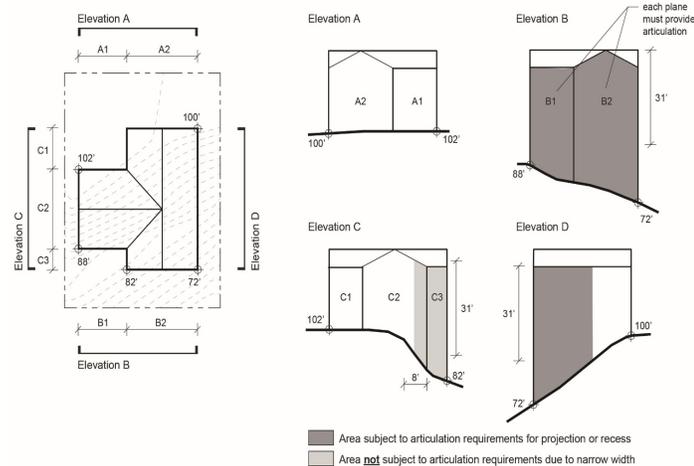
##### **Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources**

###### **R1 R2 R3**

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

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

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



ARTICULATION REQUIREMENTS

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

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

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

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

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

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

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

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

shall be designated the rear wall, and any remaining walls not facing a #street# or #private road# shall be designated side walls. The open area provisions of this Section shall apply to the areas adjacent to such rear wall and side walls.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **143-40 SPECIAL PARKING REGULATIONS**

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

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

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

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

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

##### (a) Location of parking spaces

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

##### (b) Driveway and curb cut regulations

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

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

- (ii) at least one of the two parking spaces is a required off-street parking space;
- (iii) the curb cut shall have a maximum width, including splays, of 42 feet;
- (iv) the curb cut shall provide access to only two off-street parking spaces with a maximum paved area of 400 square feet; and
- (v) no driveway or off-street parking shall be permitted between the #street wall# of the #residence# and such parallel parking space for a distance equal to the depth of the required #front yard#; and

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

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

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

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

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

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

In the South Richmond Subdistrict, curb cuts are not permitted along an #arterial street# on #zoning lots# with frontage on a non-#arterial street#. For #zoning lots# with frontage only on an #arterial street#, one curb cut is permitted along such #arterial street#. For purposes of this Section, adjoining #zoning lots# in the same ownership or control on [date of adoption], or on the date of application for a building permit, shall be treated as a single #zoning lot#. However, the access restrictions of this Section shall not apply to #schools#, hospitals and related facilities, police stations or fire stations.

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

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

#### **143-45 Special Surfacing Regulations**

R1 R2

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

#### **143-50 SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK**

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

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

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

#### **143-51 Designated Open Space**

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

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

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

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

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

- (a) unpaved footpaths;
- (b) unpaved sitting areas, not exceeding 100 square feet;
- (c) awnings and other sun control devices, pursuant to Section 23-44 (Permitted Obstructions in Required Rear Yards or Rear Yard Equivalents);
- (d) balconies, unenclosed, subject to the provisions of Section 23-13 (Balconies);
- (e) eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches;
- (f) fences or walls, up to six feet in height;
- (g) exterior wall thickness, pursuant to Section 23-44; and
- (h) solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

#### **143-511 Certification for public pedestrian ways**

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

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

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

When a public pedestrian way is required, it shall be built and maintained by the owner of the #zoning lot# and shall be accessible to the public at all times. For #developments#, no certificate of occupancy

shall be issued until all required improvements are completed. The location and dimension of such pedestrian way shall be determined by the Chairperson.

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

#### **143-512 Certification for active recreational facilities**

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

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

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

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

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

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

#### **143-52 Waterfront Esplanade**

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

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

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

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

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

#### **143-53 Boundary Adjustments of Designated Open Space**

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

- (a) that such adjustment will not place the new boundary closer than 60 feet to a watercourse;
- (b) that such adjustment will either:
  - (1) result in a substantial improvement in the quality and usefulness of the #designated open space#; or
  - (2) permit #development# which better satisfies the purposes of this Chapter and that the new features

which will be added to the #designated open space# will be at least equal in quality to those which are displaced from it; and

- (c) that such adjustment will provide an equivalent area replacement for the area removed from the #designated open space#.

**143-60  
SPECIAL REGULATIONS FOR PLAN REVIEW SITES**

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

**143-61  
General Provisions**

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

- (a) minor #enlargements# or #site alterations# as set forth in Section 143-616 (Minor enlargements or site alterations on plan review sites);
- (b) #site alterations# that are not related to a proposed #development#, #enlargement# or subdivision of a #zoning lot# where such #site alterations#:
  - (1) in any given calendar year, consist of an area of less than 400 square feet and the removal of no more than two trees or 12 #tree credits#, whichever is greater; and
  - (2) are located both in Base Protection Areas and outside of areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning;
- (c) the removal of trees where the following conditions apply:
  - (1) on #plan review sites# in Resource Adjacent Areas, Escarpment Areas and #areas adjacent to aquatic resources#, that are located outside of areas shown on the #Special Natural Resource District# Habitat Map, where such trees to be removed are not located in #designated aquatic resources#, #buffer areas# or #areas of existing slope# of 25 percent or greater and that total less than 12 #tree credits# cumulatively; or
  - (2) on #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, which have received certification to remove trees pursuant to Section 143-67 (Certification to Permit Tree Removal).

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

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

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

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

For #plan review sites# that are required to establish #habitat preservation areas# pursuant to Section 143-611 (Habitat preservation area standards), the Commission may modify the applicable standards and boundaries of the #habitat preservation area# pursuant to Sections 143-641 (Modification of habitat preservation area standards) and 143-642 (Special permit for modification of habitat preservation area). At the applicant's request, the #habitat preservation area# may be dedicated for public use, pursuant to Section 143-643, and the Commission may permit modification of #bulk# regulations as if such

land remained within the #plan review site#. In addition, for all sites that are required to establish #habitat preservation areas# or that contain #designated open space#, in order to facilitate the preservation of natural resources and the clustering of development on the site, applications may be made to the Commission for the modification of #use# or #bulk# regulations pursuant to Sections 143-65 (Residential Sites), and 143-66 (Modification of Bulk Regulations for Certain Community Facilities).

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

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

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

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

**143-611  
Habitat preservation area standards**

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

- (a) such #plan review site# contains #habitat area# as determined through a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning; and
- (b) such #habitat area# occupies an uninterrupted continuous area of no less than 10,000 square feet, and no portion of such area measures less than 10 feet in width at any point. For the purposes of determining the width of irregular shapes, any area that cannot wholly contain a circle with a diameter of 10 feet shall be considered less than the required width.

Such #habitat area#, in whole or in part, shall be preserved as #habitat preservation area# pursuant to the provisions of this Section.

The minimum amount of #habitat preservation area# as a percentage of a #plan review site# is set forth in the Table in this Section. For sites that have at least 10,000 square feet of #habitat area#, as determined pursuant to this Section, but less than the minimum required #habitat preservation area# pursuant to the Table in this Section, the portion of the site containing #habitat area# shall not be reduced below the amount existing at the time of application except pursuant to Section 143-641 (Modification of habitat preservation area standards).

Table I of this Section shall apply according to the predominant proposed #use# of the entire #plan review site#. For the purposes of applying the provisions of Section 143-60, inclusive, the greatest proportion of #floor area# allocated to a #use# described in Table I shall be defined as predominantly containing such #use#.

**HABITAT PRESERVATION AREA REQUIREMENTS**

	Predominant proposed #use#			
	#Residential#	#Community Facility#	#Commercial# (but not including Use Group 16)	#Manufacturing# and Use Group 16
#Habitat preservation area# minimum percent of #plan review site#	25 percent	35 percent	25 percent	25 percent

Reduced #habitat preservation area# percent of #plan review site# when amenity is provided.	20 percent: recreation	None	20 percent: public open area	20 percent: buffer and landscaping
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Where a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, determines #designated aquatic resources# to be on such #plan review site#, the #habitat preservation area# shall be the greater of the requirement as set forth in the table, or the size of such #designated aquatic resource# and #buffer areas#, except as otherwise determined by the Commission.

For sites that are partially or wholly within #designated open space#, portions of such #designated open space# that contain #habitat area# may be included in the #habitat preservation area# requirements.

For #plan review sites# required to provide waterfront public access areas pursuant to the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), the minimum #habitat preservation area# shall be reduced to 20 percent and the provisions of Section 143-612 (Amenities allowed in connection with reduced habitat preservation area) shall not apply.

The regulations allowing the reduction of #habitat preservation area# in connection with the provision of amenities are set forth in Section 143-612. Provision of such amenities shall allow the reduction of the required percentage of #habitat preservation area# to an amount no less than the percentage shown in the Table, and subject to the requirements and limitations of Section 143-612.

The #habitat preservation area# shall be shown on a proposed site plan. Such areas established on the site plan shall not be modified except by subsequent application of a special permit pursuant to Section 143-642 (Special permit for modification of habitat preservation area).

#Habitat preservation areas# on a #zoning lot# shall be considered #lot area# for the purposes of the applicable regulations on #floor area ratio#, #open space#, #lot coverage#, #hard surface area#, #lot area# or density, unless otherwise specified by the provisions of this Chapter.

#Habitat preservation areas# not fronting on a #street# shall be delineated from adjacent areas by a boundary marker acceptable to the City Planning Commission.

#Habitat preservation areas# may include the following permitted obstructions:

- (a) Unpaved footpaths
- (b) Unpaved sitting areas, not exceeding 100 square feet
- (c) Light fixtures
- (d) Boundary marker such as a split rail fence used to delineate the boundaries of the #habitat preservation area#

**143-612 Amenities allowed in connection with reduced habitat preservation area**

For #plan review sites# that are either predominantly #residential#, #commercial# or #manufacturing#, the required #habitat preservation area# may be reduced provided that a portion of the site is set aside and improved pursuant to the standards of this Section.

- (a) For #plan review sites# that are predominantly #residential#, for each percent of the #plan review site# set aside for recreational purposes, the required #habitat preservation area# may be reduced by one percent, to no less than 20 percent of the #plan review site#, provided that:
  - (1) the recreational area shall be accessible to the public, or to the owners, occupants, employees, customers, residents or visitors of the #use# to which such space is #accessory#, except that such recreational area may be closed to the public where it serves the residents of four or more #dwelling units#. Such conditions, as applicable, shall be noted on the certificate of occupancy of all #buildings# on the #zoning lot#;
  - (2) the recreational area shall be open to the sky except for #accessory buildings# covering not more than 20 percent of the recreation area, and may include active recreation areas, such as swimming pools, ball fields or courts, or facilities and equipment normally found in playgrounds, or passive areas, such as picnic areas or other sitting

- areas, and shall comply with the #use# regulations of the underlying district;
- (3) the recreational area shall consist of a minimum of 5,000 square feet;
- (4) a minimum of 10,000 square feet of continuous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-61, inclusive;
- (5) the recreational area is adjacent to the remaining #habitat preservation area#; and
- (6) the recreational area is directly accessible from a #street# or #private road#.

(b) For #plan review sites# that are predominantly #commercial uses#, excluding Use Group 16, where a publicly accessible open space is provided pursuant to the standards of this Section, the required #habitat preservation area# may be reduced to 20 percent of the #plan review site#, provided that such reduction shall not exceed 36,000 square feet, and provided that a minimum of 10,000 square feet of contiguous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-61, inclusive. Such publicly accessible open spaces shall comply with the following standards:

- (1) The minimum size of such publicly accessible open spaces shall be 2,000 square feet. Each such space shall be able to contain a 30-foot diameter circle. In addition, for #plan review sites# over five acres in size, the minimum total area of all such spaces shall be 4,000 square feet, and for #plan review sites# over 10 acres in size, the minimum total area shall be 6,000 square feet;
- (2) Such publicly accessible open space shall be:
  - (i) adjacent to a sidewalk located within a #street#, #private road#, or adjacent to another sidewalk located within the site;
  - (ii) within 100 feet of a #primary entrance# to a #building#, excluding #accessory buildings#;
  - (iii) adjacent to the #habitat preservation area# to be protected; or
  - (iv) adjacent to a publicly accessible recreation facility, such as a #public park# or waterfront public access area;
- (3) Seating
 

One linear foot of seating shall be provided for every 75 square feet of publicly accessible open space. Such seating may be located anywhere within such public access areas and shall comply with the standards of Section 37-741 (Seating). The requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply.
- (4) Planting
 

Publicly accessible open spaces shall comply with the provisions of Section 37-742 (Planting and trees), except that in lieu of trees of four inch #caliper#, trees of three inch #caliper# shall be provided.
- (5) Grade
 

The level of the publicly accessible open space shall not be less than two feet below the adjoining grade, nor more than two feet above adjoining grade.
- (6) Open air cafe
 

Open air cafes, where provided, shall comply with the provisions of paragraph (b) of Section 37-73 (Kiosks and Open Air Cafes), and seating for open air cafes may count toward the seating requirement, provided that 50 percent of the linear seating capacity is provided through other seating types.
- (7) Lighting
 

All publicly accessible open spaces shall provide lighting in accordance with the following requirements:

  - (i) An average maintained level of illumination of not less than one

horizontal foot candle (lumens per foot) throughout all walkable areas; and

- (ii) a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas.

Such level of illumination shall be maintained from one-half hour before sunset to the closing time of the #commercial use#.

The average illumination to minimum foot candle uniformity ratio shall be no greater than 10:1.

Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak foot candle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with a color temperature range of 3000 K to 4100 K with a minimum color rendering index of 65.

All lenses and globes shall be polycarbonate or equivalent.

All lighting sources that illuminate a publicly accessible open space and are mounted on or located within #buildings# adjacent to the publicly accessible open space shall be shielded from direct view. In addition, all lighting within the publicly accessible open space shall be shielded to minimize any adverse effect on surrounding #buildings# containing #residences# and from #habitat preservation areas#.

- (c) For #plan review sites# that are predominantly #manufacturing uses# or Use Group 16, the required #habitat preservation area# may be reduced to no less than 20 percent of the #plan review site#, provided that an area of land equal to the reduced amount of land area within the #habitat preservation area# is established as landscaped areas or landscaped buffers, and provided that a minimum of 10,000 square feet of contiguous natural area remains protected in a natural state pursuant to the standards of Section 143-61, inclusive. Such landscaped areas or landscaped buffers need not be contiguous with other #habitat preservation areas# on the #plan review site#.

**143-613  
Planting regulations for plan review sites**

The planting requirements set forth in 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement) shall apply as modified by the provisions of this Section.

For the purposes of calculating #tree credits# and #biodiversity points#, #habitat preservation areas# shall be excluded from #lot area# computations.

- (a) **Tree requirement**

For all #plan review sites#, paragraph (b) of Section 143-132 (Determining tree requirements) shall not apply. The remaining provisions of Section 143-132 shall apply as follows:

- (1) For #plan review sites# with a #habitat preservation area#:  
For #plan review sites# where a #habitat preservation area# is required, the provisions of this paragraph shall apply.  
For #plan review sites# that contain a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply.  
For a #plan review site# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# on a #plan review site# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.
- (2) For #plan review sites# without a #habitat preservation area#:  
For #plan review sites# where a #habitat preservation area# is not required, the provisions of this paragraph shall apply.  
  - (i) for a #plan review site# that contains a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply to such #plan review site#;

- (ii) for a #plan review site# in a Escarpment Area, Resource Adjacent Area or #area adjacent to aquatic resources# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

- (iii) for a #plan review site# in a Base Protection Area that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be one #tree credit# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

- (b) **Biodiversity requirement**

The requirements set forth in Section 143-14, inclusive, shall apply, except as modified by the provisions of this paragraph.

For #plan review sites#, except #plan review sites# containing predominantly #residential uses#, where a #habitat preservation area# is required, such required area may be counted as #biodiversity points# in accordance with this paragraph. For each 2.5 percent of #lot area# that such #habitat preservation area# occupies, one #biodiversity point# may be counted. Percentages of #lot area# in increments less than 2.5 percent shall not be counted. Where such #habitat preservation area# does not fully satisfy the #biodiversity point# requirement set forth in Section 143-141 (Determining biodiversity requirements), or where a #plan review site# has no required #habitat preservation area#, such remaining #biodiversity points# shall be satisfied through the provision of #landscape elements# in accordance with Section 143-14.

**143-614  
Open area and lot coverage requirements for community facilities**

For #plan review sites# containing predominantly #community facility uses#, the provisions of this Section shall apply.

- (a) **Required open areas**

A minimum of 15 percent of the #plan review site# shall be open area. Such open area shall not include #habitat preservation area#, or any required planted area pursuant to the provisions of paragraph (b) of Section 143-613 (Planting regulations for plan review sites). Required open areas may not include #buildings#, parking areas, driveways or #private roads#, paved walkways or other # hard surface areas#. Open areas may include passive recreation areas or active recreation areas, except that active recreation areas that are #hard surface areas# shall not be counted towards the total required open area. However, such active recreation areas surfaced with artificial turf may be included in calculations of required open area, up to a maximum of 10 percent of the #plan review site#.

If, at the time of application, a #plan review site# has less than 15 percent open area, the percentage of the site containing open area shall not be reduced below the amount existing at the time of application.

Open areas provided pursuant to this Section shall be designated on a site plan. Such open areas shall not be modified except by subsequent authorization by the City Planning Commission pursuant to Section 143-62 (Authorization for Plan Review Sites).

However, #plan review sites# containing only the following #community facility uses# shall be exempt from the requirements of this paragraph:

- Ambulatory diagnostic or treatment health care facilities
- Houses of worship
- Non-profit or voluntary hospitals and related facilities, except animal hospitals
- Proprietary hospitals and related facilities, except animal hospitals

- (b) **#Lot coverage#**

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include portions of #buildings# or #accessory buildings# permitted pursuant to Section 24-33 (Permitted Obstructions in

Required Yards or Rear Yard Equivalents). All #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

#Lot coverage# shall be limited to a maximum of 25 percent, except that sites that are in Base Protection Areas and that do not contain #habitat preservation areas# shall have a maximum #lot coverage# of 35 percent.

**143-615 Requirements for private roads**

In Escarpment Areas, Resource Adjacent Areas, and #areas adjacent to aquatic resources#, the provisions of this Section shall apply to #private roads# authorized by the City Planning Commission and that provide access to #buildings developed# after [date of adoption]. #Private roads# previously approved by the Commission or constructed as-of-right shall continue to be governed under the regulations applicable at the time of approval. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply, and the provisions of Sections 26-31 through 26-34 shall apply for #private roads# in #lower density growth management areas#. #Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including, but not limited to curbs and curb drops, street lighting, signage, and crosswalks. In addition to the Department of Transportation standards, the design of the #private road shall comply with the following requirements:

- (a) The maximum grade of a #private road# shall not exceed 10 percent;
- (b) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the outer edge of the sidewalk;
- (c) The paved width of a #private road# shall not exceed 34 feet, except the paved width of a #private road# shall not exceed 30 feet in Escarpment Areas where such #private road# provides access to #residences# with less than 20 #dwelling units#, and shall not exceed 30 feet in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (d) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;
- (e) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;
- (f) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;
- (g) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;
- (h) Along the entire length of each side of a #private road#, trees of at least three inch #caliper# shall be provided and maintained at the rate of one tree for every 25 feet of #private road#;
- (i) Section 26-31 (Yards) shall apply, except that the curb of the #private road# shall be considered to be the #street line#; and
- (j) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (c) of this Section.

The Commission may, by authorization pursuant to paragraph (a) of Section 143-62 (Authorization for Plan Review Sites) allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

**143-616 Minor enlargements or site alterations on plan review sites**

For #plan review sites# that are one acre or larger in size, the following provisions shall apply:

- (a) Minor #enlargements# of existing #buildings# and minor #site alterations# that meet the size thresholds of this paragraph (a) shall be permitted as-of-right by the Department of Buildings, provided that such #enlargement# or #site alteration# complies with all applicable provisions of this Resolution, including the #plan review site# provisions of Section 143-61, inclusive, and:

- (1) such #enlargement# or #site alteration# is within 15 feet of the exterior of an existing #building#;
  - (2) the total #floor area# of all such minor #enlargements# constructed after [date of adoption] on the #plan review site# shall not exceed 5,000 square feet; and
  - (3) the total area of all such minor #site alterations# constructed after [date of adoption] on the #plan review site# shall not exceed 10,000 square feet.
- (b) #Enlargements# or #site alterations# that meet the size thresholds of paragraph (a) of this Section are not subject to the provisions of Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

**143-617 Site planning requirements**

#Developments# and portions of #buildings# that are #enlarged# and result in an increase in #lot coverage# shall comply with the provisions of this Section. The City Planning Commission may modify the requirements of this Section pursuant to Section 143-62 (Authorization for Plan Review Sites)

- (a) At least 50 percent of the #street walls# of #buildings# containing Use Groups 6 and 10 shall be within 20 feet of the #street line#. The provisions of Section 37-34 (Minimum Transparency Requirements) shall apply to the portion of such #buildings# within 20 feet of the #street line#.
- (b) Loading areas shall not be located between the #street wall# of a #building# and its prolongations and the #street#.

For #zoning lots# with frontage on more than one #street#, the provisions of this Section shall apply along only one frontage.

**143-62 Authorization for Plan Review Sites**

For #plan review sites#, the City Planning Commission may authorize a #development#, #enlargement#, #site alteration#, the subdivision of a #zoning lot#, or the construction, widening, or extension of a #private road# pursuant to the conditions and findings of this Section. The Commission may also authorize modifications to certain requirements set forth in Section 143-61 (General Provisions) as provided in paragraph (a) of this Section, and may authorize modifications to the provisions of Article VI, Chapter 2 (SPECIAL REGULATIONS, APPLYING IN THE WATERFRONT AREA) as provided in paragraph (b).

(a) **Modifications**

In order to facilitate the protection of natural features, the Commission may authorize modifications pursuant to the following provisions, provided that such modifications facilitate the goals of the #Special Natural Resources District# and facilitate a proposal that better achieves the findings of paragraph (d) of this Section:

- (1) #Private roads# and driveways  
The Commission may modify the requirements for #private roads# as set forth in Section 143-615 (Requirements for private roads) as well as Section 143-121 (Grading standards) to facilitate appropriate #private roads# or driveways. The Commission may also modify the requirements of Sections 143-42 (Parking Modifications for the Protection of Natural Features), 25-621 (Location of parking spaces in certain districts), 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), 25-631 (Location and width of curb cuts in certain districts) and 25-635 (Maximum driveway grade).
- (2) Parking areas  
The Commission may modify parking lot landscaping and maneuverability requirements, and the cross access requirements of Section 36-59 (Cross Access Connections in the Borough of Staten Island) provided such modifications preserve significant natural features or #habitat preservation areas# or, for existing parking lots, such modifications are proportionate to the enlarged or reconfigured portions of such parking lots.
- (3) Site planning requirements  
The Commission may modify the requirements of Section 143-617 (Site planning requirements), provided that the Commission shall find that the proposed configuration and design of #buildings#, including any associated structures and open areas,

will result in a site plan in which such #buildings# and open areas will relate harmoniously with one another and with #buildings# and open areas on nearby #zoning lots#, the #street# and the surrounding area.

(4) Tree and planting requirements

The Commission may modify the requirements of Sections 143-13 (Tree Regulations), 143-14 (Biodiversity Requirement) and 143-613 (Planting regulations for plan review sites) for #plan review sites# occupied entirely by cemeteries or open industrial #uses#, provided that the Commission shall find that such modification is the minimum necessary to accommodate an existing #use#, and that any expansion of such #use# complies with the requirements of such Sections in relation to the portion of the #plan review site# into which the expansion is proposed.

In addition, for all #uses#, where only a portion of a #plan review site# is affected by a proposed #development#, #enlargement# or #site alteration#, the Commission may modify the requirements of Sections 143-13, 143-14 and 143-613 to apply planting requirements to portions of a #plan review site# in which #development#, #enlargement# or #site alteration# is proposed, provided that such portion is no less than one acre in size.

(5) #Designated aquatic resources# and #buffer areas#

The Commission may modify the provisions of Section 143-16 (Aquatic Resource Protections) and 143-144 (Planting requirements for buffer areas adjacent to designated aquatic resources), provided that, in addition to the findings of paragraph (d), the Commission shall find that the proposed site plan preserves #designated aquatic features# and #buffer areas# to the greatest extent feasible and, where applicable, such modification is consistent with standards and policies of the New York State Department of Environmental Conservation.

(6) Topography and retaining walls

The Commission may modify the provisions of Sections 143-121 (Grading standards) and 143-122 (Retaining wall standards), provided that such modifications are necessary to preserve significant natural features or #habitat preservation area# and that such modifications will not impair the character of the surrounding area.

(b) Modifications for waterfront lots subject to #habitat preservation area# requirements

In order to balance the protection of natural features with waterfront public access requirements, the Commission may modify the following provisions, provided that such modifications facilitate an application that better achieves the findings of paragraph (d) of this Section.

Defined terms in this Section shall include terms as defined in Section 62-11.

(1) #Shore public walkway#

Where the required #habitat preservation area# is located within or adjacent to a #shore public walkway#, the Commission may modify the following provisions:

- (i) Section 62-53 (Requirements for Shore Public Walkways) may be modified so a #shore public walkway# is reduced to any width not less than 15 feet.
- (ii) Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be modified so that a circulation path with a minimum clear width of eight feet shall be permitted.

(2) #Supplemental public access area#

Where the required #habitat preservation area# is located within or adjacent to a #supplemental public access area#, the Commission may modify the following provisions:

- (i) #Habitat preservation areas# may be provided in lieu of the planting requirements of paragraph (c) of Section 62-62.

- (ii) #Habitat preservation areas# may be used to satisfy the location and area requirements of Section 62-57 (Requirements for Supplemental Public Access Areas).

(3) #Upland connection#

#Habitat preservation areas# within or adjacent to an #upland connection# may be provided in lieu of the requirements of Sections 62-56 (Requirements for Upland Connections) and 62-64 (Design Requirements for Upland Connections), provided that:

- (i) for Type 1 #upland connections#, a minimum clear path of five feet to allow public access shall be required within an #upland connection# located within or adjacent to #habitat preservation areas#;
- (ii) for Type 2 #upland connections#, a minimum clear path of five feet to allow public access shall be required on one side of the roadbed with a continuous tree pit four feet in width within an #upland connection# located within or adjacent to #habitat preservation areas#; and
- (iii) at least six linear feet of seating shall be required for every 100 feet of #upland connection#.

(c) Conditions

The following conditions shall apply:

- (1) For #plan review sites# subject to Section 143-611 (Habitat preservation area standards), the Commission shall establish #habitat preservation areas# that satisfy the minimum area required by Section 143-611 or, where the #habitat area# does not cover the minimum required portion of the site, the Commission shall establish #habitat preservation areas# for all of the #habitat area# of the site that meets the dimensional requirements of Section 143-611.  
The applicant shall provide a maintenance plan acceptable to the Commission for such #habitat preservation areas#, establishing maintenance for such areas in perpetuity by the applicant and his or her successors. Such #habitat preservation areas# shall be shown on a site plan and referenced in a Restrictive Declaration. After construction on a #plan review site# has commenced and approved plans are vested, any future changes to the boundaries of the #habitat preservation area# may be permitted only by special permit of the Commission pursuant to Section 143-642 (Special permit for modification of habitat preservation area).
- (2) For #plan review sites# subject to previous approvals by the Commission pursuant to this Section, or pursuant to previous Special District regulations, the applicant shall document successful management and maintenance of #habitat preservation areas# or #areas of no disturbance#, where applicable, or other natural features indicated on the previously approved site plan.
- (3) For #plan review sites# with significant natural features to be preserved pursuant to paragraph (d)(1) of this Section, such areas shall be shown on a site plan as #areas of no disturbance# and referenced in a Notice of Restrictions or a Restrictive Declaration.
- (4) For #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, a Restrictive Declaration shall be executed, setting forth provisions for the construction, maintenance and operation of such #private roads# or other common access. Such declaration shall require that adequate security be provided to ensure that the #private roads# or other common access are properly maintained and operated in accordance with the declaration.
- (5) A Notice of Restrictions or a Restrictive Declaration, approved by the Commission, shall be recorded against the tax lots comprising the

property subject to the provisions of this Section, in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lots are located. Such notice or declaration shall be binding on the owners, successors, and assigns. A certified copy of the recorded notice or declaration shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a precondition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the site. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy.

- (d) In order to authorize the proposed action, the Commission shall find that:
- (1) the most significant natural features throughout the site have been identified and protected, where feasible, including the following, as applicable:
    - (i) Botanic features such as large specimen trees and rare plant communities;
    - (ii) Topographic and geological features such as steep slopes and rock outcrops;
    - (iii) Aquatic features such as wetlands, streams, and natural drainage patterns;
  - (2) the #habitat preservation area#, where required pursuant to Section 143-611:
    - (i) is of high ecological value, or is proposed to be restored or improved through the removal of #invasive species# or the planting of native species to achieve a high ecological value;
    - (ii) is arranged to minimize edge habitat and maximize core habitat, including, where feasible, connecting to other contiguous or nearby habitat off-site and, if divided into portions, each portion is no less than 10,000 square feet;
    - (iii) where feasible, is located on the site where it is visible to the residents, occupants or visitors to the site, thereby enhancing the site and encouraging the enjoyment and maintenance of the preserved area;
    - (iv) where feasible, is located so that it includes some of the most significant natural features on the site referred to in paragraph (d)(1) of this Section within the boundaries of the #habitat preservation area#;
  - (3) the optional amenity area, where provided pursuant to Section 143-612 (Amenities allowed in connection with reduced habitat preservation area), is well designed and appropriately located;
  - (4) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads# and #accessory# off-street parking and loading areas:
    - (i) is well designed;
    - (ii) minimizes disturbance of significant natural features;
    - (iii) minimizes curb cuts on #arterials# and other major #streets#;
    - (iv) is integrated wherever feasible with the network of surrounding #streets# and #private roads#;
    - (v) where Section 36-59 (Cross Access Connections in the Borough of Staten Island) applies, the site provides cross access connections to the maximum extent feasible both internally among different properties within the #plan review site#, as applicable, and to #abutting zoning lots#;
    - (vi) for #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, such common access

or #private roads# will be suitably maintained; and

- (vii) the proposed #street# or #private road# system is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (5) the subdivision of the site, where applicable, will result in an appropriate layout of #zoning lots# and #blocks#, and the subdivision as a whole meets all of the other findings of this Section; and
- (6) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

For subdivisions resulting only in #single-# and #two-family residences#, the Commission shall establish the location of #lot lines# and, where applicable, the location of #habitat preservation area#, #areas of no disturbance# and #private roads#. For such subdivisions, the Commission may request additional information regarding proposed or feasible #building# locations, driveways, pathways and other #hard surface areas#, and the location of preserved or newly planted trees and #landscape elements#: all of which will be subject to Department of Buildings approval for such features at the time of #development#, #enlargement# or #site alteration# according to the provisions of this Chapter and the Zoning Resolution as a whole.

**143-63  
Development Plan**

**143-631  
Establishment of a development plan**

The City Planning Commission may authorize the establishment of a long-term development plan, which provides for predictable development of a #plan review site# through phased construction over an extended period of time. The plan shall be reviewed pursuant to the conditions and findings of Section 143-62 (Authorization for Plan Review Sites). However, in addition to considering specific proposed #buildings# and other improvements, the Commission shall also consider proposed #developments#, #enlargements# or #site alterations# that would be implemented as part of a phased construction plan. Pursuant to the provisions of this Section, two types of areas may also be shown within the plan: preliminary plan sites and conceptual plan sites.

- (a) Preliminary plan sites shall have an area no larger than 1.5 times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each preliminary plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:
  - (1) proposed #uses#, including proposed #floor area# for each #use#;
  - (2) proposed #lot coverage#, including proposed #building# location and #primary entrance#;
  - (3) proposed #building# height;
  - (4) elevation of proposed #building# facades;
  - (5) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;
  - (6) landscaping, planting and walkways and other paved surfaces related to the proposed #development# or #enlargement#;

Preliminary plan sites shall be indicated on the plan as such, and may later be developed pursuant to the certification in Section 143-632 (Certification for preliminary plan site).
- (b) Conceptual plan sites shall have an area no larger than three times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each conceptual plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:
  - (1) proposed #uses#, including proposed #floor area# for each #use#;
  - (2) proposed #lot coverage#;
  - (3) proposed #building# height;
  - (4) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;

Conceptual plan sites shall be indicated on the plan as such, and may later be developed pursuant to the authorization renewal in Section 143-633 (Renewal authorization for conceptual plan site).

Preliminary plan sites and conceptual plan sites may be developed at any time in the future, including such cases where the boundary of #plan review site# is modified, and conceptual plan sites shall not be subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), except after granted an authorization pursuant to Section 143-633.

Within areas of the #plan review site# not designated as proposed construction, preliminary plan sites or conceptual plan sites, no #development#, #enlargement# or #site alteration# shall be permitted except by subsequent authorization pursuant to this Section, except as provided in Sections 143-616 (Minor enlargements or site alterations on plan review sites) or 143-62.

#### **143-632**

##### **Certification for preliminary plan site**

For #plan review sites# that have received approval from the City Planning Commission pursuant to Section 143-631 (Establishment of a development plan), where such approval included preliminary plan sites within a specified area on the approved site plan, the Chairperson of the City Planning Commission shall certify to the Commissioner of Buildings that:

- (a) the proposed #use# is the same as shown in the high definition plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than in the plans contained in the application materials of the approved development plan;
- (b) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan, the location of the proposed #development# or #enlargement# is no more than 30 feet from the location shown on the plans contained in the application materials of the approved development plan, and the location of the #primary entrance# is similar to as shown in such materials and plan;
- (c) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (d) the elevation of the proposed #development# or #enlargement# is generally the same as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed parking areas, including number of parking spaces, are generally the same or have fewer parking areas than as shown on the plans contained in the application materials of the approved development plan, and proposed driveways, #private roads# and #streets# are generally the same as shown on the plans contained in the application materials of the approved development plan;
- (f) the landscaping, planting, and arrangement of paved walkways and other paved surfaces relating to the proposed #development# or #enlargement# is similar and the amount of landscaped area is not less than as shown in the plans contained in the application materials of the approved development plan; and
- (g) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

#### **143-633**

##### **Renewal authorization for conceptual plan site**

For #plan review sites# that have received approval by the City Planning Commission pursuant to Section 143-631 (Establishment of a development plan), where such approval included designated conceptual plan sites within a specified area on the approved site plan, an authorization renewal must be obtained from the City Planning Commission prior to pursuing the #development#, #enlargement# or #site alteration# within such conceptual plan site, provided that the Commission shall find that:

- (a) the proposed configuration of #buildings#, including any associated structures and open areas, is consistent with the intent of the findings of Section 143-631;
- (b) the proposed #use# is the same or similar to that shown in the plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement#

is no greater than the plans contained in the application materials of the approved development plan;

- (c) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan;
- (d) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads#, #accessory# off-street parking and loading areas, is consistent with the intent of the findings of Section 143-631, minimizes curb cuts on #arterials# and other major #streets#, and is integrated wherever feasible with the network of surrounding #streets# and #private roads#; and
- (f) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may in appropriate cases, condition the authorization renewal upon compliance with an approved landscaping plan.

#### **143-64**

##### **Habitat Preservation Area**

#### **143-641**

##### **Modification of habitat preservation area standards**

The City Planning Commission, may, by authorization, modify the #habitat preservation area# standards of Section 143-611 (Habitat preservation area standards) as set forth in paragraph (a) of this Section, provided that the findings of paragraph (b) of this Section are met.

- (a) Modifications

The Commission may modify the #habitat preservation area# standards of Section 143-611 as follows:

- (1) The Commission may allow areas less than 10,000 square feet of contiguous #habitat area# to be included within the #habitat preservation area#, provided that at least one area within the #plan review site# has at least 10,000 square feet of contiguous #habitat area#, and provided that the total area included within the #habitat preservation area# meets the requirements of Section 143-611.
  - (2) Where the existing percentage of #habitat area# is less than the required #habitat preservation area# pursuant to Section 143-611, or when providing access to a #plan review site# would result in a reduction below such required percentage, the Commission may allow a reduction of the #habitat preservation area# below the required percentage in order to permit vehicular or pedestrian access, or to permit utility access, through such area to a portion of the site that does not include #habitat preservation area#, provided that there is no feasible alternative location for such access, and that an area of equivalent size, in square footage, is planted with native species that support existing adjacent undisturbed plant communities, as identified in the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, and such planted area is designated as a newly created #habitat preservation area# on the site plans.
- (b) In order to grant such authorization, the Commission shall find that the modification:
    - (1) results in a #habitat preservation area# that includes some of the most significant natural features on the site, prioritizing areas of higher ecological value; and
    - (2) is the minimum required to achieve the intended purpose.

#### **143-642**

##### **Special permit for modification of habitat preservation area**

The City Planning Commission, may, by special permit, allow the modification of the boundaries of a #habitat preservation area# previously established by authorization pursuant to Section 143-62 (Authorization for Plan Review Sites). In order to grant such special permit, the Commission shall find that:

- (a) unforeseen physical circumstances relating to the continued use# and maintenance of the site require the modification of the boundaries of the #habitat preservation area#;
- (b) the boundary modification has been mitigated by the establishment of a replacement area of a size equal to the area removed from the #habitat preservation area#, consisting of native plants selected to support existing adjacent undisturbed plant communities as identified in the #Special Natural Resources District# site assessment protocol, found on the website of the Department of City Planning, which replacement area has been included within the #habitat preservation area# on a revised site plan, resulting in a total #habitat preservation area# that is not less than the area previously approved; or, where this mitigation is not feasible; the enhancement of the ecological value and performance of the remaining #habitat preservation area# in a manner that reserves the ecological function of the site within a regional context, including but not limited to planting native plants selected to support existing adjacent undisturbed plant communities or removal of #invasive species#; and
- (c) the boundary modification is the minimum required to achieve the intended purpose.

The Commission may also permit the modification or removal of natural features within a #habitat preservation area# previously established by authorization pursuant to Section 143-62 in order to facilitate a temporary disturbance within the #habitat preservation area# that will subsequently be restored to a natural state. For such modification, only findings (a) and (c) of this Section shall apply.

**143-643**  
**Natural area dedicated for public use**

Where an area containing significant natural features that are determined to have qualities of recreational, cultural or educational value to the public is dedicated to the City or its designee, without any cost to the City, the City Planning Commission may authorize, where appropriate, the dedicated area to be included within the #plan review site# for the purposes of #bulk# computation. The Commission, in order to grant such authorization, shall apply the findings of Section 143-62 (Authorization for Plan Review Sites). In addition, the Commission shall find that such area is directly accessible to the public from a public right-of-way and that such area shall be established for the use and enjoyment of the public.

The City Planning Commission may prescribe additional conditions and safeguards to ensure public access to the site and to minimize any adverse effects of #bulk# redistribution within the site on the surrounding area.

**143-65**  
**Residential Sites**

The provisions of this Section, inclusive, shall apply only to #plan review sites# that:

- (a) are proposed for predominantly #residential use#, as provided in Section 143-611 (Habitat preservation area standards); and
- (b) contain either one, or both, of the following:
  - (1) at least 10,000 square feet of #habitat preservation area# on a #plan review site# of one or more acres; or
  - (2) #designated open space#.

In no event shall the number of #dwelling units# permitted by the City Planning Commission pursuant to this Section, inclusive, exceed the number that would be permitted if the entire #plan review site#, including the #habitat preservation area# and #designated open space#, as applicable, were to be developed pursuant to the regulations of this Chapter without modification pursuant to this Section, inclusive. The applicant shall provide a site plan demonstrating the maximum number of #dwelling units# that would be permitted, without the requested modifications, for the purposes of determining compliance with this provision.

**143-651**  
**Modification of permitted residential building types**

The City Planning Commission may authorize, in R2 Districts, #semi-detached single-family residences#, in R3A and R3X Districts, #single-# and #two-family semi-detached residences#, and in R3-1 Districts, #single-# and #two-family attached residences#. The Commission may also modify the provisions of Article II, Chapter 2 to authorize, in R2 Districts, a #two-family detached residence# designed to give the appearance of two #single-family semi-detached residences#, and in R3A and R3X Districts, #buildings# with up to four #dwelling units# designed to give the appearance of two #single- or two-family semi-detached residences#.

In addition, in R3-1 Districts, the Commission may authorize multiple-family #residences#, provided that for such #use# modification, the provisions of Section 143-652 (Modification of bulk regulations for residential sites) shall not apply.

As a condition for granting such authorization, the #aggregate width of street walls# of a #building# containing #residences#, or a number of such #buildings# separated by party walls, shall not exceed 100 feet for each such #building# or #abutting buildings#.

In order to grant such authorization, the Commission shall find that:

- (a) the modifications allow a more compact development pattern, which allows for greater preservation of significant natural features and #habitat preservation area# or #designated open space#, as applicable;
- (b) the change of housing type constitutes the most effective method of concentrating development and preserving the natural features of the site;
- (c) for such concentration of development, standards of privacy and usable open areas can be and are achieved under the proposed site plan that are equal to those found with housing types in the absence of these modifications;
- (d) the existing topography and vegetation, as well as the proposed planting, effectively screen all #attached residences# from the #street line# of the #zoning lot# existing at the time of application, or that such #attached residences# are located more than 100 feet from such #street line#;
- (e) such modification is the least modification required to achieve the purpose for which it is granted; and
- (f) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-652**  
**Modification of bulk regulations for residential sites**

The City Planning Commission may authorize the modification of the following #bulk# regulations in order to allow arrangements of #buildings#, driveways, #private roads# or required parking areas so as to preserve natural features on the site, provided that the findings of paragraph (c) of this Section are met.

- (a) The Commission may modify:
  - (1) minimum #lot area# and #lot width# required pursuant to Sections 23-30 (LOT AREA AND LOT WIDTH REGULATIONS) and 143-34 (Minimum Lot Area), except that such modification shall not be permitted within R1-1 Districts, or within R1-2 Districts in the Hillside, Shore Acres, or Riverdale-Fieldston Subdistricts; provided that:
    - (i) in the South Richmond Subdistrict, in R2 and R3 Districts, minimum #lot area# and #lot width# may be modified to permit the underlying minimum #lot area# and #lot width# pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences);
    - (ii) in the Hillside, Shore Acres, or Riverdale-Fieldston Subdistricts, except that, within the Escarpment Area, minimum #lot area# shall not be modified:
      - (a) in R2 Districts, minimum #lot area# may be modified to 3,325 square feet, and minimum #lot width# to 35 feet;
      - (b) in R3-1 and R3-2 Districts, for #detached residences#, minimum #lot area# may be modified to 3,325 square feet, and minimum #lot width# to 35 feet;
      - (c) in R3A Districts, for #semi-detached residences#, minimum #lot area# may be modified to 1,700 square feet, and minimum #lot width# to 18 feet;
      - (d) in R3X Districts, for #semi-detached residences#, minimum #lot area# may be modified to



- (1) for portions of the #plan review site# that are within Resource Adjacent Areas or #areas adjacent to aquatic resources#, the #lot coverage# shall not exceed 15 percent, and the #hard surface area# shall not exceed 45 percent;
- (2) the maximum permitted #lot coverage# and #hard surface area# for each individual #zoning lot# shall not exceed:
  - (i) in R1 Districts, 35 percent and 70 percent respectively;
  - (ii) in R2 and R3 Districts, 45 percent and 75 percent respectively; and
  - (iii) in R1, R2 and R3 Districts, for individual #zoning lots# where disturbance of #area of existing slope# within such #zoning lot# results in a maximum #lot coverage# of 20 percent or less and a corresponding maximum #hard surface area# of 50 percent or less pursuant to the provisions of Sections 143-32 (Lot Coverage) and 143-33 (Hard Surface Area), the distribution of #lot coverage# and #hard surface area# within the #plan review site# shall not exceed the more restrictive standard within such #zoning lot#.

(c) Findings

In order to grant such modifications, the Commission shall find that:

- (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of significant natural features and #habitat preservation area# or #designated open space#, as applicable;
- (2) for such concentration of development, standards of privacy and usable open areas are achieved under the proposed site plan that are equal to that found with housing developments absent these modifications;
- (3) the siting of #buildings# will not adversely affect adjacent properties or #residences# within the #plan review site# by impairing privacy or access of light and air;
- (4) such modification is the least modification required to achieve the purpose for which it is granted;
- (5) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-66  
Modification of Bulk Regulations for Certain Community Facilities**

The provisions of this Section shall be applicable to #plan review sites# proposed for predominantly #community facility use#.

- (a) For such sites, the City Planning Commission may authorize the distribution of #floor area#, #hard surface area# and #lot coverage# permitted by the applicable regulations for all #zoning lots# within the #plan review site# to be distributed without regard for #zoning lot lines#. In addition, the Commission may authorize:
  - (1) modification of the maximum #lot coverage# provided by Section 143-614 (Open area and lot coverage requirements for community facilities);
  - (2) modification of the minimum open area required pursuant to Section 143-614; and
  - (3) where applicable, modification of the minimum #habitat preservation area# required from 35 percent to a minimum of 25 percent.
- (b) In order to grant such authorization, the Commission shall find that:
  - (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of natural features;

- (2) the siting of #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air;
- (3) such modification is the least modification required to achieve the purpose for which it is granted; and
- (4) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-67  
Certification to Permit Tree Removal**

For #plan review sites# located within an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where no #development#, #enlargement# or modification of the location of #hard surface area# is proposed, the Chairperson of the City Planning Commission may permit the removal of trees of six inch #caliper# or greater and may waive the requirement to apply for an authorization pursuant to Section 143-62 (Authorization for Plan Review Sites), provided that the Chairperson shall certify that all trees that are of six inch #caliper# or greater that are proposed to be removed are located in an area that would not qualify as a #habitat area# and are not located within a #designated aquatic resource# or applicable #buffer area# including, but not limited to, the following examples:

- (a) the tree is located in an area such as a parking lot, surrounded by #hard surface area#; or
- (b) the tree is located in an area surrounded by maintained lawn.

The Chairperson may request reports from an #environmental professional# in considering such waiver.

All provisions of Section 143-13 (Tree Regulations) shall apply to such #plan review site#.

**143-70  
CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE SOUTH RICHMOND SUBDISTRICT**

**143-71  
Public schools in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-121 and modified]

In the South Richmond Subdistrict, for any #development# or #enlargement# containing new #dwelling units#, the Department of Buildings shall be in receipt of a certification from the Chairperson of the City Planning Commission which certifies that sufficient #school# capacity exists to accommodate the anticipated primary and intermediate public school children of the new #dwelling units#. All applications for certification pursuant to this Section shall be referred by the Chairperson to the School Construction Authority.

- (a) The School Construction Authority shall issue a report concerning the availability of #school# capacity within 60 days after receipt of the application. The Chairperson of the Commission shall respond within 90 days after receipt of the application. The report shall specify the following:
  - (1) whether #school# space is available;
  - (2) if #school# space is not available, the report shall include:
    - (i) the number of seats required;
    - (ii) the grade organization;
    - (iii) the proposed location of the #school#;
    - (iv) size of the proposed #school# (square feet per pupil); and
    - (v) the proposed financing mechanism.
- (b) For the purposes of this Section, sufficient #school# capacity shall be deemed to exist if:
  - (1) such capacity is available in existing #schools#; or
  - (2) construction funds have been authorized in the Capital Budget to accommodate anticipated primary and intermediate public school children from the proposed new #dwelling units# upon their completion or within three years from the date of the Chairperson's certification; or
  - (3) sufficient #school# space is to be provided by the applicant under a plan jointly approved by the Chairperson and the School Construction Authority.

- (c) After approval by the Chairperson and School Construction Authority of the applicant's plan to provide the #school building#, the certification may be granted either upon approval of a financial agreement by the City Council or such guarantee of construction with provision for future #school# occupancy as may be accepted by the School Construction Authority and the Chairperson.
- (d) However, the Chairperson may grant such certification if capacity is not currently available and the School Construction Authority, after consulting with the Department of Education, determines that the impact from the proposed new construction will have a minimal effect on the #schools# concerned and includes such statement in its report.
- (e) A certification by the Chairperson that sufficient capacity will be available in the public #schools#, as set forth in the above circumstances, shall automatically lapse if substantial construction of the foundations of the #development# or #enlargement# in accordance with approved plans has not been completed within one year from the date of such certification.
- (f) No certification concerning the availability of #school# capacity shall be required for any #development# or #enlargement# located:
  - (1) within a predominantly built up area; or
  - (2) on a #zoning lot# which was owned separately and individually from all other adjoining #zoning lots# existing prior to January 2, 1975, and is proposed to be #developed# with one #single-# or #two-family detached residence#.

For the purposes of this Section, a "predominantly built up area" is a #block# having a maximum of four acres which is #developed# with #buildings# on #zoning lots# comprising 75 percent or more of the area of the #block#. All such #buildings# shall have a certificate of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit.

**143-72**  
**Authorizations Applicable Within the South Richmond Subdistrict**

The authorizations in this Section, inclusive, shall apply to certain #zoning lots# pursuant to the provisions of Sections 143-211 (Affordable independent residences for seniors in Subarea SH) and 143-212 (Special use regulations in Subarea M). Where such #zoning lots# are also #plan review sites#, review and approval pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES) shall also be required.

**143-721**  
**Affordable independent residences for seniors in Subarea SH**

[Note: provisions relocated from Section 107-672 and modified]

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# in Subarea SH, as shown on Map 3 in Appendix D to this Chapter, provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

In order to grant such authorization, the Commission shall find that:

- (a) such #developments# are part of a superior site plan;
- (b) such #residences# are compatible with the character of the surrounding area; and
- (c) the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

**143-722**  
**Residential uses in Subarea M**

[Note: provisions relocated from Section 107-49 and modified]

Within Subarea M, as shown on Map 3 in Appendix D to this Chapter, the following provisions shall apply.

- (a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500 square feet, or in any case where there would be a #site alteration#, for the following:
  - (1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or

- (2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.
- (b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District regulations;
- (c) In authorizing new #residential uses# and #residential enlargements#, the Commission shall find that:
  - (1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;
  - (2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
  - (3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and
  - (4) the authorization shall not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**143-73**  
**Special Permits Applicable Within the South Richmond Subdistrict**

The City Planning Commission may grant special permits for modifications of specified regulations of this Chapter in accordance with the provisions of this Section, inclusive. For any #zoning lots# receiving such special permit that is also a #plan review site#, review and approval pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES) shall also be required.

**143-731**  
**Exceptions to height regulations in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-73 and modified]

For any #development#, the City Planning Commission may grant a special permit to modify the height regulations as set forth in Section 23-631, paragraphs (b), (c) and (d) and Section 143-371 (Height and setback in the South Richmond Subdistrict), provided that the Commission finds that:

- (a) such #development# is so located as not to impair the essential character of the surrounding area;
- (b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography, #designated open space# or the protection of an outstanding view from a public space will be assured, and that such preservation would not be possible by the careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
- (c) that the #development's# design proposals take full advantage of all special characteristics of the site.

\* \* \*

**APPENDIX B**  
**INDEX OF SPECIAL PURPOSE DISTRICTS**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
* * *	* * *	* * *	* * *	* * *	* * *
Harlem River Waterfront District (HRW)	87-00	6a	090302 ZRX	5/20/09	6/30/09
Hillsides Preservation District (HS)	119-00	21a-21b-21c-21d	870002 ZRR	6/3/87	6/30/87
Hudson River Park (HRP)	99-00	12a	160308 ZRM	10/17/16	12/15/16

***	***	***	***	***	***
Mixed Use District-17 (MX-17) Hunts Point, The Bronx	123-00	6c	1801222 ZRX	2/14/18	3/22/18
Natural Area District-1 (NA-1)	105-00	21b-26a-26b 26c-26d-27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)	105-00	1a-1b-1c-1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272-ZRY-	11/9/77	12/1/77
Fort Totten Natural Area District-4 (NA-4) Substantially modified	105-00	7d 11c	821255 ZRQ 190430 ZRY	3/23/83 [substantially modified date of adoption]	4/28/83 [substantially modified date of adoption]
Natural Resources District (NR)	143-00	TK TK	TK TK	[date of CPC adoption]	[date of CC adoption]
Ocean Parkway District (OP)	113-00	5d 6b 8c 9a	23284	12/22/76	1/20/77
***	***	***	***	***	***
Sheepshead Bay District (SB)	94-00	29a	22171	9/5/73	10/4/74
South-Richmond-Development District (SRD)	107-00	26b-26d-27b 32c-32d-33a 33b-33c-33d 34a-35a-35c	22972	7/23/75	9/11/75
Southern Hunters Point District (SHP)	125-00	8d	080363 ZRQ	9/24/08	11/13/08
***	***	***	***	***	***
<b>SPECIAL DISTRICT (SYMBOL) SECTION</b>	<b>SECTION NUMBER</b>	<b>ZONING MAP(S)</b>	<b>CP/ULURP NUMBER*</b>	<b>CPC ADOPTION</b>	<b>BOE/ COUNCIL ADOPTION</b>
***	***	***	***	***	***
Harlem River Waterfront District (HRW)	87-00	6a	090302 ZRX	5/20/09	6/30/09
Hillsides-Preservation District (HS)	119-00	21a-21b-21c-21d	870002 ZRR	6/3/87	6/30/87
Hudson River Park (HRP)	99-00	12a	160308 ZRM	10/17/16	12/15/16
***	***	***	***	***	***
Mixed Use District-17 (MX-17) Hunts Point, The Bronx	123-00	6c	1801222 ZRX	2/14/18	3/22/18
Natural Area District-1 (NA-1)	105-00	21b-26a-26b 26c-26d-27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)	105-00	1a-1b-1c-1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272-ZRY-	11/9/77	12/1/77
Fort Totten Natural Area District-4 (NA-4) Substantially modified	105-00	7d 11c	821255 ZRQ 190430 ZRY	3/23/83 [substantially modified date of adoption]	4/28/83 [substantially modified date of adoption]
Natural Resources District (NR)	143-00	TK TK	TK TK	[date of CPC adoption]	[date of CC adoption]

Ocean Parkway District (OP)	113-00	5d 6b 8c 9a	23284	12/22/76	1/20/77
***	***	***	***	***	***
Sheepshead Bay District (SB)	94-00	29a	22171	9/5/73	10/4/74
South-Richmond-Development District (SRD)	107-00	26b-26d-27b 32c-32d-33a 33b-33c-33d 34a-35a-35c	22972	7/23/75	9/11/75
Southern Hunters Point District (SHP)	125-00	8d	080363 ZRQ	9/24/08	11/13/08
***	***	***	***	***	***

\* \* \*

APPENDIX B

INDEX OF SPECIAL PURPOSE DISTRICTS - ELIMINATED OR REPLACED

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
***	***	***	***	***	***
Greenwich Street Development District (G)	86-00	12b	21418	1/6/71	1/14/71
Eliminated & replaced by Lower Manhattan District					
Hillsides-Preservation District (HS)	119-00	21a 21b 21c 21d	870002 ZRR	6/3/87	6/30/87
Eliminated and replaced by Special Natural Resources District					
Hunters Point Mixed Use District (HP)	117-00	8d 9b	810538 ZRQ	10/26/81	12/3/81
Eliminated and replaced by Long Island City Mixed Use District					
***	***	***	***	***	***
Mixed Use District-3 (MX-3)	123-00	12c	990001 ZRX	2/17/99	3/30/99
Eliminated and replaced by West Chelsea District					
Natural Area District-1 (NA-1)	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74
Eliminated and replaced by Special Natural Resources District					
Natural Area District-2 (NA-2)	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
Eliminated and replaced by Special Natural Resources District					

Natural Area District-3 (NA-3) <u>Eliminated and replaced by Special Natural Resources District</u>	105-00	21d	770272 ZRY	11/9/77	12/1/77
New York City Convention and Exhibition Center Development District (CC) Eliminated 2/22/90, 900053 ZRM	93-00	8a 8c	22264	3/29/73	5/24/73
***	***	***	***	***	***
Park District (P) Deleted by court order, 4/24/78	91-00	8d	22128(A)	11/8/72	12/7/72
South Richmond Development District (SRD) <u>Eliminated and replaced by Special Natural Resources District</u>	107-00	26b 26d 27b 32c 32d 33a 33b 33c 33d 34a 35a 35c	22972	7/23/75	9/11/75
South Street Seaport District (S) Eliminated & replaced by Lower Manhattan District	88-00	12b	21975	5/31/72	7/20/72
***	***	***	***	***	***

**BRONX SPECIAL NATURAL AREA DISTRICT UPDATE  
No. 3**

**CITY WIDE** **N 190430(A) ZRY**  
**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special Natural Resources District (Article XIV, Chapter 3), and modifying related provisions, including regulations related to Article X, Chapter 5 (Special Natural Areas District).

\* \* \*

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

\* \* \*

**ARTICLE I  
GENERAL PROVISIONS**

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

\* \* \*

**11-12  
Establishment of Districts**

\* \* \*

**11-122  
Districts Established**

\* \* \*

Special Purpose Districts

\* \* \*

Establishment of the Special Natural Area District

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

Establishment of the Special Natural Resources District

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

Establishment of the Special Ocean Parkway District

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

\* \* \*

**12-10  
DEFINITIONS**

\* \* \*

Special Natural Area District

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

Special Natural Resources District

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

Special Ocean Parkway District

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

\* \* \*

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

**Chapter 3  
Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-00  
APPLICABILITY AND GENERAL PURPOSES**

\* \* \*

**23-03  
Street Tree Planting in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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

\* \* \*

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

\* \* \*

**23-04  
Planting Strips in Residence Districts**

R1 R2 R3 R4 R5

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

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

\* \* \*

- #Special Hillside Preservation District#;
- #Special Natural Resources District#;
- #Special Ocean Parkway District#;

\* \* \*

**Chapter 6  
Special Urban Design Regulations**

\* \* \*

**26-20  
SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH  
PRIVATE ROADS**

\* \* \*

**26-26  
Modification and Waiver Provisions**

\* \* \*

No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet, except as permitted in the #Special Natural Resources District# pursuant to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive.

\* \* \*

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 5  
Special Natural Area District**

\* \* \*

**105-42  
Authorizations to Alter Natural Features**

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

\* \* \*

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

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

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

\* \* \*

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

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

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

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

**105-943-105-942  
Special Natural Area District-3:  
Shore Acres Area of Staten Island**

\* \* \*

**105-944-105-943  
Special Fort Totten Natural Area District-4**

\* \* \*

**ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 3  
Special Natural Resources District**

**CONTENTS**

**143-00 GENERAL PURPOSES**

- 143-01 Definitions
- 143-02 General Provisions
  - 143-021 Zoning lots subject to different zoning requirements
  - 143-022 Applications to the City Planning Commission prior to [date of adoption]
  - 143-023 Permits issued prior to [date of adoption]
- 143-03 District Plan and Maps
- 143-04 Ecological Areas

**143-05 Application Requirements**

**143-10 NATURAL RESOURCES**

**143-11 Natural Resource Protection Requirements**

- 143-111 Controls during construction
- 143-112 Invasive species

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

- 143-121 Grading standards
- 143-122 Retaining wall standards

**143-123 Rock outcrops and erratic boulders**

**143-13 Tree Regulations**

- 143-131 Tree credits
- 143-132 Determining tree requirements
- 143-133 Planting standards for tree credits
- 143-134 Tree preservation requirement

**143-14 Biodiversity Requirement**

- 143-141 Determining biodiversity requirements
- 143-142 Landscape elements
- 143-143 Planting standards for landscape elements
- 143-144 Planting requirements for buffer area adjacent to designated aquatic resources

**143-15 Aquatic Resource Protections**

- 143-151 Permitted encroachment area
- 143-152 Location of permitted encroachment

**143-20 SPECIAL BULK REGULATIONS**

**143-21 Lot Coverage**

**143-22 Hard Surface Area**

**143-23 Minimum Lot Area for Zoning Lots Containing Designated Aquatic Resources**

**143-24 Special Yard Regulations for the Protection of Natural Features**

- 143-241 Permitted obstructions in yards
- 143-242 Front yard reductions
- 143-243 Rear yard reductions
- 143-244 Measurement of yards in unimproved streets

**143-25 Height and Setback Regulations**

- 143-251 Modified height and setback for the protection of natural features
- 143-252 Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources

**143-26 Open Area Regulations for Residences**

**143-27 Special Bulk Regulations for Lots Containing Designated Aquatic Resources**

**143-30 SPECIAL PARKING REGULATIONS**

**143-31 Parking Modifications for the Protection of Natural Features**

**143-32 Special Surfacing Regulations**

**143-40 SPECIAL REGULATIONS FOR PLAN REVIEW SITES**

**143-41 General Provisions**

- 143-411 Habitat preservation area standards
- 143-412 Amenities allowed in connection with reduced habitat preservation area
- 143-413 Planting regulations for plan review sites
- 143-414 Open area and lot coverage requirements for community facilities
- 143-415 Requirements for private roads
- 143-416 Minor enlargements or site alterations on plan review sites
- 143-417 Site planning requirements

**143-42 Authorization for Plan Review Sites**

**143-43 Development Plan**

- 143-431 Establishment of a development plan
- 143-432 Certification for preliminary plan site
- 143-433 Authorization for conceptual plan site

**143-44 Habitat Preservation Area**

- 143-441 Modification of habitat preservation area standards
- 143-442 Special permit for modification of habitat preservation area
- 143-443 Natural area dedicated for public use

**143-45 Residential Sites**

- 143-451 Modification of permitted residential building types
- 143-452 Modification of bulk regulations for residential sites

**143-46 Modification of Bulk Regulations for Certain Community Facilities**

**143-47 Certification to Permit Tree Removal**

**143-00  
GENERAL PURPOSES**

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

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

**143-01**  
**Definitions**

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS). Maps referenced in this Section (Definitions) are located in Appendix A and B of this Chapter.

Area adjacent to aquatic resources

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

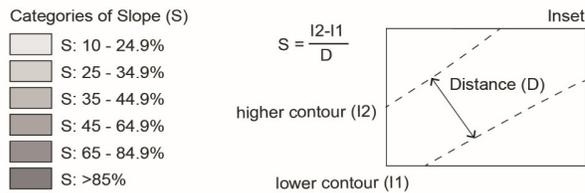
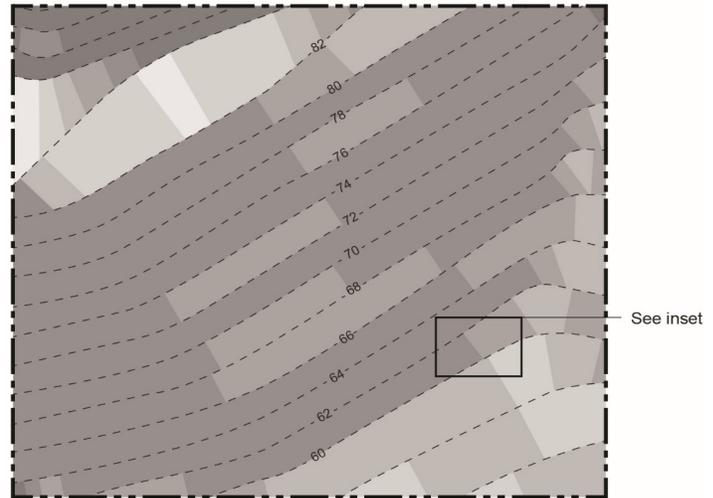
Area of existing slope

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

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

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

Slopes of less than 10 percent shall be excluded from an #area of existing slope#. #Areas of existing slope# are used for the purposes of determining the maximum #lot coverage# and #hard surface area# on certain #zoning lots# as set forth in Sections 143-21 (Maximum Lot Coverage) and 143-22 (Hard Surface Area) of this Chapter.



AREA OF EXISTING SLOPE

Area of no disturbance

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

- (a) #rock outcrops# except as provided in Section 143-123 (Rock outcrops and erratic boulders);
- (b) the #critical root zone# of each tree proposed for preservation, except as provided in Section 143-133 (Planting standards for tree credits);
- (c) all vegetation proposed to be preserved as #landscape elements# pursuant to Section 143-143 (Planting standards for landscape elements)
- (d) #designated aquatic resources# and #buffer areas# except as modified pursuant to Section 143-15 (Aquatic Resource Protections); and
- (e) for #plan review sites#, any area of trees, slopes, or other natural feature deemed significant and feasible to preserve by the City Planning Commission.

Biodiversity point

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

Buffer area

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

Caliper (of a tree)

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

Designated aquatic resources

A "designated aquatic resource" is a freshwater wetland regulated by the New York State Department of Environmental Conservation and, within #plan review sites# with an area of one acre or more, a

#designated aquatic resource# also includes other freshwater wetland or water features including, but not limited to, streams, intermittent streams, vernal pools, ponds and lakes identified by the Department of City Planning as serving an ecological function.

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

#### Environmental professional

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

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

#### Erratic boulder

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

#### Ground layer

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

#### Habitat area

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

#### Habitat preservation area

A “habitat preservation area” is an area identified as #habitat area# to be preserved in perpetuity pursuant to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

#### Hard surface area

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

#### Invasive species

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

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

#### Landscape element

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

#### Plan review site

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

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

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

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

The provisions of Section 143-40, (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive, shall apply to any #plan review site#.

#### Qualifying lot

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

#### Rock outcrop

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

#### Root zone, critical

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

#### Root zone, structural

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

#### Shrub layer

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

Site alteration

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

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

Target species

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

Tree credit

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

Tree protection plan

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

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

**143-02****General Provisions**

The provisions of this Chapter shall apply within the #Special Natural Resources District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

A #development#, #enlargement#, #site alteration# or subdivision of either a #zoning lot# or a #plan review site# shall require a certification from the Chairperson of the City Planning Commission or an authorization from the City Planning Commission, where required pursuant to Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

**143-021****Zoning lots subject to different zoning requirements**

Whenever a portion of a #zoning lot# is located partially within the #Special Natural Resources District# and partially outside of such Special District, it shall be regulated in its entirety by the provisions

of this Chapter, except that any subdivision of such portion located outside of such Special District shall not be subject to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

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

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

Except as otherwise provided in this Section or Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), each portion of a #zoning lot# or #plan review site# shall be regulated by the provisions applicable to the Ecological Area in which such portion is located.

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

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

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

The provisions of Section 143-24 (Special Yard Regulations for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided any portion of the #zoning lot# is within a Resource Adjacent Area or an #area adjacent to aquatic resources#.

The regulations of Section 143-251 (Modified height and setback for the protection of natural features) shall apply only to those portions of a #zoning lot# located within Resource Adjacent Areas or within an #area adjacent to aquatic resources#, except if the #zoning lot# is a #qualifying lot#, in which case the entire #zoning lot# shall be subject to the regulations of Section 143-251.

The provisions of Section 143-31 (Parking Modifications for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided that 50 percent or more of the #lot area# is located within a Resource Adjacent Area or an #area adjacent to aquatic resources#.

**143-022****Applications to the City Planning Commission prior to [date of adoption]**

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

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

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

Any application for a certification of future subdivision, or certification that no authorization is required, which was filed by an applicant prior to [date of certification] may be continued pursuant to the terms of such certification, and

the Commission may grant or deny such application in accordance with the regulations in effect at the time such application was filed.

### 143-023

#### Permits issued prior to [date of adoption]

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

### 143-03

#### District Plan and Maps

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

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

Appendix A. Special Natural Resources District

Appendix B. Resource Adjacent Areas

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

### 143-04

#### Ecological Areas

In order to carry out the purposes and provisions of this Chapter, two Ecological Areas are established within the #Special Natural Resources District#. In these Ecological Areas, certain special regulations apply that do not apply in the rest of the #Special Natural Resources District#. The Ecological Areas consist of:

- (a) Resource Adjacent Areas are designated on those portions of land within 100 feet of and adjacent to #habitat areas# on public lands. Resource Adjacent Area boundaries are shown along the boundaries of public lands on the map in Appendix B of this Chapter. Resource Adjacent Areas shall be measured perpendicular to the Resource Adjacent Area boundaries shown on such maps.
- (b) Base Protection Areas are all other areas within the #Special Natural Resources District# that do not fall within Resource Adjacent Areas. Base Protection Areas do not include #areas adjacent to aquatic resources#.

### 143-05

#### Application Requirements

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

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

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

- (a) Applications for #developments#, #enlargements# that increase #lot coverage# by 400 square feet or more, or #enlargements# that result in an increase in #floor area# of 20 percent or greater that increase the #lot coverage# by any amount, shall include the following materials:
  - (1) A site context map that shows the location of the #zoning lot#, zoning district boundaries, boundaries between Resource Adjacent Areas and Base Protection Areas, #designated aquatic resources#, and #areas adjacent to aquatic resources#, #buffer areas#, as applicable, within 100 feet of the #zoning lot#.
  - (2) A survey, dated no more than two years from the date of application, or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable, that establishes existing conditions related to topography at two-foot contours, the location of trees that are of six inch #caliper# or greater, #rock outcrops# and

#erratic boulders#, #designated aquatic resources#, #buffer areas#, #buildings or other structures# and all other #hard surface areas#.

- (3) A compliance report that compares the survey described in paragraph (a)(2) of this Section with the most recent plans approved by the City Planning Commission or the Department of Buildings, as applicable.
  - (4) Photographs, representing current conditions at the time of the application, showing the location and condition of trees proposed to be preserved and any #rock outcrops# or #erratic boulders# within or adjacent to the subject area within which construction or disturbance is proposed.
  - (5) A set of architectural drawings, including:
    - (i) a site plan representing changes in topography at two-foot contours, when applicable, location of new #buildings or other structures# or #enlargements#, and modified locations of #hard surface areas#, with detailed zoning calculations as per Section 143-20 (SPECIAL BULK REGULATIONS); and
    - (ii) plans, elevations and section drawings detailing all new and modified #buildings or other structures# and #hard surface areas#;
  - (6) A set of landscape drawings for the entire #zoning lot# or subject area with a key plan showing:
    - (i) the location and details of newly proposed or modified #hard surface areas#;
    - (ii) the location, #critical root zone#, #caliper# and species of all trees, newly planted or preserved, to be counted as #tree credits# with tree schedule pursuant to Section 143-13 (Tree Requirement), inclusive;
    - (iii) the location of all newly planted vegetation to be counted as part of a #landscape element# for #biodiversity points#, or otherwise required pursuant to Section 143-14 (Biodiversity Requirement), inclusive;
    - (iv) the boundaries and square footage of all existing vegetation to be preserved and counted as part of a #landscape element# for #biodiversity points# or otherwise required pursuant to Section 143-14, inclusive;
    - (v) for sites with #areas of existing slope#, a grading plan, showing all existing and proposed contours at two-foot intervals, all categories of slope affected by areas of encroachment, pursuant to Section 143-21 (Lot Coverage), critical spot elevations, and at least one longitudinal and one latitudinal cross-section located within areas of modified topography at the greatest areas of topographical change, showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;
    - (vi) where applicable, #designated aquatic resources# and #buffer areas# pursuant to Section 143-15 (Aquatic resource protections);
  - (7) a drainage plan and soil report, as applicable, showing direction of water flow over land, and locations of stormwater collection or infiltration; and
  - (8) A set of construction plans detailing erosion controls, #area of no disturbance#, location of temporary fence, staging area, trenching for utilities and foundations, areas used by construction equipment and other provisions pursuant to Section 143-11 (Controls During Construction).
- (b) Applications for #enlargements# that result in an increase of #lot coverage# of less than 400 square feet and that result in an increase in #floor area# of less than 20 percent shall include materials described in paragraphs (a)(1), (a)(5), (a)(6)(i) and (a)(6)(ii) of this Section. Applications for

#enlargements# that do not result in an increase in #lot coverage# shall include materials described in paragraphs (a) (1) and (a)(5) of this Section.

(c) Applications for #site alterations# that modify the location or size of #hard surface area# totaling:

- (1) an area 400 square feet or greater, or that remove more than 12 #tree credits#, shall include the materials set forth in paragraphs (a)(1), (a)(2), (a) (4) and (a)(6) of this Section, as applicable; or
- (2) an area of less than 400 square feet shall include the materials set forth in paragraphs (a)(6)(i) and (a)(6)(ii) of this Section.

(d) In addition to materials required pursuant to Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), all applications to the Commission:

- (1) shall include the materials set forth in paragraph (a) of this Section;
- (2) shall include an area map and an aerial photograph illustrating the #plan review site# and any #habitat area# located on public lands that is partially or wholly within 600 feet of such #zoning lot#;
- (3) for any subdivision, #zoning lot# merger or other change to #lot lines#, the site plan shall include the proposed layout of individual #zoning lots# and all proposed improvements thereupon, except as specifically exempted for subdivisions resulting only in #single-# and #two-family residences#, in addition to all the other requirements of this Section;
- (4) may also be required by the Commission to include:
  - (i) a schedule for carrying out the proposed construction;
  - (ii) a maintenance plan for any common areas, including #private roads# and any #habitat preservation areas# to be commonly held; and
  - (iii) any other information necessary to evaluate the request.

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

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

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

#### **143-10 NATURAL RESOURCES**

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

For #plan review sites# subject to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), the regulations relating to tree and biodiversity requirements set forth in Sections 143-13 and 143-14, inclusive, shall be modified in accordance with the provisions of Section 143-413 (Planting regulations for plan review sites).

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

Section 143-13 (Tree Requirement)  
Section 143-14 (Biodiversity Requirement)

For #zoning lots# with #developments# or #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that involve an increase in #lot coverage#, the certificate of occupancy shall specify that the #zoning lot# is subject to the provisions of Sections 143-13 and 143-14.

#### **143-11 Natural Resource Protection Requirements**

#### **143-111 Controls during construction**

[Note: provisions relocated from Sections 105-36 and modified]

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

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

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

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

#### **143-112 Invasive species**

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

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

#### **143-121 Grading standards**

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

The following grading requirements shall apply to all tracts of land with #areas of existing slope#:

- (a) cut slopes shall be no steeper than one horizontal to one vertical, and subsurface drainage shall be provided as necessary for stability;
- (b) fill slopes shall be no steeper than three horizontal to one vertical; and
- (c) tops and toes of cut slope or fill slopes shall be set back from #lot lines# and #buildings# or other structures# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.

#### **143-122 Retaining wall standards**

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

- (a) Maximum height

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

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

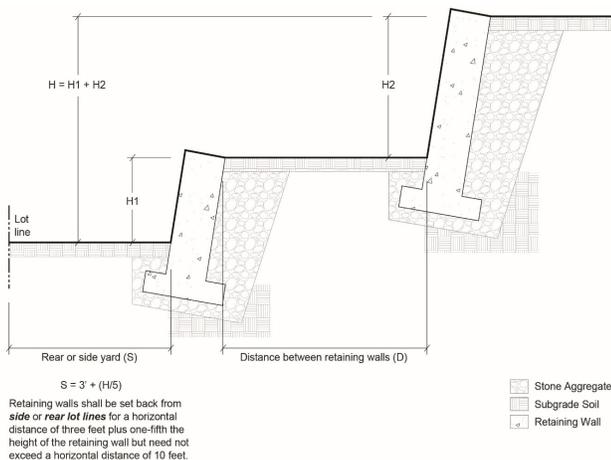
(b) **Minimum distance between retaining walls**

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

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

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

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



(d) **Planting requirements**

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

**143-123 Rock outcrops and erratic boulders**

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

Disturbance of more than 400 square feet of #rock outcrop# area, measured both in plan and in elevation, shall not be permitted within a single #zoning lot#, except that an application may be made to the City Planning Commission for an authorization to permit disturbance in excess of 400 square feet. Such application shall be subject to the conditions and findings of Section 143-42 (Authorization for Plan Review Sites).

(a) No #rock outcrop# shall be removed or disturbed in any way within a #front yard#, except as set forth in paragraph (c).

(b) Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within 50 feet of the #front lot line# in R1 Districts, or within 30 feet of the #front lot line# in all other Residence Districts, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation.

(c) Nothing in paragraphs (a) or (b) shall preclude the construction of a single driveway no more than 10 feet in width and a single walkway or staircase no more than five feet in width in the area between the #street wall# and its extensions and the #street line#. For driveways providing access to more than one dwelling unit, the maximum width shall be 20 feet, or where the driveways are separated by a distance of 60 feet, two driveways with a maximum width of 10 feet each.

(d) No #rock outcrop# shall be removed or disturbed in any way within a #rear yard#, except as set forth in this paragraph (d). Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within a #rear yard#, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation. Elevation view shall be based on the view of the #rear yard# from the #rear yard line#.

(e) No #erratic boulder# shall be removed or destroyed in any way, except that they may be relocated from their existing location to anywhere within 50 feet of the #front lot line# in an R1 District or within 30 feet of the #front lot line# in all other Districts.

**143-13 Tree Regulations**

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

Trees with #tree credits# or trees that are of six inch #caliper# or greater may not be removed in compliance with the provisions of this Section, inclusive. However, for the removal of unsafe trees determined by the Department of Buildings or the Department of Parks and Recreation to constitute a hazardous condition, and for trees that are destroyed by natural causes, compliance with the provisions of this Section and Section 143-14 (Biodiversity Requirement), as applicable, shall be required only after one year has passed since such event.

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

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

**143-131 Tree credits**

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

INDIVIDUAL TREE CREDIT VALUES

Individual Tree Designation	Description	#Tree Credits#: #Target species#	#Tree Credits#: Non-#target species#
Old tree	A preserved tree of 50 inch #caliper# or greater, or at least 144 years of age*	36	18
Mature tree	A preserved tree of 34 inch #caliper# or greater, or at least 98 years of age*	18	12

Large tree	A preserved tree of 22 inch #caliper# or greater, or at least 62 years of age*	6	4
Medium tree	A preserved tree of 14 inch #caliper# or greater, or at least 38 years of age*	4	3
Standard tree	A preserved tree of six inch #caliper# or greater, or at least 24 years of age*	3	2
Young tree	A newly planted tree of two inch #caliper# or greater	2	1
Sapling	A newly planted tree of between one and two inch #caliper#	1	n/a

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

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

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

**143-132**  
**Determining tree requirements**

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

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

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

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

(b) All other #zoning lots#

For #zoning lots# in #Residence Districts# without #residential uses#, the minimum number of #tree credits# on a #zoning lot# shall be:

- (1) 1.5 per 750 square feet of #lot area#; and

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

(c) Trees within unimproved portions of mapped #streets#

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

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

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

**143-133**  
**Planting standards for tree credits**

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

(a) **Newly planted trees**

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

- (2) five feet between saplings; or
- (3) 7 feet, 6 inches between young trees, saplings and preserved trees.

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

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

(b) **Preserved trees**

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

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

However, preserved trees with more than 10 percent and no more than 30 percent of their #critical root zones# disturbed by proposed #hard surface area#, topographic modification, construction staging, use of heavy machinery or newly planted vegetation within a container that is more than one quarter-gallon, as set forth in this paragraph may be counted towards the assigned #tree credit# value set forth in Section 143-131 (Tree credits) only if such trees have a #tree protection plan#.

For the purposes of this paragraph (b), a deck or porch that is elevated above natural grade shall not be considered as disturbance within a #critical root zone# or #structural root zone#, except for the area of excavation required for the structural support of such #hard surface area#.

Removal of #hard surface area# from the #critical root zone# of a tree, when conducted pursuant to a #tree protection plan# shall not be considered disturbance.

For the purposes of assigning #tree credits#, preserved trees that are less than six inches in #caliper# may be treated as a newly planted "young tree" or "sapling," as applicable, for #zoning lots# where the total #tree credit# of all trees existing prior to any proposed #development#, #enlargement# or #site alteration# is less than the amount required pursuant to Section 143-132 (Determining tree requirements). A survey of existing site conditions showing the location of all existing trees that are six inches in #caliper# or greater shall be provided.

**143-134**

**Tree preservation requirement**

In all #Residence Districts#, removal of live trees that are six inch #caliper# or greater, where the trunks of such trees are located within 15 feet of a #rear lot line#, shall be permitted only under the following circumstances:

- (a) where such trees are located in areas to be occupied by #buildings#, or within a distance of eight feet of an existing or proposed #building#, provided that it is not possible to avoid such removal by adjustments in the location of such #buildings#;
- (b) for #zoning lots# no greater than 3,800 square feet of #lot area#, where such trees are located in areas to be occupied by swimming pools, or within a distance of eight feet of an existing or proposed swimming pool, provided that it is not possible to avoid such removal by adjustments in the location of such swimming pools;
- (c) where such trees are located in an area to be occupied by a driveway or area required for #accessory# parking, provided that it is not possible to avoid such removal by adjustments in the location of such driveway or parking area;
- (d) where a total of over 30 percent of the #critical root zone# of such trees would be impacted by proposed disturbances, provided that it is not possible to avoid such impacts by adjustments in the location of proposed #buildings#, swimming pools, driveways, #private roads# or parking areas;
- (e) where a defect exists in such tree with a rating of "Moderate," "High," or "Extreme," as described in the Best Management Practices for Tree Risk Assessment published by the International Society of Arboriculture (ISA) and as determined by a professional arborist possessing a current Tree Risk Assessment qualification issued by the ISA; and where it is not possible or practical to mitigate such defect by any means other than removal of the tree; or
- (f) where any portion of a #rear lot line# of a #zoning lot# is located within 70 feet of the #front lot line# of such #zoning lot#.

Notwithstanding the removal of any trees permitted pursuant to paragraphs (a) through (f) of this Section, such #zoning lot# shall comply with all other requirements of Section 143-13 (Tree Regulations), inclusive.

**143-14**

**Biodiversity Requirement**

The biodiversity planting requirements of this Section shall apply within the #Special Natural Resources District#.

- (a) **Applicability of biodiversity requirement to #developments#, #enlargements# and certain #site alterations#**

The planting requirements set forth in this Section, inclusive, shall apply on #zoning lots# or other tracts of land, to:

- (1) #developments#;
- (2) #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that result in an increase in #lot coverage#;
- (3) the removal of more than 12 #tree credits#;
- (4) newly constructed or relocated #hard surface area# with an area of 400 square feet or more; or
- (5) for #zoning lots# previously subject to paragraphs (a)(1), (a)(2), (a)(3) or (a)(4) of this Section, the establishment of a new category of #landscape element# where such newly planted vegetation counts toward #biodiversity points# previously satisfied by another type of #landscape element#.

The minimum biodiversity requirement on a #zoning lot# shall be as set forth in Section 143-141 (Determining biodiversity requirements). Required vegetation shall be grouped within #landscape elements# and assigned #biodiversity points# in accordance with Section 143-142 (Landscape elements). Vegetation within #landscape elements# shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements). #Buffer areas# shall be planted pursuant to the provisions set forth in Section 143-144 (Planting requirements for buffer area adjacent to designated aquatic resources).

For #zoning lots# that have planted or preserved #landscape elements# pursuant to the provisions of this Section, inclusive, such vegetation may be subsequently altered, provided that the required area of vegetation is not reduced below the area required for such #landscape element#.

However, where Section 37-90 (PARKING LOTS) applies, and the open parking area covers at least 40 percent of the #zoning lot# or #plan review site#, as applicable, the provisions of Sections 143-141, 143-142 and 143-143 shall be deemed satisfied by the provision of landscaping pursuant to Section 37-90.

- (b) **Requirements for maintaining vegetation on all other lots**

For #zoning lots# with #buildings# constructed prior to [date of adoption] that are not subject to the biodiversity requirements of paragraph (a) of this Section, the provisions of Sections 143-141 (Determining biodiversity requirements), 143-142 (Landscape elements) and 143-143 (Planting standards for landscape elements) shall not apply. However, such #zoning lots# shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of paragraph (b) of this Section, as follows.

Existing square footage of vegetation that is not lawn or trees shall not be reduced to less than:

- (1) 15 percent of the #lot area# in Resource Adjacent Areas and in #areas adjacent to aquatic resources#; or
- (2) five percent of the #lot area# in Base Protection Areas.

**143-141**

**Determining biodiversity requirements**

In order to satisfy the biodiversity requirements set forth in Section 143-14 (Biodiversity Requirements), inclusive, vegetation shall be assigned #biodiversity points#. All #zoning lots# shall have #biodiversity points# greater than or equal to the point requirement set forth in of this Section, as applicable:

- (a) six #biodiversity points# in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (b) four #biodiversity points# for #zoning lots# that contain #residential uses# in R1 or R2 Districts in Base Protection Areas;
- (d) two #biodiversity points# for #zoning lots# that do not contain #residential uses# in R1 or R2 Districts in Base Protection Areas; and
- (e) two #biodiversity points# in Base Protection Areas containing R4 or R6 Districts.

In the event of a conflict between the provisions of one paragraph of this Section and another paragraph, the more restrictive shall control.

**143-142**

**Landscape elements**

In order to satisfy the #biodiversity point# requirements set forth in Section 143-141 (Determining biodiversity requirements), vegetation shall be categorized into one of the #landscape elements# set forth in the table in this Section. All vegetation shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements).

BIODIVERSITY POINT VALUE PER REQUIRED AREA

#Landscape element#	#Biodiversity points#	Design requirements
Basic Garden	1	2.5 percent of #lot area#
Wildlife Garden	1	2 percent of #lot area#
Green Roof— Intensive	1	12.5 percent of the #lot coverage#
Green Roof— Extensive	1	15 percent of the #lot coverage#

The total area of a #landscape element# shall not be less than as set forth in the Table in this Section for each such #landscape element#. In addition, the following design requirements shall apply:

- (c) **Basic gardens, wildlife gardens and green roofs**

The minimum horizontal dimension of each basic garden, wildlife garden or green roof shall be eight feet, except that, for #zoning lots# with a #lot area# less than 3,800 square feet, each wildlife garden or green roof shall have a minimum horizontal dimension of four feet.

**(d) Wildlife garden buffers**

For #developments# on #zoning lots# located in a Resource Adjacent Area, wildlife gardens shall be located within buffers as specified in this paragraph (b), and special planting standards shall apply to such gardens pursuant to Section 143-143 (Planting standards for landscape elements). To fulfill #biodiversity point# requirements, wildlife garden buffers shall be located along #side# and #rear lot lines#, or portions thereof, adjacent to a Resource Adjacent Area boundary line, as shown on the map in Appendix B of this Chapter. For wildlife garden buffers along #side lot lines#, or portions thereof, the minimum width shall be eight feet. For wildlife garden buffers along #rear lot lines#, or portions thereof, the minimum depth shall be 10 feet. The width or depth of wildlife garden buffers shall be measured perpendicular to such #side# or #rear lot lines#, respectively.

However, where #buildings# or other #hard surface area# lawfully existing as of [date of adoption] are located so as to be in conflict with the requirements of this paragraph (a), such areas that are in conflict may be exempt from such requirements.

**(c) #Landscape elements# within unimproved portions of mapped #streets#**

For the purposes of this Section, #landscape elements# located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-14 (Biodiversity Requirement), where:

- (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than thirty days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

**143-143  
Planting standards for landscape elements**

Vegetation planted or preserved within #landscape elements# shall be in good health and shall comply with the provisions set forth in this Section. Trees shall not count toward the vegetation coverage requirements of #landscape elements#: coverage requirements shall only be satisfied through #ground# and #shrub layer# plantings. Vegetation required pursuant to other Sections of this Resolution that meet the standards of this Section may be used towards fulfillment of the requirements of Section 143-141 (Determining biodiversity requirements).

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land and in no case shall existing #invasive species# be included as preserved vegetation within a #landscape element# or counted as #biodiversity points#.

**(e) Basic gardens**

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall each be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied.

**(f) Wildlife gardens**

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall each be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#.

**(g) Wildlife garden buffers**

In Resource Adjacent Areas, the #shrub layer# shall occupy at least 20 percent of the wildlife garden buffer and the #ground layer# shall occupy at least 40 percent of such buffer. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#. Such wildlife garden buffer area shall also have three #tree credits# per 750 square feet of area within such wildlife garden buffer area.

Trees required within wildlife garden buffers shall be planted or preserved in accordance with Section 143-133 (Planting standards for tree credits). Such trees shall contribute toward satisfying the requirements of Section 143-13 (Tree Regulations).

**(h) Green roofs**

The minimum depth of planting medium for "intensive green roofs" shall be eight inches, and the minimum depth of planting medium for "extensive green roofs" shall be three inches. A minimum of six different species shall be provided for "intensive green roofs" and a minimum of four different species shall be provided for "extensive green roofs."

**Illustrative Example**

The following example, while not part of the Zoning Resolution, is included to demonstrate how biodiversity planting requirements are calculated.

**Example of calculations for a "basic garden" on a 5,000 square-foot lot**

Basic gardens are assigned one #biodiversity point# for each 2.5 percent of the #lot area# they occupy, as set forth in the table in Section 143-142 (Landscape elements). For a #zoning lot# with a #lot area# of 5,000 square feet, a basic garden of 500 square feet, or 10 percent, would achieve the required four #biodiversity points#. In this example, because of design considerations, two areas are established for basic gardens: one along a side lot line, eight feet wide by 20 feet deep (providing 1.28 #biodiversity points#), and another across the front of the lot, 40 feet wide by 8 feet 6 inches deep (providing 2.72 #biodiversity points#).

Paragraph (b) of Section 143-143 (Planting standards for landscape elements) specifies that both the #ground layer# and #shrub layer# each need to be at least 15 percent of the square footage of each #landscape element#. That means that both the #ground layer# and #shrub layer# each need to have a coverage of at least 24 square feet in the side garden, and at least 51 square feet in the front garden. Additional vegetation required for the remaining 70 percent coverage may be either in the #ground layer# or #shrub layer#.

**143-144  
Planting requirements for buffer area adjacent to designated aquatic resources**

Vegetation shall be planted or preserved in #buffer areas# adjacent to #designated aquatic resources# in accordance with this Section. For #designated aquatic resources# regulated by the New York State Department of Environmental Conservation (DEC), vegetation other than lawn shall be located in a #buffer area# and shall be planted or preserved in a manner determined by DEC.

For #plan review sites# containing #designated aquatic resources# not regulated by DEC, vegetation other than lawn shall be planted in a #buffer area# that extends for 30 feet measured from the edge of the #designated aquatic resource#. Vegetation shall be planted or preserved as directed by the City Planning Commission pursuant to Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES). Such #buffer area# boundary shall be demarcated by a split rail fence or a similar boundary marker, with a gate permitted for maintenance purposes.

For #zoning lots# that are not #plan review sites# or a portion thereof, the planting required pursuant to this Section shall be waived in the following instances:

- (a) For all #uses# lawfully existing on [date of adoption], planting shall not be required within portions of #buffer areas# that contain #buildings# and other #hard surface areas#, to the extent that such #buildings# and other #hard surface areas# lawfully existed in those locations on [date of adoption]. In addition, planting shall not be required within portions of #buffer areas# within five feet of any #building# lawfully existing on [date of adoption]; and
- (b) For a #residential building# lawfully existing on [date of adoption], and for a #development# or #enlargement# of a #residential building# on a #zoning lot# existing both on [date of certification] and on the date of application for a building permit, planting shall not be required within portions of #buffer areas# that:

- (1) are open areas where disturbance is permitted pursuant to Section 143-151 (Permitted encroachment area); and
- (2) are within a #front yard#.

Vegetation planted or preserved pursuant to the provisions of this Section may be counted towards satisfying the requirements of Section 143-13 (Tree Regulations), inclusive, and the biodiversity requirements of Sections 143-141, 143-142 and 143-143.

**143-15  
Aquatic Resource Protections**

For #zoning lots# containing #designated aquatic resources# or #buffer areas#, the provisions of this Section, inclusive, shall apply.

No removal of trees or other vegetation, no disturbance of topography, no #development#, no horizontal #enlargement# and no increase in #hard surface area# shall be permitted within a #designated aquatic resource# or #buffer area#, except as provided in this Section, inclusive, or as otherwise approved by the New York State Department of Environmental Conservation. However, removal of #invasive species# and the construction of unpaved trails using hand tools shall be permitted within a #designated aquatic resource# or #buffer area# where permitted by the New York State Department of Environmental Conservation or the City Planning Commission, as applicable.

For #designated aquatic resources# and adjacent areas that are regulated by the New York State Department of Environmental Conservation, nothing in the regulations of this Chapter shall modify state regulations requiring application to such agency for proposed #development# or other state-regulated activity.

Section 143-151 (Permitted encroachment area) establishes the size and shape of a permitted encroachment area. Section 143-152 (Location of permitted encroachment) establishes the #zoning lots# that are eligible to encroach upon #designated aquatic resources# and #buffer areas# and rules to minimize such encroachment. Section 143-27 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources) establishes rules to allow clustering of #buildings# outside of #designated aquatic resources# and #buffer areas# in order to minimize encroachment.

**143-151  
Permitted encroachment area**

For the purposes of this Section and Section 143-152 (Location of permitted encroachment), the "permitted encroachment area" shall be a combination of permitted #lot coverage# and an area adjacent to a #building#. The permitted encroachment area is the largest area allowed to be disturbed within a #designated aquatic resource# or #buffer area#.

- (a) Permitted #lot coverage#

The maximum permitted #lot coverage# on a #zoning lot# shall be determined by the applicable Zoning District as indicated in the following table:

Zoning District	#Lot coverage# (in square feet)
R1-1	1200
R1-2	800
R2 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

A #building# shall be located on a #zoning lot# so that its #lot coverage# shall avoid or minimize disturbance of #designated aquatic resources# and #buffer areas#, except that the minimum width of a #building# need not be less than 15 feet, and the shape, in plan view, of the outermost walls of such #building# need not be other than a rectangle.

- (b) Permitted encroachment adjacent to a #building#

An area with a depth of five feet, as measured perpendicular to the #building# wall, shall be exempt from the planting requirements of Section 143-144, and shall be permitted around a single #building# that contains the primary #use# on the #zoning lot#, except the depth of such area shall be 20 feet adjacent to a rear #building# wall that is opposite a #street# or #private road#. For #zoning lots# with multiple #street# frontages, such depth of 20 feet may be utilized only once. Within this area, an encroachment of fill for lawn, #hard surface area# or other similar encroachment shall be permitted within a #buffer area# or #designated aquatic resource#.

The provisions of Section 143-24 (Special Yard Regulations for the Protection of Natural Features) shall be used, as applicable, to facilitate a #building# location that, combined with the permitted encroachment adjacent to such #building#, minimizes the area of encroachment on a #designated aquatic resource# or #buffer area#, as applicable.

**143-152  
Location of permitted encroachment**

On a #zoning lot#, existing both on [date of certification], and on the date of application for a building permit, encroachment on a #designated aquatic resource# or #buffer area# shall only be permitted as follows:

- (a) Where the permitted encroachment area is located utilizing the applicable modified #yards#, but cannot be located fully outside of a #designated aquatic resource# or #buffer area#:
  - (1) the permitted encroachment area may encroach into a #buffer area# to the minimum extent necessary to accommodate such permitted encroachment area;
  - (2) where encroachment into a #buffer area# pursuant to paragraph (a)(1) of this Section does not accommodate the entire permitted encroachment area, only then shall encroachment into a #designated aquatic resource# be permitted, to the minimum extent necessary to accommodate such permitted encroachment area.
- (b) A single driveway with a width of 10 feet, or greater where required by the New York City Fire Department, shall be permitted to access a permitted encroachment area, and may encroach into a #buffer area# or #designated aquatic resource# to the minimum extent necessary.
- (c) The provisions of Section 143-31 (Parking Modifications for the Protection of Natural Features) shall be used, as applicable, to facilitate the location of required off-street parking that minimizes the area of encroachment on a #designated aquatic resource# and #buffer area#. Required #accessory# off-street parking spaces need not be located within a #building# in order to minimize the area of encroachment;
- (d) if it is necessary to locate proposed #accessory# off-street parking spaces within a #designated aquatic resource# or #buffer area#, no more than one #dwelling unit# shall be permitted.

**143-20 SPECIAL BULK REGULATIONS**

The special #bulk# regulations of this Section, inclusive, shall apply throughout the #Special Natural Resources District#.

**143-21  
Lot Coverage**

**R1 R2**

In the districts indicated, for #zoning lots# containing predominantly #residential uses#, the #lot coverage# and #open space# regulations of the underlying districts shall not apply. In lieu thereof, the provisions set forth in this Section shall apply. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential uses# shall be defined as a #zoning lot# containing predominantly #residential uses#.

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include #accessory buildings# permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). Such #accessory buildings#, and #buildings# or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

The maximum permitted #lot coverage# shall be as set forth in paragraph (a) of this Section. However, the provisions of paragraph (b) modify the maximum #lot coverage# of a #zoning lot# in cases of encroachment of #areas of existing slope#. In no case shall the #lot coverage# resulting from paragraphs (a) or (b) be required to be less than the #lot coverage# set forth in paragraph (c) of this Section. Paragraph (d) sets forth an exemption from #lot coverage# for a #building# or portion of a #building# containing required off-street #accessory# parking spaces in certain instances.

- (a) Basic maximum #lot coverage#

TABLE I

BASIC MAXIMUM LOT COVERAGE

Area	Maximum permitted #lot coverage# (in percent)
Base Protection Area: R1 District	25
Base Protection Area: R2 Districts	30
Resource Adjacent Area and #areas adjacent to aquatic resources#	15

(b) #Lot coverage# determined by slope encroachment

Where an area of encroachment is proposed in an #area of existing slope# that is greater than 150 square feet in cumulative area, the maximum #lot coverage# shall be determined by the steepest slope category encroached upon that has an area greater than 150 square feet cumulatively, as set forth in Table II of this Section. Where there is no encroachment upon a slope category with an area greater than 150 square feet cumulatively, the maximum #lot coverage# shall be determined by the slope category with the largest area encroached upon. When the maximum permitted #lot coverage# indicated in Table II exceeds the maximum permitted #lot coverage# set forth in Table I, the more restrictive shall apply.

For the purposes of this Section “encroachment” shall be the area of proposed changes in ground elevation by more than two feet of cut or fill, including areas proposed for excavation to such depth for #buildings#, #hard surface areas#, structural elements for decks and for any other #site alteration# related to such grade change of more than two feet.

TABLE II

MAXIMUM LOT COVERAGE FOR ENCROACHMENT WITHIN AREAS OF EXISTING SLOPE

Slope category (in percent) #area of existing slope#	Maximum permitted #lot coverage# (in percent)
85 or greater	12.5
65–84.9	15
45–64.9	17.5
35–44.9	20
25–34.9	22.5
10.0–24.9	25

(c) Notwithstanding any other provisions of this Section, in no case shall the resulting maximum #lot coverage#, in square feet, be required to be less than the permitted #lot coverage# set forth in Table III.

TABLE III

PERMITTED LOT COVERAGE

Zoning District	Permitted #lot coverage# (in square feet)
R1-1	1,200
R1-2	800
R2 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

(d) Exemption from #lot coverage# for enclosed #accessory# parking spaces

For #qualifying lots#, an #accessory building# enclosing required off-street #accessory# parking spaces, or a portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces, shall be exempt from #lot coverage# requirements if such #accessory building# or portion of a #building#:

- (4) is located on a slope that rises above the adjacent #street# or #private road#;
- (5) is no more than 10 feet in height above #curb level#;
- (6) is located entirely within 25 feet of a #street# or #private road#; and such #building# or portion either:

- (i) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
- (ii) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

Such #accessory building# or portion of a #building# shall not be exempt from #hard surface area# limitations.

143-22

Hard Surface Area

The maximum permitted #hard surface area# for a #zoning lot# is set forth in this Section. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential use# shall be defined as a #zoning lot# containing predominantly #residential use#.

R1 R2

(a) In the districts indicated, for #zoning lots# containing predominantly #residential use#, the maximum permitted #lot coverage# set forth in paragraphs (a) or (b) of Section 143-21 (Lot Coverage) shall determine the maximum permitted #hard surface area# in accordance with Table I of this Section. The maximum permitted #hard surface area# on a #zoning lot# shall not exceed the percent of #lot area# set forth in Table I.

TABLE I

PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ZONING LOTS CONTAINING PREDOMINANTLY RESIDENTIAL USE IN R1 THROUGH R2 DISTRICTS

Maximum permitted #lot coverage# (in percent)	Maximum permitted #hard surface area# (in percent)
12.5	40
15	45
17.5	45
20	50
22.5	50
25	50
30	65

R1 R2 R4 R6

(b) In the districts indicated, the maximum permitted #hard surface area# for all #zoning lots# not subject to paragraph (a) of this Section, shall be as set forth in Table II for the applicable zoning district.

TABLE II

PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ALL OTHER ZONING LOTS

Zoning district	Maximum permitted #hard surface area# (in percent)
R1 R2 R4 R6	75

143-23

Minimum Lot Area for Zoning Lots Containing Designated Aquatic Resources

The minimum #lot area# regulations set forth in Article II, Chapter 3, shall be modified as set forth in this Section.

Where the sum of all areas containing #designated aquatic resources# and #buffer areas# on the #zoning lot# constitutes more than 10 percent of the #lot area#, such area shall be excluded for the purposes of calculating #lot area# necessary to meet minimum #lot area# requirements of Section 23-32 (Minimum Lot Area or Lot Width for Residences).

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts, both on [date of certification] and on the date of application for a building permit.

### **143-24 Special Yard Regulations for the Protection of Natural Features**

In order to facilitate the protection of natural features, the provisions of this Section, inclusive, shall modify the #yard# regulations of the underlying districts as applicable in the #Special Natural Resources District#. However, in no case shall the provisions of both Sections 143-242 (Front yard reductions) and 143-243 (Rear yard reductions) be applied to the same #zoning lot#.

#### **143-241 Permitted obstructions in yards**

For #residential buildings# on #qualifying lots#, the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to allow required off-street parking spaces, open or enclosed, as permitted obstructions within a #front yard#, provided the height of any #building# enclosing such off-street parking spaces does not exceed 10 feet above #curb level#.

A portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces on such #qualifying lots#, shall be considered a permitted obstruction in a #front yard# if such portion of a #building#:

- (d) is located on a slope that rises above the adjacent #street# or #private road#;
- (e) is no more than 10 feet in height above #curb level#;
- (f) is located entirely within 25 feet of a #street# or #private road#; and such portion of a #building# either:
  - (1) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
  - (2) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

In addition, for #zoning lots# subject to the provisions of Section 143-252 (Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources), the provisions of Section 23-44 shall be modified to allow portions of #buildings# that project up to three feet into #yards# as permitted obstructions within such #yards#.

#### **143-242 Front yard reductions**

The regulations for minimum #front yards# shall be modified in accordance with the provisions set forth in paragraphs (a) or (b) of this Section, as applicable:

- (a) In R1, R2, and R4 Districts
  - (1) In R1 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet;
  - (2) In R2 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet; or
  - (3) In R2 through R4 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet, provided that certain natural features are preserved within specified portions of the #zoning lot#, as follows:
    - (i) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
    - (ii) such natural features, including #critical root zones#, are, in whole or in part, located beyond 30 feet of the #rear lot line# and are in the rear half of the #zoning lot#; and
    - (iii) such natural features are located within an #area of no disturbance#.
- (b) In Resource Adjacent Areas or #areas adjacent to aquatic resources#
  - (1) In R1 Districts, #front yards# shall have a minimum required depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet; and

- (2) In R2 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet.

However, if an open #accessory# off-street parking space is located between the #street wall# of a #building# containing #residences# and the #street line#, there shall be an open area between such #street wall# and #street line# which is at least 8 feet 6 inches in width by 18 feet in depth to accommodate such parking space.

#### **143-243 Rear yard reductions**

#Rear yards# shall have a minimum depth of 20 feet as set forth in paragraphs (a) or (b) of this Section:

- (a) In R2 Districts, for #qualifying lots#, and for #zoning lots# located in Resource Adjacent Areas or #areas adjacent to aquatic resources#; and
- (b) In R1 through R6 Districts, provided that certain natural features are preserved as follows:
  - (1) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
  - (2) such natural features, including #critical root zones#, are, in whole or in part, located outside of the #front yard# and are in the front half of the #zoning lot#; and
  - (3) such natural features are located within an #area of no disturbance#.

#### **143-244 Measurement of yards in unimproved streets**

For #qualifying lots# in R2 Districts, or for #zoning lots# within Resource Adjacent Areas or #areas adjacent to aquatic resources#, the minimum required #front yard# depth shall be measured from a tax lot boundary within a #street# shown on the City Map, instead of from the #street line# in cases where:

- (a) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (b) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

#### **143-25 Height and Setback Regulations**

In the #Special Natural Resources District#, the special height and setback regulations of Sections 143-251 (Modified height and setback for the protection of natural features) and 143-252 (Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources) shall apply.

#### **143-251 Modified height and setback for the protection of natural features**

##### **R1 R2**

In the districts indicated, in order to facilitate the protection of natural features, the maximum perimeter wall height and maximum #building# height of a #residential building#, or the #residential# portion of a #building# may be modified in accordance with the provisions of this Section.

Within Resource Adjacent Areas, #areas adjacent to aquatic resources#, and for #qualifying lots#, paragraph (a) of Section 23-631 (General provisions) shall be modified so that the front wall or any other portion of a #building# or other structure# shall not penetrate the #sky exposure plane# beginning at a height of 30 feet above the #front yard line#.

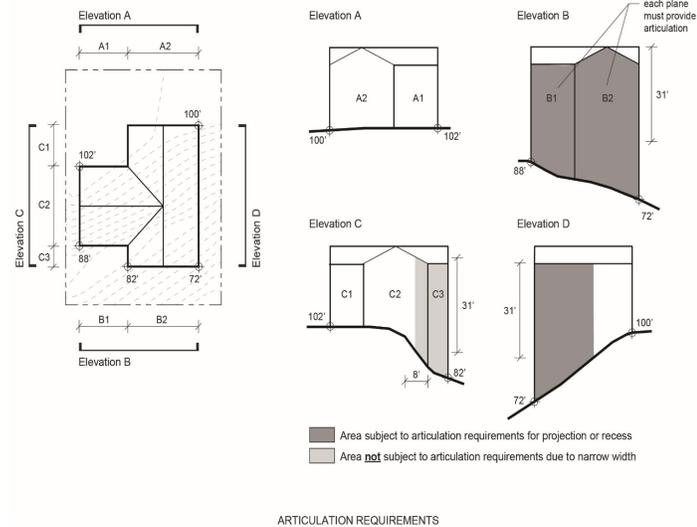
#### **143-252 Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources**

##### **R1 R2**

In the districts indicated, the provisions of this Section shall apply to #residential buildings# in Resource Adjacent Areas and #areas adjacent to aquatic resources#. The provisions of this Section shall not apply to #accessory buildings#.

For any portion of such #residential building# that is eight feet in width or greater and exceeds a vertical distance of 31 feet between the roof of the #building# and the final adjoining grade, an area equaling at least 25 percent of the surface area of such portion must project from or be recessed from an exterior wall covering at least 25 percent of the area in a continuous plane by at least 18 inches from the wall above or below.

Four elevation views shall be provided for each #building# in addition to application materials set forth in 143-05 (Application Requirements). Each such elevation view shall show that such #residential building# complies with the recess and projection requirements of this Section.



**143-26  
Open Area Regulations for Residences**

Open areas shall be provided between #residential buildings# and each of the following: #designated aquatic resources#, #buffer areas#, or #habitat preservation area#, in accordance with the requirements of this Section.

- (a) An open area shall be provided adjacent to the rear wall of each #residential building# or #building segment#. For the purposes of this Section, the “rear wall” shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 20 feet when measured perpendicular to each rear wall.
- (b) An open area shall also be provided adjacent to the side walls of each #residential building# or #building segment#. For the purposes of this Section, a “side wall” shall be a wall that does not face a #street# or #private road#, and is not a rear wall. The depth of such open area shall be equal to the depth of each #building# or #building segment#, and the width of such open area shall be at least five feet when measured perpendicular to each side wall.
- (c) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and any remaining walls not facing a #street# or #private road# shall be designated side walls. The open area provisions of this Section shall apply to the areas adjacent to such rear wall and side walls.

Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted within such open areas.

**143-27  
Special Bulk Regulations for Lots Containing Designated Aquatic Resources**

In the #Special Natural Resources District# in all #Residence Districts#, except R1-1 Districts, and except #plan review sites# of one acre or more, the special #bulk# regulations of this Section shall apply to any tract of land containing #designated aquatic resources# or #buffer area#. Such tract of land may contain a single #zoning lot# or two or more #zoning lots# #developed# as a unit in single ownership or control which are contiguous for a distance of at least 10 feet or would be contiguous except for their separation by a #street#.

For all permitted #residential uses# on such tract of land, the total #floor area#, #lot coverage#, #hard surface area# or #dwelling units# generated by that portion of the #zoning lot# containing #designated aquatic resources# or #buffer area# may be distributed without regard for #zoning lot lines#, provided that, within Resource Adjacent Areas and #areas adjacent to aquatic resources#, the maximum applicable #lot coverage# of 15 percent and #hard surface area# of 45 percent shall not be exceeded.

The provisions of Sections 23-40 (YARD REGULATIONS) and 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), shall not apply. In lieu thereof, the following regulations shall apply:

- (a) #Yards#
  - (4) #front yards# shall have a minimum required depth of 10 feet;
  - (2) #side yards# shall have a minimum required width of four feet;
  - (3) #rear yards# shall have a minimum required depth of 10 feet;
- (b) Minimum distance between #buildings#
  - (1) the minimum distance between #buildings# on the same or #abutting zoning lots# across a common #side lot line# shall not be less than eight feet;
  - (2) the minimum distance between #buildings# on #abutting zoning lots# across a common #rear lot line# shall not be less than 40 feet.

The provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and the provisions of Section 143-26 (Open Area Regulations for Residences) shall apply without modification.

The provisions of Section 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) relating to two #buildings# on a #zoning lot# where one building is a “front building” and another is a “rear building” as described in such Section, shall be modified to require an open area with a minimum width of 20 feet between any “rear building” and the #rear lot line# of an adjoining #zoning lot#. In addition, the provisions of Section 23-891 (In R1 through R5 Districts) shall be modified to require an open area adjacent to the rear wall of each #building# with a depth of at least 20 feet when measured perpendicular to each rear wall.

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Where such tract of land is subject to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), modifications of #bulk# in accordance with this Section shall also comply with the provisions set forth in Sections 143-41 (General Provisions) and shall be subject to all findings and conditions set forth in 143-42 (Authorization for Plan Review Sites).

**143-30  
SPECIAL PARKING REGULATIONS**

Special parking regulations apply in the #Special Natural Resources District#.

**143-31  
Parking Modifications for the Protection of Natural Features**

In the #Special Natural Resources District#, on #qualifying lots#, in order to facilitate the protection of natural features, the following provisions shall apply.

- (a) Location of parking spaces
  - Section 25-621 (Location of parking spaces in certain districts) shall not apply.
- (b) Parking spaces within an unimproved portion of a privately owned mapped #street#
  - #Accessory# off-street parking spaces may be permitted within an unimproved portion of a privately owned mapped #street# provided that:
    - (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
    - (2) the applicant submits a letter to the Department of Buildings from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately

owned mapped #street# is not part of a City capital improvement plan.

**143-32  
Special Surfacing Regulations**

R1 R2

In the districts indicated, Section 25-65 (Surfacing) shall be modified to allow dustless gravel driveways that access one #single-family residence#, provided that all portions of such driveway located between the curb and the #front lot line# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick.

**143-40  
SPECIAL REGULATIONS FOR PLAN REVIEW SITES**

The provisions of this Section 143-40, inclusive, shall apply to all #plan review sites# in the #Special Natural Resources District#.

**143-41  
General Provisions**

For #plan review sites#, a #development#, #enlargement#, #site alteration# or #zoning lot# subdivision shall only be permitted by authorization of the City Planning Commission pursuant to Section 143-42 (Authorization for Plan Review Sites), except that such authorization shall not be required for:

- (a) minor #enlargements# or #site alterations# as set forth in Section 143-416 (Minor enlargements or site alterations on plan review sites);
- (b) #site alterations# that are not related to a proposed #development#, #enlargement# or subdivision of a #zoning lot# where such #site alterations#:
  - (1) in any given calendar year, consist of an area of less than 400 square feet and the removal of no more than two trees or 12 #tree credits#, whichever is greater; and
  - (2) are located both in Base Protection Areas and outside of areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning;
- (c) the removal of trees where the following conditions apply:
  - (1) on #plan review sites# in Resource Adjacent Areas and #areas adjacent to aquatic resources#, that are located outside of areas shown on the #Special Natural Resource District# Habitat Map, where such trees to be removed are not located in #designated aquatic resources#, #buffer areas# or #areas of existing slope# of 25 percent or greater and that total less than 12 #tree credits# cumulatively; or
  - (2) on #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, which have received certification to remove trees pursuant to Section 143-47 (Certification to Permit Tree Removal).

The review of all #plan review sites# by the City Planning Commission pursuant to Section 143-42 is required, except as specifically excluded in paragraphs (a) through (c) of this Section.

All #plan review sites# are subject to all provisions of this Chapter except where specifically modified pursuant to the provisions of Section 143-40, inclusive. Additional requirements relating to habitat preservation, planting, open areas, private roads, minor #enlargements#, #site alterations# and site planning applicable to such sites, are set forth in Sections 143-411 through 143-417.

The applicant shall provide an assessment of the significant natural features of the site to the Commission pursuant to the provisions of paragraph (d)(1) of Section 143-42, and, for #plan review sites# with an area one acre or larger located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, the applicant shall provide an assessment of #habitat areas# pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

At the option of an applicant, a long-term development plan may be proposed pursuant to the provisions of Section 143-431 (Establishment of a development plan). Approval of a development plan by the Commission allows for expedited review of future development pursuant to Sections 143-432 (Certification for preliminary plan site) or 143-433 (Renewal authorization for conceptual plan site).

For #plan review sites# that are required to establish #habitat preservation areas# pursuant to Section 143-411 (Habitat preservation area standards), the Commission may modify the applicable standards

and boundaries of the #habitat preservation area# pursuant to Sections 143-441 (Modification of habitat preservation area standards) and 143-442 (Special permit for modification of habitat preservation area). At the applicant's request, the #habitat preservation area# may be dedicated for public use, pursuant to Section 143-443, and the Commission may permit modification of #bulk# regulations as if such land remained within the #plan review site#. In addition, for all sites that are required to establish #habitat preservation areas#, in order to facilitate the preservation of natural resources and the clustering of development on the site, applications may be made to the Commission for the modification of #use# or #bulk# regulations pursuant to Sections 143-45 (Residential Sites), and 143-46 (Modification of Bulk Regulations for Certain Community Facilities).

Where Section 143-27 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources) is applicable to #plan review sites# of less than one acre, modification of #bulk# regulations shall be as-of-right, provided that the resulting site plan shall be subject to all findings and conditions set forth in Section 143-42. For #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where only tree removal is proposed, an authorization pursuant to Section 143-42 shall not be required if a certification is granted pursuant to Section 143-47.

For #plan review sites# subject to the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), only portions of #zoning lots# landward of the #shoreline# shall be used to calculate the required percentage of #habitat preservation area# and required planting pursuant to Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

The provisions of Section 74-74 (Large Scale General Development) and Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) shall not apply.

**143-411  
Habitat preservation area standards**

The provisions of this Section shall apply to #plan review sites# existing on [date of certification] that contain one or more acres located in an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where:

- (a) such #plan review site# contains #habitat area# as determined through a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning; and
- (b) such #habitat area# occupies an uninterrupted continuous area of no less than 10,000 square feet, and no portion of such area measures less than 10 feet in width at any point. For the purposes of determining the width of irregular shapes, any area that cannot wholly contain a circle with a diameter of 10 feet shall be considered less than the required width.

Such #habitat area#, in whole or in part, shall be preserved as #habitat preservation area# pursuant to the provisions of this Section.

The minimum amount of #habitat preservation area# as a percentage of a #plan review site# is set forth in the Table in this Section. For sites that have at least 10,000 square feet of #habitat area#, as determined pursuant to this Section, but less than the minimum required #habitat preservation area# pursuant to the Table in this Section, the portion of the site containing #habitat area# shall not be reduced below the amount existing at the time of application except pursuant to Section 143-441 (Modification of habitat preservation area standards).

Table I of this Section shall apply according to the predominant proposed #use# of the entire #plan review site#. For the purposes of applying the provisions of Section 143-40, inclusive, the greatest proportion of #floor area# allocated to a #use# described in Table I shall be defined as predominantly containing such #use#.

**HABITAT PRESERVATION AREA REQUIREMENTS**

	Predominant proposed #use#	
	#Residential#	#Community Facility#
#Habitat preservation area# minimum percent of #plan review site#	25 percent	35 percent
Reduced #habitat preservation area# percent of #plan review site# when amenity is provided	20 percent: recreation	None

Where a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, determines #designated

aquatic resources# to be on such #plan review site#, the #habitat preservation area# shall be the greater of the requirement as set forth in the table, or the size of such #designated aquatic resource# and #buffer areas#, except as otherwise determined by the Commission.

For #plan review sites# required to provide waterfront public access areas pursuant to the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), the minimum #habitat preservation area# shall be reduced to 20 percent and the provisions of Section 143-412 (Amenities allowed in connection with reduced habitat preservation area) shall not apply.

The regulations allowing the reduction of #habitat preservation area# in connection with the provision of amenities are set forth in Section 143-412. Provision of such amenities shall allow the reduction of the required percentage of #habitat preservation area# to an amount no less than the percentage shown in the Table, and subject to the requirements and limitations of Section 143-412.

The #habitat preservation area# shall be shown on a proposed site plan. Such areas established on the site plan shall not be modified except by subsequent application of a special permit pursuant to Section 143-442 (Special permit for modification of habitat preservation area).

#Habitat preservation areas# on a #zoning lot# shall be considered #lot area# for the purposes of the applicable regulations on #floor area ratio#, #open space#, #lot coverage#, #hard surface area#, #lot area# or density, unless otherwise specified by the provisions of this Chapter.

#Habitat preservation areas# not fronting on a #street# shall be delineated from adjacent areas by a boundary marker acceptable to the City Planning Commission.

#Habitat preservation areas# may include the following permitted obstructions:

- (1) Unpaved footpaths
- (2) Unpaved sitting areas, not exceeding 100 square feet
- (3) Light fixtures
- (4) Boundary marker such as a split rail fence used to delineate the boundaries of the #habitat preservation area#

#### **143-412 Amenities allowed in connection with reduced habitat preservation area**

For #plan review sites# that are either predominantly #residential#, #commercial# or #manufacturing#, the required #habitat preservation area# may be reduced provided that a portion of the site is set aside and improved pursuant to the standards of this Section.

For #plan review sites# that are predominantly #residential#, for each percent of the #plan review site# set aside for recreational purposes, the required #habitat preservation area# may be reduced by one percent, to no less than 20 percent of the #plan review site#, provided that:

- (a) the recreational area shall be accessible to the public, or to the owners, occupants, employees, customers, residents or visitors of the #use# to which such space is #accessory#, except that such recreational area may be closed to the public where it serves the residents of four or more #dwelling units#. Such conditions, as applicable, shall be noted on the certificate of occupancy of all #buildings# on the #zoning lot#;
- (b) the recreational area shall be open to the sky except for #accessory buildings# covering not more than 20 percent of the recreation area, and may include active recreation areas, such as swimming pools, ball fields or courts, or facilities and equipment normally found in playgrounds, or passive areas, such as picnic areas or other sitting areas, and shall comply with the #use# regulations of the underlying district;
- (c) the recreational area shall consist of a minimum of 5,000 square feet;
- (d) a minimum of 10,000 square feet of continuous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-41, inclusive;
- (e) the recreational area is adjacent to the remaining #habitat preservation area#; and
- (f) the recreational area is directly accessible from a #street# or #private road#.

#### **143-413 Planting regulations for plan review sites**

The planting requirements set forth in 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement) shall apply as modified by the provisions of this Section.

For the purposes of calculating #tree credits# and #biodiversity points#, #habitat preservation areas# shall be excluded from #lot area# computations.

#### (a) Tree requirement

For all #plan review sites#, paragraph (b) of Section 143-132 (Determining tree requirements) shall not apply. The remaining provisions of Section 143-132 shall apply as follows:

#### (1) For #plan review sites# with a #habitat preservation area#:

For #plan review sites# where a #habitat preservation area# is required, the provisions of this paragraph shall apply.

For #plan review sites# that contain a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply.

For a #plan review site# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# on a #plan review site# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

#### (2) For #plan review sites# without a #habitat preservation area#:

For #plan review sites# where a #habitat preservation area# is not required, the provisions of this paragraph shall apply.

(i) for a #plan review site# that contains a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply to such #plan review site#;

(ii) for a #plan review site# in a Resource Adjacent Area or #area adjacent to aquatic resources# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

(iii) for a #plan review site# in a Base Protection Area that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be one #tree credit# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

#### (b) Biodiversity requirement

The requirements set forth in Section 143-14, inclusive, shall apply, except as modified by the provisions of this paragraph.

For #plan review sites#, except #plan review sites# containing predominately #residential uses#, where a #habitat preservation area# is required, such required area may be counted as #biodiversity points# in accordance with this paragraph. For each 2.5 percent of #lot area# that such #habitat preservation area# occupies, one #biodiversity point# may be counted. Percentages of #lot area# in increments less than 2.5 percent shall not be counted. Where such #habitat preservation area# does not fully satisfy the #biodiversity point# requirement set forth in Section 143-141 (Determining biodiversity requirements), or where a #plan review site# has no required #habitat preservation area#, such remaining #biodiversity points# shall be satisfied through the provision of #landscape elements# in accordance with Section 143-14.

#### **143-414 Open area and lot coverage requirements for community facilities**

For #plan review sites# containing predominantly #community facility uses#, the provisions of this Section shall apply.

#### (a) Required open areas

A minimum of 15 percent of the #plan review site# shall be open area. Such open area shall not include #habitat preservation area#, or any required planted area pursuant to the provisions of paragraph (b) of Section 143-413 (Planting

regulations for plan review sites). Required open areas may not include #buildings#, parking areas, driveways or #private roads#, paved walkways or other # hard surface areas#. Open areas may include passive recreation areas or active recreation areas, except that active recreation areas that are #hard surface areas# shall not be counted towards the total required open area. However, such active recreation areas surfaced with artificial turf may be included in calculations of required open area, up to a maximum of 10 percent of the #plan review site#.

If, at the time of application, a #plan review site# has less than 15 percent open area, the percentage of the site containing open area shall not be reduced below the amount existing at the time of application.

Open areas provided pursuant to this Section shall be designated on a site plan. Such open areas shall not be modified except by subsequent authorization by the City Planning Commission pursuant to Section 143-42 (Authorization for Plan Review Sites).

However, #plan review sites# containing only the following #community facility uses# shall be exempt from the requirements of this paragraph:

Ambulatory diagnostic or treatment health care facilities

Houses of worship

Non-profit or voluntary hospitals and related facilities, except animal hospitals

Proprietary hospitals and related facilities, except animal hospitals

(b) #Lot coverage#

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include portions of #buildings# or #accessory buildings# permitted pursuant to Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). All #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

#Lot coverage# shall be limited to a maximum of 25 percent, except that sites that are in Base Protection Areas and that do not contain #habitat preservation areas# shall have a maximum #lot coverage# of 35 percent.

### 143-415

#### Requirements for private roads

In Resource Adjacent Areas and #areas adjacent to aquatic resources#, the provisions of this Section shall apply to #private roads# authorized by the City Planning Commission and that provide access to #buildings developed# after [date of adoption]. #Private roads# previously approved by the Commission or constructed as-of-right shall continue to be governed under the regulations applicable at the time of approval. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply, and the provisions of Sections 26-31 through 26-34 shall apply for #private roads# in #lower density growth management areas#. #Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including, but not limited to curbs and curb drops, street lighting, signage, and crosswalks. In addition to the Department of Transportation standards, the design of the #private road shall comply with the following requirements:

- (a) The maximum grade of a #private road# shall not exceed 10 percent;
- (b) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the outer edge of the sidewalk;
- (c) The paved width of a #private road# shall not exceed 34 feet, except the paved width of a #private road# shall not exceed 30 feet in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (d) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;
- (e) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;

- (f) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;
- (g) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;
- (h) Along the entire length of each side of a #private road#, trees of at least three inch #caliper# shall be provided and maintained at the rate of one tree for every 25 feet of #private road#;
- (i) Section 26-31 (Yards) shall apply, except that the curb of the #private road# shall be considered to be the #street line#; and
- (j) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (c) of this Section.

The Commission may, by authorization pursuant to paragraph (a) of Section 143-42 (Authorization for Plan Review Sites) allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

### 143-416

#### Minor enlargements or site alterations on plan review sites

For #plan review sites# that are one acre or larger in size, the following provisions shall apply:

- (a) Minor #enlargements# of existing #buildings# and minor #site alterations# that meet the size thresholds of this paragraph (a) shall be permitted as-of-right by the Department of Buildings, provided that such #enlargement# or #site alteration# complies with all applicable provisions of this Resolution, including the #plan review site# provisions of Section 143-41, inclusive, and:
  - (1) such #enlargement# or #site alteration# is within 15 feet of the exterior of an existing #building#;
  - (2) the total #floor area# of all such minor #enlargements# constructed after [date of adoption] on the #plan review site# shall not exceed 5,000 square feet; and
  - (3) the total area of all such minor #site alterations# constructed after [date of adoption] on the #plan review site# shall not exceed 10,000 square feet.
- (b) #Enlargements# or #site alterations# that meet the size thresholds of paragraph (a) of this Section are not subject to the provisions of Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

### 143-417

#### Site planning requirements

#Developments# and portions of #buildings# that are #enlarged# and result in an increase in #lot coverage# shall comply with the provisions of this Section. The City Planning Commission may modify the requirements of this Section pursuant to Section 143-42 (Authorization for Plan Review Sites)

- (a) At least 50 percent of the #street walls# of #buildings# containing Use Groups 6 and 10 shall be within 20 feet of the #street line#. The provisions of Section 37-34 (Minimum Transparency Requirements) shall apply to the portion of such #buildings# within 20 feet of the #street line#.
- (b) Loading areas shall not be located between the #street wall# of a #building# and its prolongations and the #street#.

For #zoning lots# with frontage on more than one #street#, the provisions of this Section shall apply along only one frontage.

### 143-42

#### Authorization for Plan Review Sites

For #plan review sites#, the City Planning Commission may authorize a #development#, #enlargement#, #site alteration#, the subdivision of a #zoning lot#, or the construction, widening, or extension of a #private road# pursuant to the conditions and findings of this Section. The Commission may also authorize modifications to certain requirements set forth in Section 143-41 (General Provisions) as provided in paragraph (a) of this Section, and may authorize modifications to the provisions of Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA) as provided in paragraph (b).

- (a) Modifications

In order to facilitate the protection of natural features, the Commission may authorize modifications pursuant to the following provisions, provided that such modifications facilitate the goals of the #Special Natural Resources District# and facilitate a proposal that better achieves the findings of paragraph (d) of this Section:

(1) #Private roads# and driveways

The Commission may modify the requirements for #private roads# as set forth in Section 143-415 (Requirements for private roads) as well as Section 143-121 (Grading standards) to facilitate appropriate #private roads# or driveways. The Commission may also modify the requirements of Sections 143-31 (Parking Modifications for the Protection of Natural Features), 25-621 (Location of parking spaces in certain districts), 25-631 (Location and width of curb cuts in certain districts) and 25-635 (Maximum driveway grade).

(2) Parking areas

The Commission may modify parking lot landscaping and maneuverability requirements, provided such modifications preserve significant natural features or #habitat preservation areas# or, for existing parking lots, such modifications are proportionate to the enlarged or reconfigured portions of such parking lots.

(3) Site planning requirements

The Commission may modify the requirements of Section 143-417 (Site planning requirements), provided that the Commission shall find that the proposed configuration and design of #buildings#, including any associated structures and open areas, will result in a site plan in which such #buildings# and open areas will relate harmoniously with one another and with #buildings# and open areas on nearby #zoning lots#, the #street# and the surrounding area.

(4) Tree and planting requirements

The Commission may modify the requirements of Sections 143-13 (Tree Regulations), 143-14 (Biodiversity Requirement) and 143-413 (Planting regulations for plan review sites) for #plan review sites# occupied entirely by cemeteries, provided that the Commission shall find that such modification is the minimum necessary to accommodate an existing #use#, and that any expansion of such #use# complies with the requirements of such Sections in relation to the portion of the #plan review site# into which the expansion is proposed.

In addition, for all #uses#, where only a portion of a #plan review site# is affected by a proposed #development#, #enlargement# or #site alteration#, the Commission may modify the requirements of Sections 143-13, 143-14 and 143-413 to apply planting requirements to portions of a #plan review site# in which #development#, #enlargement# or #site alteration# is proposed, provided that such portion is no less than one acre in size.

(5) #Designated aquatic resources# and #buffer areas#

The Commission may modify the provisions of Section 143-15 (Aquatic Resource Protections) and 143-144 (Planting requirements for buffer areas adjacent to designated aquatic resources), provided that, in addition to the findings of paragraph (d), the Commission shall find that the proposed site plan preserves #designated aquatic features# and #buffer areas# to the greatest extent feasible and, where applicable, such modification is consistent with standards and policies of the New York State Department of Environmental Conservation.

(6) Topography and retaining walls

The Commission may modify the provisions of Sections 143-121 (Grading standards) and 143-122 (Retaining wall standards), provided that such modifications are necessary to preserve significant natural features or #habitat preservation area# and that such modifications will not impair the character of the surrounding area.

(b) Modifications for waterfront lots subject to #habitat preservation area# requirements

In order to balance the protection of natural features with waterfront public access requirements, the Commission may modify the following provisions, provided that such modifications facilitate an application that better achieves the findings of paragraph (d) of this Section.

Defined terms in this Section shall include terms as defined in Section 62-11.

(1) #Shore public walkway#

Where the required #habitat preservation area# is located within or adjacent to a #shore public walkway#, the Commission may modify the following provisions:

(i) Section 62-53 (Requirements for Shore Public Walkways) may be modified so a #shore public walkway# is reduced to any width not less than 15 feet.

(ii) Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be modified so that a circulation path with a minimum clear width of eight feet shall be permitted.

(2) #Supplemental public access area#

Where the required #habitat preservation area# is located within or adjacent to a #supplemental public access area#, the Commission may modify the following provisions:

(i) #Habitat preservation areas# may be provided in lieu of the planting requirements of paragraph (c) of Section 62-62.

(ii) #Habitat preservation areas# may be used to satisfy the location and area requirements of Section 62-57 (Requirements for Supplemental Public Access Areas).

(3) #Upland connection#

#Habitat preservation areas# within or adjacent to an #upland connection# may be provided in lieu of the requirements of Sections 62-56 (Requirements for Upland Connections) and 62-64 (Design Requirements for Upland Connections), provided that:

(i) for Type 1 #upland connections#, a minimum clear path of five feet to allow public access shall be required within an #upland connection# located within or adjacent to #habitat preservation areas#;

(ii) for Type 2 #upland connections#, a minimum clear path of five feet to allow public access shall be required on one side of the roadbed with a continuous tree pit four feet in width within an #upland connection# located within or adjacent to #habitat preservation areas#; and

(iii) at least six linear feet of seating shall be required for every 100 feet of #upland connection#.

(c) Conditions

The following conditions shall apply:

(1) For #plan review sites# subject to Section 143-411 (Habitat preservation area standards), the Commission shall establish #habitat preservation areas# that satisfy the minimum area required by Section 143-411 or, where the #habitat area# does not cover the minimum required portion of the site, the Commission shall establish #habitat preservation areas# for all of the #habitat area# of the site that meets the dimensional requirements of Section 143-411.

The applicant shall provide a maintenance plan acceptable to the Commission for such #habitat preservation areas#, establishing maintenance for such areas in perpetuity by the applicant and his or her successors. Such #habitat preservation areas# shall be shown on a site plan and referenced in a Restrictive Declaration. After construction on a #plan review site# has commenced and approved plans are vested, any future changes to

the boundaries of the #habitat preservation area# may be permitted only by special permit of the Commission pursuant to Section 143-442 (Special permit for modification of habitat preservation area).

- (2) For #plan review sites# subject to previous approvals by the Commission pursuant to this Section, or pursuant to previous Special District regulations, the applicant shall document successful management and maintenance of #habitat preservation areas# or #areas of no disturbance#, where applicable, or other natural features indicated on the previously approved site plan.
- (3) For #plan review sites# with significant natural features to be preserved pursuant to paragraph (d)(1) of this Section, such areas shall be shown on a site plan as #areas of no disturbance# and referenced in a Notice of Restrictions or a Restrictive Declaration.
- (4) For #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, a Restrictive Declaration shall be executed, setting forth provisions for the construction, maintenance and operation of such #private roads# or other common access. Such declaration shall require that adequate security be provided to ensure that the #private roads# or other common access are properly maintained and operated in accordance with the declaration.
- (5) A Notice of Restrictions or a Restrictive Declaration, approved by the Commission, shall be recorded against the tax lots comprising the property subject to the provisions of this Section, in the Office of the City Register. Such notice or declaration shall be binding on the owners, successors, and assigns. A certified copy of the recorded notice or declaration shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a precondition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the site. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy.

(d) In order to authorize the proposed action, the Commission shall find that:

- (1) the most significant natural features throughout the site have been identified and protected, where feasible, including the following, as applicable:
  - (i) Botanic features such as large specimen trees and rare plant communities;
  - (ii) Topographic and geological features such as steep slopes and rock outcrops;
  - (iii) Aquatic features such as wetlands, streams, and natural drainage patterns;
- (2) the #habitat preservation area#, where required pursuant to Section 143-411:
  - (i) is of high ecological value, or is proposed to be restored or improved through the removal of #invasive species# or the planting of native species to achieve a high ecological value;
  - (ii) is arranged to minimize edge habitat and maximize core habitat, including, where feasible, connecting to other contiguous or nearby habitat off-site and, if divided into portions, each portion is no less than 10,000 square feet;
  - (iii) where feasible, is located on the site where it is visible to the residents, occupants or visitors to the site, thereby enhancing the site and encouraging the enjoyment and maintenance of the preserved area;
  - (iv) where feasible, is located so that it includes some of the most significant natural features on the site referred to in

paragraph (d)(1) of this Section within the boundaries of the #habitat preservation area#;

- (3) the optional amenity area, where provided pursuant to Section 143-412 (Amenities allowed in connection with reduced habitat preservation area), is well designed and appropriately located;
- (4) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads# and #accessory# off-street parking and loading areas:
  - (i) is well designed;
  - (ii) minimizes disturbance of significant natural features;
  - (iii) minimizes curb cuts on major #streets#;
  - (iv) is integrated wherever feasible with the network of surrounding #streets# and #private roads#;
  - (v) for #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, such common access or #private roads# will be suitably maintained; and
  - (vi) the proposed #street# or #private road# system is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (5) the subdivision of the site, where applicable, will result in an appropriate layout of #zoning lots# and #blocks#, and the subdivision as a whole meets all of the other findings of this Section; and
- (6) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

For subdivisions resulting only in #single-# and #two-family residences#, the Commission shall establish the location of #lot lines# and, where applicable, the location of #habitat preservation area#, #areas of no disturbance# and #private roads#. For such subdivisions, the Commission may request additional information regarding proposed or feasible #building# locations, driveways, pathways and other #hard surface areas#, and the location of preserved or newly planted trees and #landscape elements#; all of which will be subject to Department of Buildings approval for such features at the time of #development#, #enlargement# or #site alteration# according to the provisions of this Chapter and the Zoning Resolution as a whole.

**143-43  
Development Plan**

**143-431  
Establishment of a development plan**

The City Planning Commission may authorize the establishment of a long-term development plan, which provides for predictable development of a #plan review site# through phased construction over an extended period of time. The plan shall be reviewed pursuant to the conditions and findings of Section 143-42 (Authorization for Plan Review Sites). However, in addition to considering specific proposed #buildings# and other improvements, the Commission shall also consider proposed #developments#, #enlargements# or #site alterations# that would be implemented as part of a phased construction plan. Pursuant to the provisions of this Section, two types of areas may also be shown within the plan: preliminary plan sites and conceptual plan sites.

- (a) Preliminary plan sites shall have an area no larger than 1.5 times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each preliminary plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:
  - (1) proposed #uses#, including proposed #floor area# for each #use#;
  - (2) proposed #lot coverage#, including proposed #building# location and #primary entrance#;
  - (3) proposed #building# height;
  - (4) elevation of proposed #building# facades;

- (5) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;
- (6) landscaping, planting and walkways and other paved surfaces related to the proposed #development# or #enlargement#;

Preliminary plan sites shall be indicated on the plan as such, and may later be developed pursuant to the certification in Section 143-432 (Certification for preliminary plan site).

- (b) Conceptual plan sites shall have an area no larger than three times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each conceptual plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:
- (1) proposed #uses#, including proposed #floor area# for each #use#;
- (2) proposed #lot coverage#;
- (3) proposed #building# height;
- (4) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;

Conceptual plan sites shall be indicated on the plan as such, and may later be developed pursuant to the authorization renewal in Section 143-433 (Renewal authorization for conceptual plan site).

Preliminary plan sites and conceptual plan sites may be developed at any time in the future, including such cases where the boundary of #plan review site# is modified, and conceptual plan sites shall not be subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), except after granted an authorization pursuant to Section 143-433.

Within areas of the #plan review site# not designated as proposed construction, preliminary plan sites or conceptual plan sites, no #development#, #enlargement# or #site alteration# shall be permitted except by subsequent authorization pursuant to this Section, except as provided in Sections 143-416 (Minor enlargements or site alterations on plan review sites) or 143-42.

#### **143-432 Certification for preliminary plan site**

For #plan review sites# that have received approval from the City Planning Commission pursuant to Section 143-431 (Establishment of a development plan), where such approval included preliminary plan sites within a specified area on the approved site plan, the Chairperson of the City Planning Commission shall certify to the Commissioner of Buildings that:

- (a) the proposed #use# is the same as shown in the high definition plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than in the plans contained in the application materials of the approved development plan;
- (b) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan, the location of the proposed #development# or #enlargement# is no more than 30 feet from the location shown on the plans contained in the application materials of the approved development plan, and the location of the #primary entrance# is similar to as shown in such materials and plan;
- (c) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (d) the elevation of the proposed #development# or #enlargement# is generally the same as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed parking areas, including number of parking spaces, are generally the same or have fewer parking areas than as shown on the plans contained in the application materials of the approved development plan, and proposed driveways, #private roads# and #streets# are generally the same as shown on the plans contained in the application materials of the approved development plan;
- (f) the landscaping, planting, and arrangement of paved walkways and other paved surfaces relating to the proposed #development# or #enlargement# is similar and the amount

of landscaped area is not less than as shown in the plans contained in the application materials of the approved development plan; and

- (g) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

#### **143-433 Renewal authorization for conceptual plan site**

For #plan review sites# that have received approval by the City Planning Commission pursuant to Section 143-431 (Establishment of a development plan), where such approval included designated conceptual plan sites within a specified area on the approved site plan, an authorization renewal must be obtained from the City Planning Commission prior to pursuing the #development#, #enlargement# or #site alteration# within such conceptual plan site, provided that the Commission shall find that:

- (a) the proposed configuration of #buildings#, including any associated structures and open areas, is consistent with the intent of the findings of Section 143-431;
- (b) the proposed #use# is the same or similar to that shown in the plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than the plans contained in the application materials of the approved development plan;
- (c) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan;
- (d) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads#, #accessory# off-street parking and loading areas, is consistent with the intent of the findings of Section 143-431, minimizes curb cuts on major #streets#, and is integrated wherever feasible with the network of surrounding #streets# and #private roads#; and
- (f) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition the authorization renewal upon compliance with an approved landscaping plan.

#### **143-44 Habitat Preservation Area**

##### **143-441 Modification of habitat preservation area standards**

The City Planning Commission, may, by authorization, modify the #habitat preservation area# standards of Section 143-411 (Habitat preservation area standards) as set forth in paragraph (a) of this Section, provided that the findings of paragraph (b) of this Section are met.

- (a) Modifications
- The Commission may modify the #habitat preservation area# standards of Section 143-411 as follows:
- (1) The Commission may allow areas less than 10,000 square feet of contiguous #habitat area# to be included within the #habitat preservation area#, provided that at least one area within the #plan review site# has at least 10,000 square feet of contiguous #habitat area#, and provided that the total area included within the #habitat preservation area# meets the requirements of Section 143-411.
- (2) Where the existing percentage of #habitat area# is less than the required #habitat preservation area# pursuant to Section 143-411, or when providing access to a #plan review site# would result in a reduction below such required percentage, the Commission may allow a reduction of the #habitat preservation area# below the required percentage in order to permit vehicular or pedestrian access, or to permit utility access, through such area to a portion of the site that does not include #habitat preservation area#, provided that there is no

feasible alternative location for such access, and that an area of equivalent size, in square footage, is planted with native species that support existing adjacent undisturbed plant communities, as identified in the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, and such planted area is designated as a newly created #habitat preservation area# on the site plans.

- (b) In order to grant such authorization, the Commission shall find that the modification:
- (1) results in a #habitat preservation area# that includes some of the most significant natural features on the site, prioritizing areas of higher ecological value; and
  - (2) is the minimum required to achieve the intended purpose.

#### 143-442

##### Special permit for modification of habitat preservation area

The City Planning Commission, may, by special permit, allow the modification of the boundaries of a #habitat preservation area# previously established by authorization pursuant to Section 143-42 (Authorization for Plan Review Sites). In order to grant such special permit, the Commission shall find that:

- (a) unforeseen physical circumstances relating to the continued #use# and maintenance of the site require the modification of the boundaries of the #habitat preservation area#;
- (b) the boundary modification has been mitigated by the establishment of a replacement area of a size equal to the area removed from the #habitat preservation area#, consisting of native plants selected to support existing adjacent undisturbed plant communities as identified in the #Special Natural Resources District# site assessment protocol, found on the website of the Department of City Planning, which replacement area has been included within the #habitat preservation area# on a revised site plan, resulting in a total #habitat preservation area# that is not less than the area previously approved; or, where this mitigation is not feasible; the enhancement of the ecological value and performance of the remaining #habitat preservation area# in a manner that reserves the ecological function of the site within a regional context, including but not limited to planting native plants selected to support existing adjacent undisturbed plant communities or removal of #invasive species#; and
- (c) the boundary modification is the minimum required to achieve the intended purpose.

The Commission may also permit the modification or removal of natural features within a #habitat preservation area# previously established by authorization pursuant to Section 143-42 in order to facilitate a temporary disturbance within the #habitat preservation area# that will subsequently be restored to a natural state. For such modification, only findings (a) and (c) of this Section shall apply.

#### 143-443

##### Natural area dedicated for public use

Where an area containing significant natural features that are determined to have qualities of recreational, cultural or educational value to the public is dedicated to the City or its designee, without any cost to the City, the City Planning Commission may authorize, where appropriate, the dedicated area to be included within the #plan review site# for the purposes of #bulk# computation. The Commission, in order to grant such authorization, shall apply the findings of Section 143-42 (Authorization for Plan Review Sites). In addition, the Commission shall find that such area is directly accessible to the public from a public right-of-way and that such area shall be established for the use and enjoyment of the public.

The City Planning Commission may prescribe additional conditions and safeguards to ensure public access to the site and to minimize any adverse effects of #bulk# redistribution within the site on the surrounding area.

#### 143-45

##### Residential Sites

The provisions of this Section, inclusive, shall apply only to #plan review sites# that:

- (a) are proposed for predominantly #residential use#, as provided in Section 143-411 (Habitat preservation area standards); and
- (b) contain at least 10,000 square feet of #habitat preservation area# on a #plan review site# of one or more acres.

In no event shall the number of #dwelling units# permitted by the City Planning Commission pursuant to this Section, inclusive, exceed the number that would be permitted if the entire #plan review site#, including the #habitat preservation area#, were to be developed pursuant to the regulations of this Chapter without modification pursuant to this Section, inclusive. The applicant shall provide a site plan demonstrating the maximum number of #dwelling units# that would be permitted, without the requested modifications, for the purposes of determining compliance with this provision.

#### 143-451

##### Modification of permitted residential building types

The City Planning Commission may authorize, in R2 Districts, #semi-detached single-family residences#. The Commission may also modify the provisions of Article II, Chapter 2 to authorize, in R2 Districts, a #two-family detached residence# designed to give the appearance of two #single-family semi-detached residences#.

As a condition for granting such authorization, the #aggregate width of street walls# of a #building# containing #residences#, or a number of such #buildings# separated by party walls, shall not exceed 100 feet for each such #building# or #abutting buildings#.

In order to grant such authorization, the Commission shall find that:

- (a) the modifications allow a more compact development pattern, which allows for greater preservation of significant natural features and #habitat preservation area#;
- (b) the change of housing type constitutes the most effective method of concentrating development and preserving the natural features of the site;
- (c) for such concentration of development, standards of privacy and usable open areas can be and are achieved under the proposed site plan that are equal to those found with housing types in the absence of these modifications;
- (d) the existing topography and vegetation, as well as the proposed planting, effectively screen all #attached residences# from the #street line# of the #zoning lot# existing at the time of application, or that such #attached residences# are located more than 100 feet from such #street line#;
- (e) such modification is the least modification required to achieve the purpose for which it is granted; and
- (f) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

#### 143-452

##### Modification of bulk regulations for residential sites

The City Planning Commission may authorize the modification of the following #bulk# regulations in order to allow arrangements of #buildings#, driveways, #private roads# or required parking areas so as to preserve natural features on the site, provided that the findings of paragraph (c) of this Section are met.

- (a) The Commission may modify:
  - (1) minimum #lot area# and #lot width# required pursuant to Sections 23-30 (LOT AREA AND LOT WIDTH REGULATIONS) and 143-23 (Minimum Lot Area for Zoning Lots Containing Designated Aquatic Resources), except that such modification shall not be permitted within R1 Districts and provided that:
    - (i) in R2 Districts, minimum #lot area# may be modified to no less than 3,325 square feet, and minimum #lot width# to no less than 35 feet;
    - (ii) for any individual #zoning lot# this modification shall not be combined with the modification of #front yards# pursuant to paragraph (a)(2) of this Section, or with the modification of height and setback requirements pursuant to paragraph (a)(3);
  - (2) #yard# regulations, provided that:
    - (i) #rear yard# or #side yard# modifications shall not be authorized on the periphery of the #plan review site# unless acceptable agreements are jointly submitted for development of two or more adjacent properties by the owners thereof, incorporating the proposed #yard#

- modifications along their common #lot lines#;
- (ii) #front yards# may be reduced to a minimum of 10 feet, provided that such reductions shall not be combined with #rear yard# or #side yard# reductions, #lot area# or lot width# modifications pursuant to paragraph (a) (1) of this Section or height and setback modifications for the same #zoning lot#;
  - (iii) #side yards# may each be reduced to a minimum of four feet, and in addition:
    - (a) a minimum of eight feet shall be required between #buildings#; and
    - (b) #side yard# reductions shall not be combined on the same #zoning lot# with modifications by the Commission to #front yards# or to height and setback provisions; and
  - (iv) #rear yards# may be reduced to a minimum depth of 20 feet, provided that such reductions shall not be combined with #front yard# reductions for the same #zoning lot#.
- (3) height and setback regulations, provided that:
- (i) such modifications shall not exceed five feet in height within 100 feet of any #street line# on the periphery of the #plan review site#;
  - (ii) in addition to the findings in paragraph (c) of this Section, the Commission shall find that by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of natural features will be achieved, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
  - (iii) such height and setback modifications shall not be combined on the same #zoning lot# with #lot area# or #lot width# modifications pursuant to paragraph (a)(1) of this Section, or #front# or #side yard# modifications pursuant to paragraph (a)(2);
- (4) #court# regulations;
  - (5) required space between #buildings# on the same #zoning lot# pursuant to Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case less than eight feet between #buildings#, where each #building# faces the same #street# or #private road#;
  - (6) open areas pursuant to the provisions of Sections 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) and 23-891 (In R1 through R5 Districts); and
  - (7) location of parking, driveways or curb cuts regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-631 (Location and width of curb cuts in certain districts) and 143-31 (Parking Modifications for the Protection of Natural Features).

The following chart summarizes which #bulk# modifications may not be combined with other #bulk# modifications pursuant to the provisions of this paragraph (a).

TABLE OF BULK MODIFICATIONS\*

	Lot Area and Lot Width (para. 1)	Front Yard (para. 2)	Rear Yard (para. 2)	Side Yard (para. 2)	Height (para. 3)
Lot Area and Lot Width (para. 1)	--	X			X
Front Yard (para. 2)	X	--	X	X	X
Rear Yard (para. 2)		X	--		
Side Yard (para. 2)		X		--	X
Height (para. 3)	X	X		X	--

\* (X) represents where a specified #bulk# modification shall not be combined with another specified modification

- (b) The Commission may also authorize the total #floor area#, #open space#, #lot coverage#, #hard surface area# or #dwelling units# permitted by the applicable district regulations to be distributed without regard for #zoning lot lines# among all #zoning lots# within a #plan review site#, provided that:
  - (1) for portions of the #plan review site# that are within Resource Adjacent Areas or #areas adjacent to aquatic resources#, the #lot coverage# shall not exceed 15 percent, and the #hard surface area# shall not exceed 45 percent;
  - (2) the maximum permitted #lot coverage# and #hard surface area# for each individual #zoning lot# shall not exceed:
    - (i) in R1 Districts, 35 percent and 70 percent respectively;
    - (ii) in R2 Districts, 45 percent and 75 percent respectively; and
    - (iii) in R1 and R2 Districts, for individual #zoning lots# where disturbance of #area of existing slope# within such #zoning lot# results in a maximum #lot coverage# of 20 percent or less and a corresponding maximum #hard surface area# of 50 percent or less pursuant to the provisions of Sections 143-32 (Lot Coverage) and 143-33 (Hard Surface Area), the distribution of #lot coverage# and #hard surface area# within the #plan review site# shall not exceed the more restrictive standard within such #zoning lot#.
- (c) Findings
 

In order to grant such modifications, the Commission shall find that:

  - (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of significant natural features and #habitat preservation area#;
  - (2) for such concentration of development, standards of privacy and usable open areas are achieved under the proposed site plan that are equal to that found with housing developments absent these modifications;
  - (3) the siting of #buildings# will not adversely affect adjacent properties or #residences# within the #plan review site# by impairing privacy or access of light and air;
  - (4) such modification is the least modification required to achieve the purpose for which it is granted;
  - (5) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-46  
Modification of Bulk Regulations for Certain Community Facilities**

The provisions of this Section shall be applicable to #plan review sites# proposed for predominantly #community facility use#.

- (a) For such sites, the City Planning Commission may authorize the distribution of #floor area#, #hard surface area# and #lot coverage# permitted by the applicable regulations for all #zoning lots# within the #plan review site# to be distributed without regard for #zoning lot lines#. In addition, the Commission may authorize:
  - (1) modification of the maximum #lot coverage# provided by Section 143-414 (Open area and lot coverage requirements for community facilities);
  - (2) modification of the minimum open area required pursuant to Section 143-414; and
  - (3) where applicable, modification of the minimum #habitat preservation area# required from 35 percent to a minimum of 25 percent.
- (b) In order to grant such authorization, the Commission shall find that:
  - (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of natural features;
  - (2) the siting of #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air;
  - (3) such modification is the least modification required to achieve the purpose for which it is granted; and
  - (4) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-47  
Certification to Permit Tree Removal**

For #plan review sites# located within an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where no #development#, #enlargement# or modification of the location of #hard surface area# is proposed, the Chairperson of the City Planning Commission may permit the removal of trees of six inch #caliper# or greater and may waive the requirement to apply for an authorization pursuant to Section 143-42 (Authorization for Plan Review Sites), provided that the Chairperson shall certify that all trees that are of six inch #caliper# or greater that are proposed to be removed are located in an area that would not qualify as a #habitat area# and are not located within a #designated aquatic resource# or applicable #buffer area# including, but not limited to, the following examples:

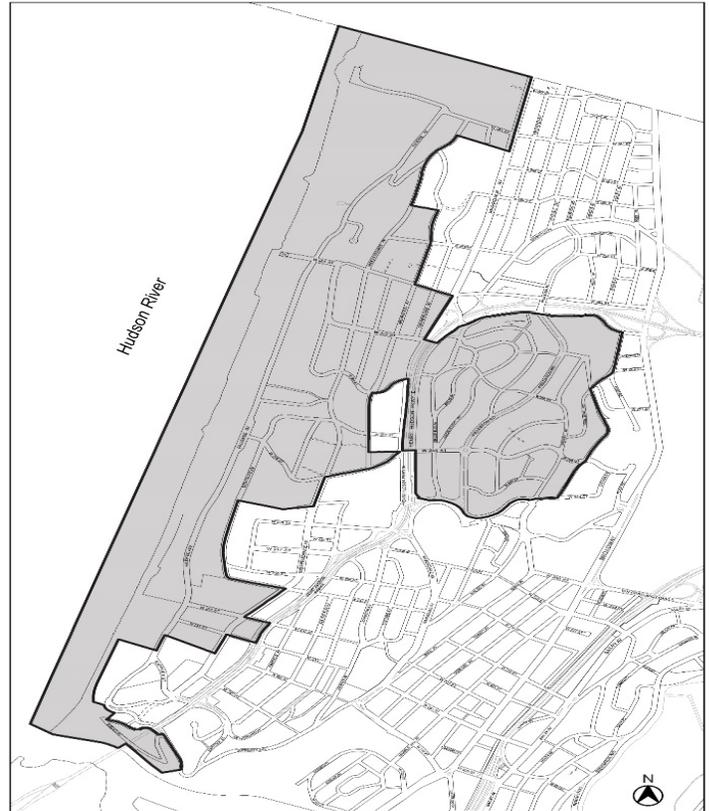
- (a) the tree is located in an area such as a parking lot, surrounded by #hard surface area#; or
- (b) the tree is located in an area surrounded by maintained lawn.

The Chairperson may request reports from an #environmental professional# in considering such waiver.

All provisions of Section 143-13 (Tree Regulations) shall apply to such #plan review site#.

**Appendix A. Special Natural Resources District**

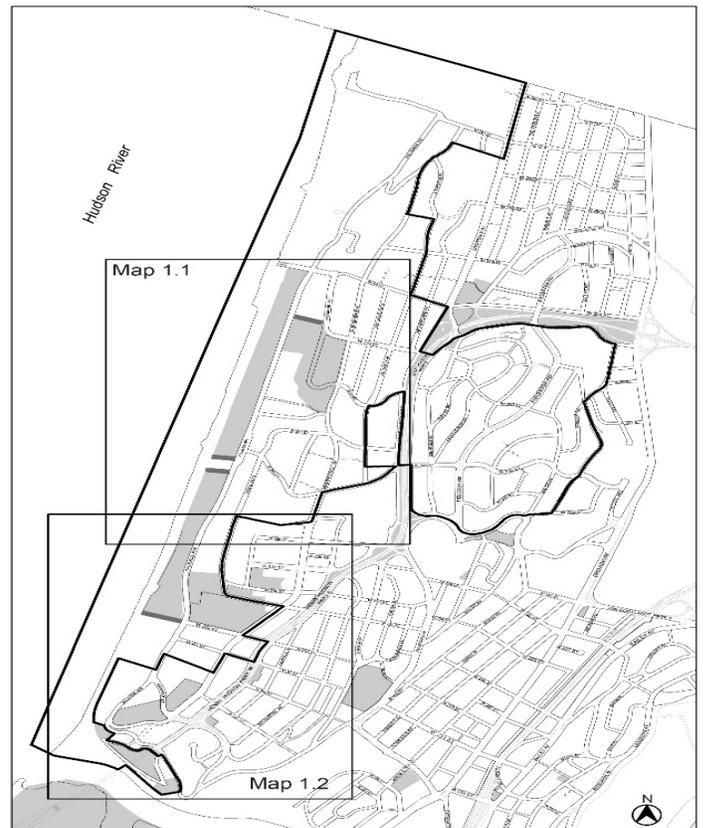
Map 1 (date of adoption)



Special Natural Resources District

**Appendix B. Resource Adjacent Areas**

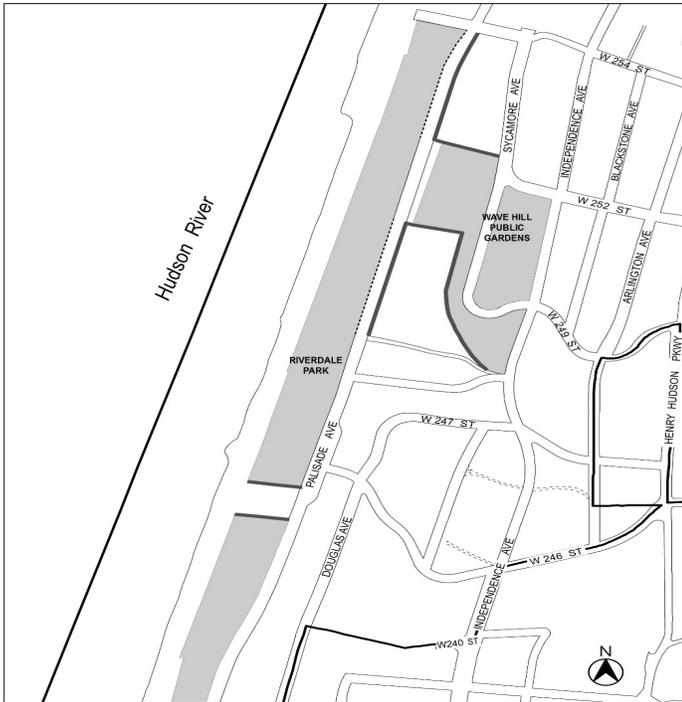
Map 1 (date of adoption)



-  Special Natural Resources District
-  Public land containing habitat
-  Resource Adjacent Area boundary  
(For further reference regarding the boundaries shown on the text maps in this Appendix, go to <http://arog.is/1LPGaL>)

Appendix B.

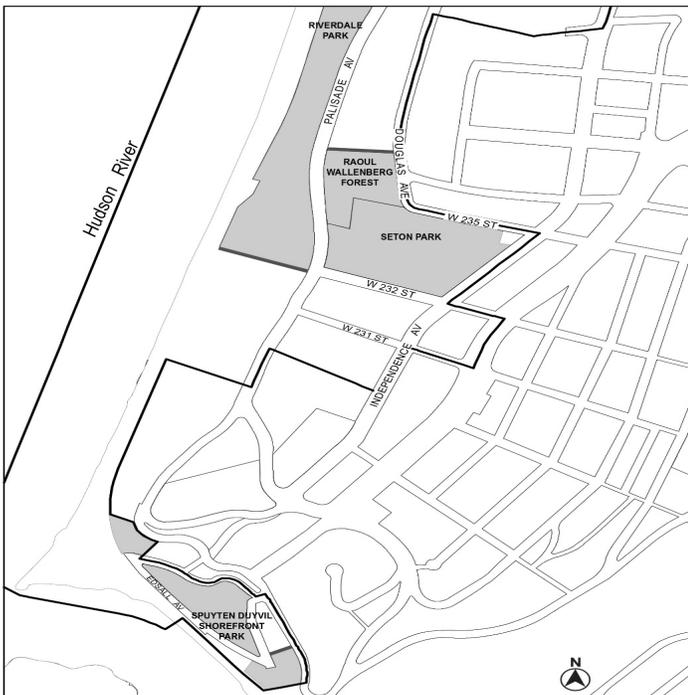
Map 1.1 (date of adoption)



-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street

Appendix B.

Map 1.2 (date of adoption)



-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary

\* \* \*

**APPENDIX B  
INDEX OF SPECIAL PURPOSE DISTRICTS**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
* * *	* * *	* * *	* * *	* * *	* * *
Natural Area District-1 (NA-1)	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272 ZRY	11/9/77	12/1/77
Natural Area District-4 (NA-4)	105-00	7d 11c	821255 ZRQ	3/23/83	4/28/83
Natural Resources District (NR)	143-00	1a 1b 1c 1d	190430 ZRY	[date of CPC adoption]	[date of City Council adoption]
Ocean Parkway District (OP)	113-00	5d 6b 8c 9a	23284	12/22/76	1/20/77
* * *	* * *	* * *	* * *	* * *	* * *

**APPENDIX B  
INDEX OF SPECIAL PURPOSE DISTRICTS - ELIMINATED OR REPLACED**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
* * *	* * *	* * *	* * *	* * *	* * *
Mixed Use District-3 (MX-3) Eliminated and replaced by West Chelsea District	123-00	12c	990001 ZRX	2/17/99	3/30/99
Natural Area District-2 (NA-2) Eliminated and replaced by Special Natural Resources District	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
New York City Convention and Exhibition Center Development District (CC) Eliminated 2/22/90, 900053 ZRM	93-00	8a 8c	22264	3/29/73	5/24/73
* * *	* * *	* * *	* * *	* * *	* * *

\* \* \*  
**NOTICE**

On Wednesday, August 14, 2019, in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY 10271, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by the New York City Department of City Planning (DCP). The Proposed Actions consist of zoning map and text amendments to the Zoning Resolution (ZR) to modify existing special district regulations and establish a Special Natural Resources District (SNRD). The original Proposed Actions apply to the Riverdale-Fieldston neighborhood in the Bronx, Community District 8 and neighborhoods throughout Community Districts 1, 2 and 3 in Staten Island.

At the public hearing, the City Planning Commission will also consider a modification to the zoning text amendment, as proposed by DCP (ULURP No. N 190430 (A) ZRY). This modified text amendment applies to the Riverdale-Fieldston neighborhood in the Bronx only. Written

comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, August 26, 2019.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 19DCP083Y.

YVETTE V. GRUEL, Calendar Officer  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
Telephone (212) 720-3370



gy31-a14

**COMMUNITY BOARDS**

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the following matters have been scheduled for a public hearing by Bronx Community Board 10:

BOROUGH OF BRONX

COMMUNITY BOARD NO. 10 - Tuesday, August 6, 2019, 7:00 P.M.,  
Providence Rest Auditorium, 3304 Waterbury Avenue, Bronx, NY  
10465.

**BSA Application # 2019-7-BZ**

An application to the New York City Board of Standards and Appeals for a Special Permit (Section 73-121), to permit a proposed educational training facility (Fordham University Sailing and Rowing Team), contrary to ZR Section 22-10. R2 zoning district, 3341 Country Club Road, Block 5409, Lot 470, Borough of the Bronx.

gy31-a6

**EMPLOYEES' RETIREMENT SYSTEM**

■ MEETING

Please be advised that the next Special Board Meeting of the Board of Trustees of the New York City Employees' Retirement System, has been scheduled, for Thursday, August 8, 2019, at 9:30 A.M. To be held, at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor, Boardroom, Brooklyn, NY 11201-3751.

a1-7

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

■ MEETING

PUBLIC NOTICE IS HEREBY GIVEN that the Franchise and Concession Review Committee, will hold a public meeting on Wednesday, August 14, 2019, at 2:30 P.M., at 22 Reade Street, Spector Hall, New York, NY 10007.

NOTE: This location is 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 email, at DisabilityAffairs@mocs.nyc.gov or via phone, at (212) 788-0010. Any person requiring reasonable accommodation for the public meeting should contact MOCS, at least three (3) business days in advance of the meeting, to ensure availability.

a5-14

**OFFICE OF LABOR RELATIONS**

■ NOTICE

The New York City Deferred Compensation Plan Board, will hold its next Deferred Compensation Board Hardship meeting, on Tuesday, August 13, 2019, at 2:45 P.M. The meeting will be held, at 22 Cortlandt Street, 28th Floor, Conference Room A, New York, NY 10007.

• a6-13

**LANDMARKS PRESERVATION COMMISSION**

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320), on Tuesday, August 6, 2019, a public hearing, will be held, at 1 Centre Street, 9th Floor, Borough of Manhattan, with respect, to the following properties, and then followed by a public meeting. The final order and estimated times, for each application, will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting, should contact the Landmarks Commission no later than five (5) business days, before the hearing or meeting.

**173 Bergen Street - Boerum Hill Historic District**

LPC-19-38950 - Block 195 - Lot 48 - Zoning:  
CERTIFICATE OF APPROPRIATENESS

A rowhouse, built between 1869-1871. Application is to construct a rear yard addition.

**184 Columbia Heights - Brooklyn Heights Historic District**

LPC-19-40244 - Block 208 - Lot 319 - Zoning: R6  
CERTIFICATE OF APPROPRIATENESS

A Beaux-Arts style apartment house, built c.1920. Application is to legalize the installation of windows, without Landmarks Preservation Commission permit(s), and establish a master plan governing the future installation of windows.

**86 Hancock Street - Bedford Historic District**

LPC-19-34416 - Block 1837 - Lot 26 - Zoning: R6B  
CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style rowhouse, with Egyptian Revival style elements, built c. 1882. Application is to excavate the rear yard, and modify and legalize the replacement of sidewalk paving, without Landmarks Preservation Commission permit(s).

**204 6th Avenue - Park Slope Historic District Extension II**

LPC-19-39659 - Block 953 - Lot 51 - Zoning: R6A  
CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style store and apartment house, built in 1879. Application is to legalize the installation of HVAC equipment, without Landmarks Preservation Commission permit(s).

**85 Franklin Street - Tribeca East Historic District**

LPC-19-31178 - Block 174 - Lot 22 - Zoning: C6-2A  
CERTIFICATE OF APPROPRIATENESS

A Moderne style commercial building, originally built as a store and lofts building in 1860-62, and altered in 1936 by Thomas White Lamb. Application is to alter the façade, and construct a streetwall rooftop addition.

**99 Spring Street - SoHo-Cast Iron Historic District**

LPC-19-37152 - Block 498 - Lot 26 - Zoning:  
CERTIFICATE OF APPROPRIATENESS

A hotel building, designed by J. & D. Jardine and built in 1871. Application is to alter the storefront.

**17 East 9th Street - Greenwich Village Historic District**

LPC-19-31428 - Block 567 - Lot 26 - Zoning: R7-2  
CERTIFICATE OF APPROPRIATENESS

A rowhouse, built in 1844. Application is to install a stoop, construct rooftop and rear yard additions and perform excavation work.

**317 West 11th Street - Greenwich Village Historic District**

LPC-19-34243 - Block 634 - Lot 34 - Zoning: R6  
CERTIFICATE OF APPROPRIATENESS

A house, built c. 1845. Application is to construct a rooftop addition.

**319 West 11th Street - Greenwich Village Historic District**

LPC-20-00544 - Block 634 - Lot 34 - Zoning: R6  
CERTIFICATE OF APPROPRIATENESS

A house, built c. 1845. Application is to modify the front façade and front areaway, reconstruct the rear façade and rear addition, construct a rooftop addition, and perform excavation.

**695 6th Avenue - Ladies' Mile Historic District**

LPC-20-00205 - Block 798 - Lot 41 - Zoning: C6-2A  
CERTIFICATE OF APPROPRIATENESS

A Commercial Palace style department store, built in phases between 1889 and 1911 and, designed by a series of architecture firms, including William Schickel & Co., Buchman & Deisler, Buchman & Fox, and Taylor & Levi. Application is to construct rooftop and courtyard additions; install mechanical equipment and railings; replace a canopy; install lighting and signage; modify ground floor infill; and remove a fire escape.

**456 West 23rd Street - Chelsea Historic District Extension**

LPC-19-33835 - Block 720 - Lot 75 - Zoning: R7B

**CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse, built in 1857. Application is to replace windows.

**123 West 87th Street - Upper West Side/Central Park West Historic District**

**LPC-19-26377** - Block 1218 - Lot 124 - **Zoning:** R7-2

**CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style rowhouse, designed by Increase M. Grenell and built in 1883-84. Application is to install stoop balustrades and newel posts, and replace doors.

**125 West 87th Street - Upper West Side/Central Park West Historic District**

**LPC-19-26378** - Block 1218 - Lot 24 - **Zoning:** R7-2

**CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style rowhouse, designed by Increase M. Grenell and built in 1883-84. Application is to install stoop balustrades and newel posts, and replace doors.

**20 East 68th Street - Upper East Side Historic District**

**LPC-19-38586** - Block 1382 - Lot 7501 - **Zoning:** C5-1

**CERTIFICATE OF APPROPRIATENESS**

An apartment building, designed by Boak & Raad and built in 1955. Application is to establish a master plan governing the future installation of windows.

**157 East 72nd Street - Upper East Side Historic District Extension**

**LPC-19-34429** - Block 1407 - Lot 7501 - **Zoning:** R10A

**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style apartment building, designed by Rouse & Goldstone and built in 1924. Application is to establish a Master Plan governing the future installation of windows.

jy24-a6

**NOTICE IS HEREBY GIVEN** that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, August 13, 2019, a public hearing will be held, at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission, no later than five (5) business days before the hearing or meeting.

**140 Prospect Avenue - Douglaston Historic District**

**LPC-19-39089** - Block 8095 - Lot 61 - **Zoning:** R1-2

**CERTIFICATE OF APPROPRIATENESS**

An Arts and Crafts style house built circa 1915, designed by Craftsman Builders. Application is to legalize paving a portion of the side yard and installing built-in outdoor furniture, without Landmarks Preservation Commission permits.

**141 Montague Street - Brooklyn Heights Historic District**

**LPC-19-30430** - Block 243 - Lot 17 - **Zoning:** R7-1

**CERTIFICATE OF APPROPRIATENESS**

A rowhouse, built before 1900 and altered in the early 20th century, to accommodate storefronts, at the first and second floors. Application is to install signage.

**215 Dean Street - Boerum Hill Historic District**

**LPC-19-39860** - Block 190 - Lot 54 - **Zoning:** R6B

**CERTIFICATE OF APPROPRIATENESS**

A modified Italianate style rowhouse, built in 1852-1853. Application is to construct a rear yard addition and to install rooftop HVAC equipment.

**Grand Army Plaza - Scenic Landmark**

**LPC-20-00160** - Block 1117 - Lot 1 - **Zoning:**

**ADVISORY REPORT**

A plaza originally established in the 1860s and expanded and redesigned by Carrere and Hastings in 1913-1916. Application is to modify and install paths.

**54 Stone Street, aka 87-89 Pearl Street - Stone Street Historic District**

**LPC-19-39799** - Block 29 - Lot 7504 - **Zoning:** C5-5

**CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style and Neo-Renaissance style store and loft building. Application is to legalize the installation of a storefront in non-compliance with CNE 03-7266 (LPC 03-4756), and to legalize the installation of light fixtures, signs and a menu box without Landmarks Preservation Commission permit(s).

**60 Pine Street - Individual Landmark**

**LPC-20-00099** - Block 41 - Lot 15 - **Zoning:** C5-5

**CERTIFICATE OF APPROPRIATENESS**

A Romanesque Revival style clubhouse, designed by Charles C. Haight,

built in 1886-87, and modified with an extension, designed by Warren & Wetmore and built in 1910-11. Application is to construct a rooftop addition, infill the interior courtyard, install a barrier-free access lift, and remove a fire escape.

**623 Broadway - NoHo Historic District**

**LPC-19-34393** - Block 523 - Lot 47 - **Zoning:** C6-2

**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style warehouse, designed by John B. Snook and built in 1881-82. Application is to construct a rooftop addition.

**323-325 Bleecker Street - Greenwich Village Historic District**

**LPC-19-41295** - Block 591 - Lot 43 - **Zoning:** C1-6

**CERTIFICATE OF APPROPRIATENESS**

An apartment building, built in 1902. Application is to remove concealed cast iron vault lights and replace sidewalk paving.

**135 Central Park West - Upper West Side/Central Park West Historic District**

**LPC-19-37877** - Block 1126 - Lot 29 - **Zoning:** R-10A

**CERTIFICATE OF APPROPRIATENESS**

A Beaux-Arts style apartment house, designed by Clinton & Russell and built in 1904-07. Application is to create and modify window openings, at the roof.

**2 West 64th Street - Upper West Side/Central Park West Historic District**

**LPC-19-39038** - Block 1116 - Lot 29 - **Zoning:** R10A

**CERTIFICATE OF APPROPRIATENESS**

An Art Nouveau style institutional building, designed by Robert D. Kohn and built in 1909-10. Application is to install signage.

**23 East 64th Street - Upper East Side Historic District**

**LPC-19-22844** - Block 1379 - Lot 17 - **Zoning:** C5-1

**CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse, designed by John G. Prague, built in 1879-80 and altered in 1919 and 1926. Application is to legalize the installation of rooftop mechanical equipment, without Landmarks Preservation Commission permit(s).

**1040 Park Avenue - Park Avenue Historic District**

**LPC-20-00244** - Block 1498 - Lot 33 - **Zoning:** R10

**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style apartment building, designed by Delano & Aldrich and built in 1923-24. Application is to establish a Master Plan governing the future installation of through-wall louvers.

jy31-a13

**TRANSPORTATION****■ PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the following proposed revocable consents, have been scheduled, for a public hearing, by the New York City Department of Transportation. The hearing, will be held, at 55 Water Street, 9<sup>th</sup> Floor, Room 945, commencing at 2:00 P.M., on Wednesday, August 21, 2019. Interested parties can obtain copies of proposed agreements, or request sign-language interpreters (with at least seven days prior notice), at 55 Water Street, 9<sup>th</sup> Floor SW, New York, NY 10041, or by calling (212) 839-6550.

**#1 IN THE MATTER OF** a proposed revocable consent, authorizing 46-43 193 Street LLC, to continue to maintain and use a retaining wall and a stoop, on the east sidewalk of 193<sup>rd</sup> Street, north of 47<sup>th</sup> Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2019, and provides among other terms and conditions, for compensation payable to the City, according to the following schedule: **R.P. #2105**

For the period from July 1, 2019 to June 30, 2029 - \$100/per annum the maintenance of a security deposit in the sum of \$1,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#2 IN THE MATTER OF** a proposed revocable consent, authorizing 203 East 72<sup>nd</sup> Street Corp., to continue to maintain and use electrical conduits and six (6) lampposts on the north sidewalk of East 72<sup>nd</sup> Street, east of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #958**

For the period July 1, 2018 to June 30, 2028 - \$900/per annum the maintenance of a security deposit in the sum of \$1,000 the insurance shall be in the amount of Two Million Dollars (\$2,000,000)

per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#3 IN THE MATTER OF** a proposed revocable consent, authorizing 452 Fifth Owners LLC, to continue to maintain and use conduits under West 39<sup>th</sup> and West 40<sup>th</sup> Street, west of Fifth Avenue and cables in certain existing facilities of the Empire City Subway Company (Limited), in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and schedule: **R.P. #1170**

For the period July 1, 2016 to June 30, 2017 - \$7,395  
 For the period July 1, 2017 to June 30, 2018 - \$7,561  
 For the period July 1, 2018 to June 30, 2019 - \$7,727  
 For the period July 1, 2019 to June 30, 2020 - \$7,893  
 For the period July 1, 2020 to June 30, 2021 - \$8,059  
 For the period July 1, 2021 to June 30, 2022 - \$8,225  
 For the period July 1, 2022 to June 30, 2023 - \$8,391  
 For the period July 1, 2023 to June 30, 2024 - \$8,557  
 For the period July 1, 2024 to June 30, 2025 - \$8,723  
 For the period July 1, 2025 to June 30, 2026 - \$8,889

the maintenance of a security deposit in the sum of \$8,900 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#4 IN THE MATTER OF** a proposed revocable consent, authorizing AVB 1865 Broadway LLC, to continue to maintain and use planters along the west sidewalk of Broadway, north of West 71<sup>st</sup> Street and along the north sidewalk of West 61<sup>st</sup> Street, west of Broadway, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from January 30, 2015 to June 30, 2025, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #1780**

For the period January 30, 2015 to June 30, 2015 - \$126 prorated/per annum  
 For the period July 1, 2015 to June 30, 2025 - \$126/per annum

the maintenance of a security deposit in the sum of \$700 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#5 IN THE MATTER OF** a proposed revocable consent, authorizing Commerce Real Property LLC, to construct, maintain and use a flood mitigation system components in and under the north sidewalk of Commerce Street, east of Imlay Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2479**

From the Approval Date by the Mayor to June 30, 2030 - \$2,000

the maintenance of a security deposit in the sum of \$2,400 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#6 IN THE MATTER OF** a proposed revocable consent, authorizing Ladybird Bakery, Inc., to continue to maintain and use two (2) benches on the west sidewalk of Eight Avenue, north of 12<sup>th</sup> Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #1680**

For the period July 1, 2019 to June 30, 2029 - \$300/per annum

the maintenance of a security deposit in the sum of \$200 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#7 IN THE MATTER OF** a proposed revocable consent, authorizing Lucille Lortel Theatre Foundation, to continue to maintain and use name plates and bollards on the north sidewalk of Christopher Street, east of Hudson Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #1678**

For the period July 1, 2019 to June 30, 2029 - \$7,350/per annum

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#8 IN THE MATTER OF** a proposed revocable consent, authorizing New York Recycling Ventures, Inc., to continue to maintain and use fenced-in planted areas on the sidewalks of East Bay Avenue, Whittier Street, Viele Avenue and Longfellow Avenue, in the Borough of the Bronx. The proposed revocable consent, is for a term of ten years, from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2070**

For the period July 1, 2019 to June 30, 2029 - \$173/per annum

the maintenance of a security deposit in the sum of \$3,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#9 IN THE MATTER OF** a proposed revocable consent, authorizing One Bryant Park LLC, to continue to maintain and use bollards on the sidewalks of the site bounded by Sixth Avenue, 42<sup>nd</sup> and 43<sup>rd</sup> Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2099**

For the period from July 1, 2019 to June 30, 2029 - \$0/per annum

the maintenance of a security deposit in the sum of \$69,300 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#10 IN THE MATTER OF** a proposed revocable consent, authorizing One Grand Army Plaza Condominium, to continue to maintain and use planted areas and entrance detail, together with benches and lightings, on the east sidewalk of Plaza Street East, between Eastern Parkway and St. John Place, and on the southeast sidewalk of St. Johns Place, northeast of Plaza Street East, in the Borough of Brooklyn. The proposed revocable consent, is for a term of ten years from July 1, 2018 to June 30, 2028, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2016**

For the period July 1, 2018 to June 30, 2019 - \$8,243  
 For the period July 1, 2019 to June 30, 2020 - \$8,375  
 For the period July 1, 2020 to June 30, 2021 - \$8,507  
 For the period July 1, 2021 to June 30, 2022 - \$8,639  
 For the period July 1, 2022 to June 30, 2023 - \$8,771  
 For the period July 1, 2023 to June 30, 2024 - \$8,903  
 For the period July 1, 2024 to June 30, 2025 - \$9,035  
 For the period July 1, 2025 to June 30, 2026 - \$9,167  
 For the period July 1, 2026 to June 30, 2027 - \$9,299  
 For the period July 1, 2027 to June 30, 2028 - \$9,431

the maintenance of a security deposit in the sum of \$1,200 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#11 IN THE MATTER OF** a proposed revocable consent, authorizing Teresa Yuen Ling Chan and Benedict Chun Man Chan, to continue to maintain and use retaining walls, together with fences on the east sidewalk of 213<sup>th</sup> Street, south of 28<sup>th</sup> Avenue, and on the south sidewalk of 28<sup>th</sup> Avenue, east of 213<sup>th</sup> Street, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 16, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1537**

For the period July 1, 2016 to June 30, 2026 - \$100/per annum

the maintenance of a security deposit in the sum of \$1,200 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#12 IN THE MATTER OF** a proposed revocable consent, authorizing The New York Public Library Astor Lenox and Tilden Foundations, to continue to maintain and use an accessibility ramp, together with stairs, on the west sidewalk of Amsterdam Avenue, north of West 81<sup>st</sup> Street, in the Borough of Manhattan. The proposed revocable consent

is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2085**

For the period from July 1, 2019 to June 30, 2029 - \$25/per annum the maintenance of a security deposit in the sum of \$0.00 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#13 IN THE MATTER OF** a proposed revocable consent, authorizing 108-07 Corona Avenue LLC, to construct, maintain and use a sidewalk hatch door, in the south sidewalk of 52<sup>nd</sup> Avenue, east of Corona Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2459**

From the Approval Date to June 30, 2020 - \$373/per annum

- For the period July 1, 2020 to June 30, 2021 - \$379
- For the period July 1, 2021 to June 30, 2022 - \$385
- For the period July 1, 2022 to June 30, 2023 - \$391
- For the period July 1, 2023 to June 30, 2024 - \$397
- For the period July 1, 2024 to June 30, 2025 - \$404
- For the period July 1, 2025 to June 30, 2026 - \$410
- For the period July 1, 2026 to June 30, 2027 - \$416
- For the period July 1, 2027 to June 30, 2028 - \$422
- For the period July 1, 2028 to June 30, 2029 - \$428
- For the period July 1, 2029 to June 30, 2030 - \$434

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

a1-21



**SUPREME COURT**

**RICHMOND COUNTY**

■ NOTICE

**RICHMOND COUNTY  
I.A.S. PART 89  
NOTICE OF ACQUISITION  
INDEX NUMBER CY4522/2019  
CONDEMNATION PROCEEDING**

**IN THE MATTER OF** the Application of the CITY OF NEW YORK Relative to Acquiring Title in Fee Simple to Real Property for the

**MID-ISLAND BLUEBELT  
PHASE I—SOUTH BEACH**

In the area generally, bounded by Quintard Street on the South, Oceanside Avenue on the East, Lava Street and Lansing Street on the West and Willis Place on the North, in the Borough of Staten Island, City and State of New York.

**PLEASE TAKE NOTICE**, that by order of the Supreme Court of the State of New York, County of Richmond, IA Part 89 (Hon. Wayne P. Saitta, J.S.C.), duly entered in the office of the Clerk of the County of Richmond on July 10, 2019, the application of the City of New York to acquire certain real property, for the Mid-Island Bluebelt, Phase 1 (South Beach), was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of Richmond County. Said map, showing the property acquired by the City, was filed with the Clerk of Richmond County on July 25, 2019. Title to the real property vested in the City of New York on July 25, 2019.

**PLEASE TAKE FURTHER NOTICE**, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Lot	Property Interest to be Acquired
1A	3423	Street Bed Adjacent to Lot 7	Fee
2A, 2B	3422	Street Bed Adjacent to Lot 1	Fee
3	3417	236	Fee
3A, 3B, 3C	3417	Street Bed Adjacent to Lot 236	Fee
4A, 4B	3418	Street Bed Adjacent to Lot 50	Fee
5A, 5B	3417	Street Bed Adjacent to Lot 166	Fee
6A	3417	Street Bed Adjacent to Lot 165	Fee
7A	3417	Street Bed Adjacent to Lot 164	Fee
8A	3417	Street Bed Adjacent to Lot 163	Fee
9A	3417	Street Bed Adjacent to Lot 162	Fee
10A	3417	Street Bed Adjacent to Lot 161	Fee
11A	3417	Street Bed Adjacent to Lot 159	Fee
12A	3417	Street Bed Adjacent to Lot 158	Fee
13A	3417	Street Bed Adjacent to Lot 157	Fee
14A, 14B, 14C	3417	Street Bed Adjacent to Lot 214	Fee
15	3413	75	Fee
16	3427	10	Fee
16A	3427	Street Bed Adjacent to Lot 10	Fee
17	3427	100	Fee
17A	3427	Street Bed Adjacent to Lot 100	Fee
18	3413	35	Fee
19	3413	37	Fee
20	3413	65	Fee
21A, 21B	3413	Street Bed Adjacent to Lot 61	Fee
22	3413	14	Fee
22A, 22B	3413	Street Bed Adjacent to Lot 14	Fee
23	3413	9	Fee
23A	3413	Street Bed Adjacent to Lot to 9	Fee
24	3413	7	Fee
24A, 24B	3413	Street Bed Adjacent to Lot to 7	Fee
25	3413	18	Fee
25A	3413	Street Bed Adjacent to Lot to 18	Fee
26	3413	5	Fee
26A	3413	Street Bed Adjacent to Lot to 5	Fee
27	3413	4	Fee
27A	3413	Street Bed Adjacent to Lot to 4	Fee
28	3413	3	Fee
28A	3413	Street Bed Adjacent to Lot to 3	Fee
29A, 29B	3413	Street Bed Adjacent to Lot to 2	Fee
30A, 30B	3414	Street Bed Adjacent to Lot to 1	Fee

31	3414	53	Fee
31A, 31B, 31C	3414	Street Bed Adjacent to Lot to 53	Fee
32	3414	52	Fee
32A	3414	Street Bed Adjacent to Lot to 52	Fee
33	3414	51	Fee
33A	3414	Street Bed Adjacent to Lot 51	Fee
34A	3414	Street Bed Adjacent to Lot 49	Fee
35A	3414	Street Bed Adjacent to Lot 47	Fee
36A	3414	Street Bed Adjacent to Lot 36	Fee
37A	3414	Street Bed Adjacent to Lot 35	Fee
38	3414	30	Fee
38A	3414	Street Bed Adjacent to Lot 30	Fee
39A, 39B	3415	Street Bed Adjacent to Lot 7	Fee
40A	3415	Street Bed Adjacent to Lot 5	Fee
41	3415	3	Fee
41A	3415	Street Bed Adjacent to Lot 3	Fee
42	3415	1	Fee
42A, 42B, 42C	3415	Street Bed Adjacent to Lot 1	Fee
43A, 43B, 43C	3415	Street Bed Adjacent to Lot 53	Fee
44A	3415	Street Bed Adjacent to Lot 33	Fee
45A	3416	Street Bed Adjacent to Lot 21	Fee
46	3416	19	Fee
46A	3416	Street Bed Adjacent to Lot 19	Fee
47	3416	15	Fee
47A	3416	Street Bed Adjacent to Lot 15	Fee
48	3416	10	Fee
48A, 48B, 48C	3416	Street Bed Adjacent to Lot 10	Fee
49A	3491	Street Bed Adjacent to Lot 8	Fee
50A	3500	Street Bed Adjacent to Lot 200	Fee
51	3404	50	Fee
52	3405	100	Fee
53A	3406	Street Bed Adjacent to Lot 25	Fee
54A, 54B	3406	Street Bed Adjacent to Lot 23	Fee

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law 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 a period of two calendar years from the Vesting Date for this proceeding in which to file a written claim with the Clerk of the Court of Richmond County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007. 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 26, 2019

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
Attorney for the Condemnor,  
100 Church Street  
New York, NY 10007  
(212) 356-4064

a5-16

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York in partnership with PropertyRoom.com posts vehicle and heavy machinery auctions online every week at: <https://www.propertyroom.com/s/nyc+fleet>

All auctions are open to the public and registration is free.

Vehicles can be viewed in person by appointment at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214. Phone: (718) 802-0022

m30-s11

### OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the Internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j2-d31

### HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property appear in the Public Hearing Section.

j9-30

## POLICE

### ■ NOTICE

#### OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT

The following list of properties is in the custody of the Property Clerk Division without claimants:

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

#### INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

#### FOR MOTOR VEHICLES (All Boroughs):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

#### FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j2-d31

## PROCUREMENT

### *“Compete To Win” More Contracts!*

*Thanks to a new City initiative - “Compete To Win” - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.*

- *Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)*

*“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City’s prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”*

#### HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic prequalification application using the City’s Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy

by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

#### Participating NYC Agencies

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

Administration for Children’s Services (ACS)  
 Department for the Aging (DFTA)  
 Department of Consumer Affairs (DCA)  
 Department of Corrections (DOC)  
 Department of Health and Mental Hygiene (DOHMH)  
 Department of Homeless Services (DHS)  
 Department of Probation (DOP)  
 Department of Small Business Services (SBS)  
 Department of Youth and Community Development (DYCD)  
 Housing and Preservation Department (HPD)  
 Human Resources Administration (HRA)  
 Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit [www.nyc.gov/hhsaccelerator](http://www.nyc.gov/hhsaccelerator).

## ADMINISTRATION FOR CHILDREN’S SERVICES

### OFFICE OF PROCUREMENT

#### ■ SOLICITATION

*Services (other than human services)*

#### NEGOTIATED ACQUISITION SOLICITATION- CONSTRUCTION MONITORING SERVICES

(EPIN# 06819N0004) - Negotiated Acquisition - Judgment required in evaluating proposals - PIN#06819N0004 - Due 9-6-19 at 3:00 P.M.

ACS, seeks a qualified responsible contractor for construction monitoring services, to assist ACS in ensuring that the City receives appropriate value for construction, equipment, and construction-related services and to ensure fairness in ACS-contracted providers’ billings prior to payment approval. The projects related to these duties will be at facilities located in or within 25 miles of New York City and, with limited exception, at property owned or leased by ACS-contracted provider. As part of the ACS-contracted providers’ provision of juvenile justice services, the ACS-contracted provider engages contractors to conduct renovations/construction at the facility and ACS reimburses the ACS-contracted provider for allowable renovation / construction expenses in accordance with the contract between ACS and the provider for juvenile justice services. Supporting ACS’ Engineering Audit Analyst, the contractor will provide qualified staff to review all reimbursement requests prior to payment. The construction monitoring services contractor will review documentation submitted by the ACS-contracted providers and conduct field visits to construction sites to inspect and verify work done. Appropriate construction and financial audit procedures must be followed to ensure that reimbursement requests are justified, and that the ACS-contracted provider has fulfilled its contractual obligations. This entails diverse knowledge of auditing procedures, engineering standards, contract specifications, and building regulations.

Bid forms and specifications may be obtained, free of charge, from the ACS Website, any time before the bid due date (recommended method). You must register at the ACS website to obtain a copy of the Negotiated Acquisition document. Copy the following link into your browser to go to the appropriate page <http://nyc.gov/html/acs/html/business/business.shtml>. You will then be brought to the “Doing Business with ACS” page. On that page, scroll to the bottom and then click “Go to RFP Online” under the “Current ACS Business Opportunities” heading. On the “RFP Online” page, click “Negotiated

Acquisitions” and you will be directed to the “Negotiated Acquisitions” page where the Negotiated Acquisition document can be downloaded following registration with your company information. In the event that you are unable to download this Negotiated Acquisition, a bid package may be requested via email. Send all email requests to Wilfredo.Acosta@acs.nyc.gov and Doron.Pinchas@acs.nyc.gov and type the PIN above and type of service into the subject line. Also, type the name of the company, complete address, Contact Name, Phone and Fax numbers into the body of the email. If all else fails, you may call (212) 341-3468 or (212) 341-3488 to make arrangements to pick up the Negotiated Acquisition document in person.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids, at date and time specified above.  
 Administration for Children’s Services, 150 William Street, 9th Floor, New York, NY 10038. Wilfredo Acosta (212) 341-3468; Fax: (212) 341-9830; wilfredo.acosta@acs.nyc.gov

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**AGING**

**CONTRACT PROCUREMENT AND SUPPORT SERVICES**

■ AWARD

*Human Services/Client Services*

**SENIOR SERVICES** - Required/Authorized Source - Available only from a single source - PIN#12519R0003001 - AMT: \$667,663.00 - TO: The Neighborhood Self-Help by Older Persons Project Inc, 953 Southern Boulevard, Bronx, NY 10459.

The Department for the Aging, has awarded a New York Connects contract, to The Neighborhood Self-Help by Older Persons Project, for the provision of senior service information, to older adults. The term of the contract is from 4/1/19 through 3/31/20.

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**SENIOR SERVICES** - Required/Authorized Source - Available only from a single source - PIN#12519R0003003 - AMT: \$635,436.00 - TO: New York Foundation for Senior Citizens, Inc., 11 Park Place, Suite 1416, New York, NY 10007.

The Department for the Aging, has awarded a New York Connects contract, to New York Foundation for Senior Citizens, Inc., for the provision of senior service information, to older adults. The term of the contract is from 4/1/19 through 3/31/20.

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**CITY COUNCIL**

■ INTENT TO AWARD

*Human Services/Client Services*

**CHARLES KOMANOFF TRANSPORTATION CONSULTANT** - Sole Source - Judgment required in evaluating proposals - PIN# 1022020080519 - Due 8-12-19 at 1:00 P.M.

The Council is currently attempting to assess and address the financial crisis, in the taxi medallion industry.

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.

City Council, 250 Broadway, 16th Floor, New York, NY 10007. John Smyth (212) 482-5116; Fax: (212) 482-2996; jsmyth@council.nyc.gov

a5-9

**CITYWIDE ADMINISTRATIVE SERVICES**

**OFFICE OF CITYWIDE PROCUREMENT**

■ AWARD

*Goods*

**HOSE, RUBBER AND PLASTIC** - Competitive Sealed Bids - PIN# 8571900123 - AMT: \$527,870.00 - TO: Dependable Supplies Inc, 1274 49th Street, Suite 25, Brooklyn, NY 11219.

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**DESIGN AND CONSTRUCTION**

**AGENCY CHIEF CONTRACTING OFFICER**

■ AWARD

*Construction/Construction Services*

**INSTALLATION OF STORM AND SANITARY SEWERS AND REPLACEMENT OF WATER MAINS IN MASON AVENUE - BOROUGH OF STATEN ISLAND** - Competitive Sealed Bids - PIN# 85018B0094 - AMT: \$33,500,000.00 - TO: NYCC JPL JV, 708 Sharrott Road, Staten Island, NY 10309.

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**QUEENS COUNTY FARM MUSEUM BARN BUILDING REHABILITATION-BOROUGH OF QUEENS** - Competitive Sealed Bids - PIN# 85018B0133 - AMT: \$3,972,000.00 - TO: Northe Group, Inc, 60 East 9th Street, #510, New York, NY 10003.

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**ENVIRONMENTAL PROTECTION**

**AGENCY CHIEF CONTRACTING OFFICE**

■ INTENT TO AWARD

*Construction Related Services*

**CSO-GC-TUNNEL** - Negotiated Acquisition - Other - PIN# 82619N0005 - Due 8-16-19 at 4:00 P.M.

DEP, intends to enter into negotiations with Hazen and Sawyer DPC - Eckenfelder Engineering PC, dba Brown and Caldwell Associates - McMillen JA Engineering PLLC - Tri Venture for Facility Planning and Design Services for the construction of a tunnel system, to abate CSO discharges to the Gowanus Canal. Firms wishing to express interest on similar future projects may direct inquiries to the contact listed.

Pursuant to PPB Section 3-04(b)(2) the agency has determined that it is in the best interest of the City, to utilize the negotiated acquisition method, because there is a time sensitive situation where a vendor must be obtained quickly in response to a court order. During an ongoing construction project, the agency has found a compelling necessity to procure performance of additional work and advantages of negotiating with the existing consultant clearly outweigh the disadvantages of a lack of competition.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids, at date and time specified above.

Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373. Joseph Vaicels (718) 595-4290; jvaicels@dep.nyc.gov

jy31-a6

**PURCHASING MANAGEMENT**

■ AWARD

*Goods*

**STAINLESS STEEL PIPES** - Innovative Procurement - Other - PIN# 2X002603 - AMT: \$67,054.11 - TO: R.I.M. Plumbing and Heating Supply, 58 Central Avenue, Ossining, NY 10562. MWBE Innovative Procurement.

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**HUMAN RESOURCES ADMINISTRATION**

**OFFICE OF CONTRACTS**

■ INTENT TO AWARD

*Human Services/Client Services*

**HOME CARE SERVICES (CDPAP) TO MEDICAID-ELIGIBLE CLIENTS** - Renewal - PIN#09613P0002047R001 - Due 8-7-19 at 5:00 P.M.

HRA, through its Home Care Services Program, intends to renew one (1) contract with the Chinese-American Planning Council Home Attendant Program, Inc., for the Provision of Home Care Services (CDPAP), to Medicaid-Eligible Clients. Anyone having comments on the contractor’s performance, or the proposed renewal of the contract, may contact Charmaine Phillip, at (929) 221-2453. This Notice is for informational purposes only.

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.

Human Resources Administration, 785 Atlantic Avenue, 7th Floor, Brooklyn, NY 11238. Charmaine Phillip (929) 221-2453; Fax: (929) 221-2453; phillipc@hra.nyc.gov

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**HOME CARE SERVICES TO MEDICAID-ELIGIBLE CLIENTS**  
- Renewal - Due 8-7-19 at 5:00 P.M.

PIN#09613P0002011R001 - Chinese-American Planning Council Home Attendant Program, Inc.  
PIN#09613P0002019R001 - Pomonok Home Services, Inc.

HRA, through its Home Care Services Program, intends to renew two (2) contracts, with the contractors listed above, for the provision of Home Care Services, for HCPS clients. Anyone having comments on the performance of the contractors, or the proposed renewal of the contracts, may contact Charmaine Phillip, at (929) 221-2453. This Notice is for informational purposes only.

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.

Human Resources Administration, 785 Atlantic Avenue, 7th Floor, Brooklyn, NY 11238. Charmaine Phillip (929) 221-2453; Fax: (929) 221-2453; phillipc@hra.nyc.gov

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**PARKS AND RECREATION**

■ VENDOR LIST

*Construction Related Services*

**PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION, NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION (“DPR”) AND/OR “PARKS”) PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS.**

NYC DPR is seeking to evaluate and pre-qualify a list of general contractors (a “PQL”) exclusively to conduct non-complex general construction site work involving the construction and reconstruction of NYC DPR parks and playgrounds projects not exceeding \$3 million per contract (“General Construction”).

By establishing contractor’s qualification and experience in advance, NYC DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construct its parks, playgrounds, beaches, gardens and green-streets. NYC DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL, will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

NYC DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)\*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE\*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

\* Firms that are in the process of becoming a New York City-Certified M/WBE, may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained online at: <http://a856-internet.nyc.gov/nycvendononline/home.asap.>; or <http://www.nycgovparks.org/opportunities/business>.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; [dmbwe.capital@parks.nyc.gov](mailto:dmbwe.capital@parks.nyc.gov)

j2-d31

■ SOLICITATION

*Goods and Services*

**OPERATION OF A RESTAURANT AT KELTCH PARK, BRONX**  
- Request for Proposals - PIN# X58-R 2020 - Due 9-6-19 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the Department of Parks and Recreation (“Parks”), has issued a Request for Proposals (RFP), for the renovation, operation and maintenance of a restaurant, and the option to operate one (1) mobile food concession, at Keltch Park, in the borough of the Bronx.

All proposals submitted in response to this RFP, must be submitted, by no later than September 6, 2019, at 3:00 P.M., to Parks’ Revenue Division. There will be a recommended on-site proposer meeting and site tour on Friday, August 16, 2019, at 10:00 A.M. We will meet, at the restaurant concession site (Block #2857, Lot #95), located at Keltch Park, West 170th Street and Jerome Avenue, in the borough of the Bronx. If you are considering responding to this RFP, please make every effort to attend this meeting and site tour. To obtain directions to the proposed concession site, please call (212) 360-1397.

Hard copies of the RFP can be obtained, at no cost, commencing July 24, 2019 through September 6, 2019, during the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue division of the New York City Department of Parks and Recreation, which is located at The Arsenal, 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download commencing July 24, 2019, through September 6, 2019, on Parks’ website. To download the RFP, visit [www.nyc.gov/parks/businessopportunities](http://www.nyc.gov/parks/businessopportunities), click on the link for “Concessions Opportunities, at Parks” and, after logging in, click on the “download” link that appears adjacent to the RFP’s description.

For more information, contact Glenn Kaalund, Senior Project Manager, at (212) 360-3482. You can also email him, at [Glenn.Kaalund@parks.nyc.gov](mailto:Glenn.Kaalund@parks.nyc.gov).

**TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)**  
(212) 504-4115.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids, at date and time specified above.

Parks and Recreation, The Arsenal, 830 Fifth Avenue, Room 407, New York, NY 10065. Glenn Kaalund (212) 360-1397; Fax: (212) 360-3434; [glenn.kaalund@parks.nyc.gov](mailto:glenn.kaalund@parks.nyc.gov)

Accessibility questions: Glenn Kaalund, [glenn.kaalund@parks.nyc.gov](mailto:glenn.kaalund@parks.nyc.gov), or (212) 360-3482, by: Tuesday, September 3, 2019, 5:00 P.M.



jy24-a6

**CAPITAL PROJECTS**

■ SOLICITATION

*Construction Related Services*

**CITYWIDE CONSULTANTS SERVICES FOR OPEN SPACE PLANNING** - Request for Proposals - PIN#84619P0003 - Due 8-22-19 at 2:00 P.M.

Copies of RFP can be downloaded, at the agency’s website, <http://www.nyc.gov/parks>, or, at the City Record’s website, [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord). A Pre-Proposal Meeting is scheduled for August 9, 2019, at 2:00 P.M., at the Olmsted Center Annex, Bid Room, Flushing Meadows-Corona Park, Flushing, NY 11368.

MWBE goals will be required for individual Work Orders under these contracts, in accordance with Local Law 1 of 2013, NYC’s Minority-Owned and Women-Owned Business Enterprise (MWBE) program.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids, at date and time specified above.

Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alvaro Mora (718) 760-6897; Fax: (718) 760-6885; [rffsubmissions@parks.nyc.gov](mailto:rffsubmissions@parks.nyc.gov)

jy31-a20

CONTRACTS

SOLICITATION

Construction/Construction Services

RECONSTRUCTION OF A SPORTS COURTS AND TOT LOT - Competitive Sealed Bids - PIN#X041-118MA - Due 8-28-19 at 10:30 A.M.

Reconstruction of Sports Courts and Construction of a Tot Lot, in Pulaski Park, located at Bruckner Boulevard, between Willis Avenue and Brown Place, Borough of the Bronx. E-PIN#84619B0298.

This procurement is subject to participation goals for MBEs and/or WBEs, as required by Local Law 1 of 2013.

This contract is subject to Apprenticeship Program Requirements.

Bid Security: Bid Bond in the amount of 5 percent of Bid Amount or Bid Deposit in the amount of 5 percent of Bid Amount.

The Cost Estimate Range is: \$1,000,000.00 to \$3,000,000.00.

To request the Plan Holder's List, please call the Blue Print Room, at (718) 760-6576.

To manage your vendor name and commodity codes on file with the City of New York, please go to New York City's Procurement and Sourcing Solutions Portal (PASSPort), at https://a858-login.nyc.gov/osp/a/t1/auth/saml2/sso. To manage or update your email, address or contact information, please go to New York City's Payee Informational Portal, at https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of New York, Parks and Recreation. A separate check/money order is required for each project. The company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Kylie Murphy (718) 760-6855; kylie.murphy@parks.nyc.gov

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RECONSTRUCTION OF SPRAY SHOWER - Competitive Sealed Bids - PIN#X092-118M - Due 8-29-19 at 10:30 A.M.

In Woodlawn Playground, located at Van Cortlandt Park East, between Oneida Avenue and Kepler Avenue, in Van Cortlandt Park, Borough of the Bronx. E-PIN#84619B0196.

This procurement is subject to participation goals for MBEs and/or WBEs, as required by Local Law 1 of 2013.

Bid Security: Bid Bond in the amount of 5 percent of Bid Amount or Bid Deposit in the amount of 5 percent of Bid Amount.

The Cost Estimate Range is: Less than \$1,000,000.00.

To request the Plan Holder's List, please call the Blue Print Room, at (718) 760-6576.

To manage your vendor name and commodity codes on file with the City of New York, please go to New York City's Procurement and Sourcing Solutions Portal (PASSPort), at https://a858-login.nyc.gov/osp/a/t1/auth/saml2/sso. To manage or update your email, address or contact information, please go to New York City's Payee Informational Portal, at https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of New York, Parks and Recreation. A separate check/money order is required for each project. The company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Kylie Murphy (718) 760-6855; kylie.murphy@parks.nyc.gov

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AWARD

Construction/Construction Services

RECONSTRUCTION OF A PUBLIC PLACE - Competitive Sealed Bids - PIN#84617B0198001 - AMT: \$674,522.16 - TO: BWP General Construction, Inc., 3064 Coney Island Avenue, Brooklyn, NY 11235.

B290-117M.

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RECONSTRUCTION OF THE TOWERS AND BRIDGE -

Competitive Sealed Bids - PIN#84618B0013001 - AMT: \$2,385,700.00 - TO: Sandhu Contracting Inc., 18-07 38th Street, Astoria, NY 11103.

X010-210MA3.

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PLANTING OF NEW AND REPLACEMENT STREET TREES

- Competitive Sealed Bids - PIN#84618B0076001 - AMT: \$1,800,000.00 - TO: Dragonetti Brothers Landscaping Nursery and Florist, 129 Louisiana Avenue, Brooklyn, NY 11207.

BG-418M.

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SMALL BUSINESS SERVICES

PROCUREMENT

INTENT TO AWARD

Services (other than human services)

RENEWAL - QUEENS CENTRAL INDUSTRIAL BUSINESS FOR ENTREPRENEURSHIP PROGRAM - Request for Proposals - PIN#80116P0005002R001 - Due 8-12-19 at 3:00 P.M.

This renewal will allow Business Outreach Center Network Inc. (BOCNET), to continue providing services to support the Industrial Business Service program for the Queens Central IBZ. These services may include additional assistance to support the industrial and manufacturing businesses, consistent with the purpose of the program and provide business service to industrial businesses in order to start, grow and expand operations in NYC for an additional three (3) years from July 1, 2019 to June 30, 2022.

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.

Small Business Services, 1 Liberty Street, 11th Floor, New York, NY 10006. Daryl Williams (212) 513-6300; Fax: (212) 618-8867; procurementhelpdesk@sbs.nyc.gov

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RENEWAL - BROOKLYN EAST INDUSTRIAL BUSINESS FOR ENTREPRENEURSHIP PROGRAM - Request for Proposals - PIN#80116P0005001R001 - Due 8-12-19 at 3:00 P.M.

This renewal will allow Business Outreach Center Network Inc. (BOCNET), to continue providing services to support the Industrial Business Service program for the Brooklyn East IBZ. These services may include additional assistance to support the industrial and manufacturing businesses, consistent with the purpose of the program and provide business service to industrial businesses in order to start, grow and expand operations in NYC for an additional three (3) years from July 1, 2019 to June 30, 2022.

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.

Small Business Services, 1 Liberty Street, 11th Floor, New York, NY 10006. Daryl Williams (212) 513-6300; Fax: (212) 618-8867; procurementhelpdesk@sbs.nyc.gov

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**TRANSPORTATION**

**TRAFFIC**

■ **AWARD**

*Construction/Construction Services*

**REPLACEMENT OF PARK TYPE LUMINAIRES WITH LED LUMINAIRES** - Competitive Sealed Bids - PIN# 84119MBTR287 - AMT: \$11,673,334.00 - TO: Hellman Electric, 855 Brush Avenue, Bronx, NY 10465.

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**CONTRACT AWARD HEARINGS**

**NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA EMAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 788-0010. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.**



**EDUCATION**

■ **NOTICE**

The Department of Education ("DOE") Chancellor's Committee on Contracts, has been asked for approval, to enter into contract negotiations, with the following organization(s), for the services described below. Other organizations interested in providing these services to the DOE, are invited to indicate their ability to do so, in writing, to Alicia Saleh, at 65 Court Street, Room 1201, Brooklyn, NY 11201. Responses should be received, no later than 9:00 A.M., August 14, 2019. Any COC approval will be contingent upon no expressions of interest in performing services by other parties.

Item(s) for Consideration:

(1) Service(s): The Division of Teaching and Learning ("DTL"), seeks approval, to enter into a negotiated services agreement, for the provision of Advanced Placement (AP) assessment materials.

Circumstances for use: Best Interest of the DOE  
Vendor(s): College Board

(2) Service(s): The Office of the First Deputy Chancellor ("OFDC"), seeks approval, to enter into a negotiated services agreement, with International Baccalaureate Organization ("IB"), to provide Pre-College Curriculums, such as the International Baccalaureate Diploma Programs, to NYC Public school students.

Circumstances for use: Best Interest of the DOE  
Vendor(s): International Baccalaureate Organization

(3) Service(s): The Division of Early Childhood Education ("DECE"), is requesting contract extensions, with the vendors named below, for the provision of high quality Universal Pre- Kindergarten Services, as part of the Pre-K for All Program.

Circumstances for use: Contract Extension  
Vendor(s): See below.

Vendor Name	Site ID
Barkai Foundation Inc. DBA Barkai Yeshivah	KABN
Denizko Daycare Inc	QAKQ

(4) Service(s): The Office of Human Capital ("DHC"), is requesting contract extensions, with the universities and colleges named below, for the support of Scholarships for Graduate and Undergraduate courses for special education in teaching and clinical disciplines, and for related services.

Circumstances for use: Contract Extension  
Vendor(s): Hofstra University  
Long Island University  
City University of New York on Behalf of York College

(5) Service(s): The Office of School Health ("OSH"), seeks approval to extend contracts with the agencies named below, to provide schools with Long Term Temporary Nurses to schools.

Circumstances for use: Contract Extension  
Vendor(s): Advance Medical Staffing Corp.,  
dba ProMed Staffing Resources  
Comprehensive Resources, Inc.  
Gotham Per Diem, Inc.  
The Execu-Search Group, LLC.

(6) Service(s): The Office of Related Services ("ORS"), seeks approval to extend contracts, with the agencies named below, to provide Assessments for Related Services during the 2019-2020 academic year.

Circumstances for use: Contract Extension  
Vendor(s): See below.

Vendor Name
Comprehensive Psychological Services, PC
Comprehensive Resources, Inc.
EBS Healthcare, Inc. dba EBS NY
Emilia's Kids, Inc.
Feigi Taub Halberstam Audiology & Speech Pathology, PC dba Omni Rehab
JJ Speech and Language Services, Inc. dba Hear Me Speak
Mid Island Therapy Associates, LLC dba All About Kids
Legendary Speech Pathology PLLC dba Legendary Therapy
New York Therapy Placement Services, Inc.
Quality Evaluation & Psychology Occupational Physical Speech Therapy Consulting Services, PLLC
RCM Technologies USA, Inc. dba RCM Health Care Services

(7) Service(s): The Office of Community Schools ("OCS"), seeks approval to extend its contract, with the vendor listed below, to provide Community School support services to schools.

Circumstances for use: Continuity of Services  
Vendor(s): New York City Community Learning Schools Initiative

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**AGENCY RULES**

**COMMISSION ON HUMAN RIGHTS**

■ **NOTICE**

**Notice of Adoption**

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the New York City Commission on Human Rights ("Commission") by section 905(e)(9) of the New York City Charter and in accordance with the requirements of Section 1043 of the Charter, that the Commission has amended its rules governing practices and procedures for case management.

The required public hearing was held on May 30, 2019.

**Statement of Basis and Purpose of Rule**

The Commission is amending Chapter 1 of its rules to update the procedures and practices related to how cases are filed, investigated, and litigated at the Commission.

The Commission's authority for this rule is found in Sections 905(9) and 1043 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter 1 of Title 47 of the Official Compilation of the Rules of the City of New York is repealed in its entirety and replaced as follows:

**CHAPTER 1**  
**PRACTICE AND PROCEDURE**  
**SUBCHAPTER A**  
**GENERAL**

**§ 1-01 Scope of Rules.**

These rules are intended to carry out the provisions of the Human Rights Law (“NYCHRL”), title 8 of the Administrative Code of the City of New York (“the Code”), and the policies and procedures of the Commission on Human Rights in connection therewith, as authorized by chapter 40 of the New York City Charter and § 8-117 of the Code.

**§ 1-02 Organization of Commission.**

In order to carry out its various statutory responsibilities in a fair and impartial fashion, the Commission has separated its functions into discrete bureaus and offices, which, among other things, separate the Chair from the investigatory and prosecutorial functions of the agency. In addition to the Chair and the Commissioners, the following components of the Commission are directly involved in the enforcement of the NYCHRL:

- (a) *Law Enforcement Bureau.* The Law Enforcement Bureau is charged with the Commission’s investigatory and prosecutorial functions. Where an action is authorized or required to be taken by the Law Enforcement Bureau, such action must be taken by the Deputy Commissioner for Law Enforcement, such Law Enforcement Bureau staff as the Deputy Commissioner may designate, or such person as may be appointed by the Chair of the Commission.
- (b) *Office of General Counsel.* The Office of General Counsel serves as counsel to the Chair and to the Commissioners. Where an action is authorized or required to be taken by the Office of General Counsel, such action must be taken by the General Counsel, such staff of the Office of General Counsel as the General Counsel may designate, or such person as may be appointed by the Chair of the Commission.
- (c) *Office of Mediation and Conflict Resolution.* The Office of Mediation and Conflict Resolution provides mediation services in connection with complaints that have been filed at the Commission. The Office of Mediation and Conflict Resolution operates independently from any other office within the Commission. Where an action is authorized or required to be taken by the Office of Mediation and Conflict Resolution, such action must be taken by the Director of the Office of Mediation and Conflict Resolution, such staff of the Office of Mediation and Conflict Resolution as the Director may designate, or such person as may be appointed by the Chair of the Commission.
- (d) *Office of the Chair.* The Office of the Chair is charged with the Commission’s adjudicatory functions. Where an action is authorized or required to be taken by the Office of the Chair, such action must be taken by the Chair or such person as may be appointed by the Chair of the Commission, except such person may not include the Deputy Commissioner or staff of the Law Enforcement Bureau.

**§ 1-03 Definitions and Construction.**

*Amended pleadings.* For purposes of this chapter, amended complaints must be treated the same as complaints, and amended answers must be treated the same as answers, except as otherwise specifically provided.

*Administrative cause.* For purposes of this chapter, the term “administrative cause” has the same meaning as “administrative convenience” as set forth in § 8-113 of the Code.

*Calculation of dates and deadlines.* For purposes of this chapter, where a deadline is specified in the Code, these rules, a Commission subpoena, or a Commission order by the expiration of a specified number of days, the deadline is calculated in calendar days, exclusive of the starting calendar day from which the calculation is made. If the expiration of a time requirement falls on a weekend or a legal holiday of the State of New York, the expiration date is the next business day following the expiration date.

*Complaint.* For purposes of this chapter, the term “complaint” means a formal, written complaint filed pursuant to subchapter B of these rules.

*Complainant.* For purposes of this chapter, the term “complainant” means a person who has filed a formal, written complaint pursuant to subchapter B of these rules.

*Conciliation.* For purposes of this chapter, the term “conciliation” refers to an agreement among persons including the Law Enforcement Bureau to resolve all or part of a case before the Commission.

*Necessary party.* For purposes of this chapter, the term “necessary party” means any person determined by the Law Enforcement Bureau or by an Administrative Law Judge to be a person who might be inequitably affected by a decision of the Commission, or any person whose absence would preclude complete relief between the complainant and the respondent.

*Party.* For purposes of this chapter, the term “party” means the Law Enforcement Bureau when acting as petitioner; respondents; complainants who intervene pursuant to § 2-25 of the Rules of Practice of the Office of Administrative Trials and Hearings (hereinafter “OATH”); or any necessary parties.

*Person.* For purposes of this chapter, the term “person” includes one or more natural persons, proprietorships, partnerships, associations, group associations, organizations, governmental bodies or agencies, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and associations, organizations, or groups that assert the civil rights of protected classes.

*Respondent.* For purposes of this chapter, the term “respondent” means a person who has been charged in a complaint filed pursuant to these rules with having committed an unlawful discriminatory practice, an act of discriminatory harassment or violence, or an act of bias-based profiling.

*Rules.* For purposes of this chapter, unless otherwise apparent from the context, the term “rules” means the provisions of chapter 1 of title 47 of the Rules of the City of New York.

*Settlement.* For purposes of this chapter, the term “settlement” refers to an agreement among persons not including the Law Enforcement Bureau to resolve all or part of a case before the Commission.

*Singular and plural usage.* For purposes of this chapter, words in the singular include the plural and words in the plural include the singular, as the context may require.

**§ 1-04 Service of Papers.**

- (a) *Who can serve papers.* Except where otherwise prescribed by law or an order of the Commission or of a court, papers may be served by any person of the age of eighteen years or over.
- (b) *Parties to be Served.* Each paper served on any party must be served on every other party who has appeared.
- (c) *Service on persons represented by counsel.* Whenever a person required to be served with a paper pursuant to these rules has duly informed the Commission pursuant to § 1-15 of this chapter that such person is represented by counsel, service must be made on the person’s counsel in lieu of service on the person unless, consistent with the New York Rules of Professional Conduct, the person seeking to make service has reason to conclude that the person to be served is not in fact represented by counsel. Notwithstanding the foregoing, in addition to serving administrative notices on a represented person’s counsel, the Commission may also serve such notices the on the person.
- (d) *Methods of service.*
  - (1) *Papers other than subpoenas.* A paper other than a subpoena is served under this rule by:
    - (i) handing it to the person;
    - (ii) mailing it to the person’s last known address, unless the serving party has reason to know that the person to be served no longer resides there. Service by mail is effective:
      - i. five days from the date of mailing, if sent by first class mail.
      - ii. one day from the date of mailing, if sent by overnight delivery.
      - iii. for purposes of calculating deadlines for filing in state court, on the date of mailing. For example, the deadline for filing an appeal in state court should be calculated from the date of mailing of the decision that is the subject of the appeal.
  - (iii) leaving it:
    - i. at the person’s office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or
    - ii. if the person has no office or the office is closed, at the person’s dwelling or usual place of abode with someone of suitable age and discretion who resides there;



discriminatory practices and, if the alleged violation of the Code is of a continuing nature, the dates between which that violation is alleged to have occurred; and the addresses or approximate locations of any places where the acts complained of are alleged to have occurred; and

- (4) whether complainant has previously filed any other civil or administrative action alleging an unlawful discriminatory practice, act of discriminatory harassment or violence, or act of bias-based profiling with respect to the allegations that are the subject of the complaint. In the event of a prior filing, a statement of the title, docket number, or similar identifying number, and forum before which such other claim was filed, and a statement of the status or disposition of such other action or proceeding should be included.
- (d) What constitutes filing of a complaint or answer. A signed, verified complaint or answer is filed when it is mailed to or personally served on the Law Enforcement Bureau.
- (e) Procedure following receipt of complaint. Consistent with § 1-11(a) (1) of this chapter, when a complaint is filed, the Law Enforcement Bureau must record the date of filing and assign a complaint number to the complaint. The Law Enforcement Bureau must thereafter serve a copy of the filed complaint to each respondent and necessary party and must advise the respondents of their procedural rights and obligations.

#### **§ 1-12 Commission-initiated Complaints.**

- (a) Procedure following the filing of a Commission-initiated complaint. At the time that a Commission-initiated complaint is filed, the Law Enforcement Bureau must record the date of filing and assign a complaint number to the complaint. The Law Enforcement Bureau must thereafter serve a copy of the filed complaint on each respondent and advise the respondents of their procedural rights and obligations.
- (b) Probable cause. Commission-initiated complaints do not require a determination of probable cause.

#### **§ 1-13 Amendments to Complaints.**

- (a) General. A complaint may be amended as of right at any time before the referral of the complaint to OATH. While a case is pending before OATH, amendments must be made in accordance with OATH rules. An amended complaint supersedes all prior complaints. Amending a complaint does not necessitate a reevaluation of the initial probable cause determination.
- (b) Statute of limitations. With respect to respondents named in the original complaint, the date of filing an amended complaint relates back to the date the original complaint was filed. With respect to respondents named for the first time in an amended complaint, the statute of limitations must be assessed in accordance with the relation-back doctrine under New York law.
- (c) Additions or substitutions of the Commission. The Law Enforcement Bureau may amend a complaint to add the Commission to a complaint or substitute the Commission for a complainant at any time after a complaint has been filed but before a final determination on the complaint has been made.

#### **§ 1-14 Answer.**

- (a) Time for filing. A respondent must file an answer with the Law Enforcement Bureau within 30 days of having been served with a complaint.
- (b) Extension of time to answer. A respondent may, for good cause, apply to the Law Enforcement Bureau for additional time to file an answer.
- (c) Form and content of answer. The answer must be verified as to the truth of the statements therein and must, in consecutively numbered paragraphs that correspond to those in the complaint, specifically admit, deny, or explain each allegation, unless the respondent is without knowledge or information sufficient to form a belief about the allegation, in which case the respondent must so state, and such statement will operate as a denial. Any allegation in the complaint not specifically denied or explained will be deemed admitted unless good cause to the contrary is shown. To the extent that the respondent denies only part of an allegation, the respondent must state the extent of its denial and also state its response to the remaining portions of the allegation. All affirmative defenses and all mitigating factors recognized under the NYCHRL must be stated separately in the answer, or will be deemed waived, unless good cause to the contrary is shown.
- (d) Prohibition on counterclaims and cross-claims. The respondent may not interpose counterclaims or cross-claims in the answer, but is not precluded from filing a complaint under § 1-11 of this chapter.
- (e) Position statements. A respondent should include a position statement to be filed with its answer, which may facilitate efficient

and early resolution of a matter. A position statement will be shared with complainants and should detail the respondent's account of events relevant to the allegations in the complaint, and may include, if applicable:

- (1) A description of, and supporting evidence related to, the respondent's policies, trainings, workshops, or other practices that are aimed at preventing or combating discrimination, harassment, and retaliation; and
  - (2) An explanation of the rationale behind the respondents' alleged conduct, and examples of the respondents' similar conduct toward persons other than the complainant(s) that may be relevant to the legal analysis of discrimination.
- (f) Amendment of answer. A respondent may amend its answer at any time prior to the referral of a complaint to OATH. An amendment to an answer subsequent to the referral of a complaint to OATH may be made in accordance with OATH rules. An amended answer supersedes all prior answers.
- (g) Procedure following receipt of an answer and position statement. The Law Enforcement Bureau must serve a copy of each answer and position statement on the complainant.
- (h) Failure to answer. Failure to file a timely answer may result in a finding of default, in which case the allegations in the complaint will be deemed admitted.

#### **§ 1-15 Notice of Representation by Counsel.**

Complainants and respondents may be represented by counsel. Prior to issuance of a report and recommendation by OATH, counsel appearing for the first time must notify the Law Enforcement Bureau of the following: the person or persons for whom the attorney appears and the attorney's name, address, telephone number, email address, and fax number. After a report and recommendation has been issued by OATH, counsel appearing for the first time must file a similar notice of appearance with the Office of the Chair. If applicable, counsel appearing for the first time should also provide notice of consent to service by email pursuant to § 1-04(f) of this chapter.

#### **§ 1-16 Rebuttal Statements.**

Upon request from the Law Enforcement Bureau, a complainant may submit a rebuttal to a respondent's answer and position statement.

### **SUBCHAPTER C WITHDRAWALS AND DISMISSALS**

#### **§ 1-21 Withdrawal of Complaints.**

- (a) Legal effect of withdrawal.
- (1) Effect on the Law Enforcement Bureau. Unless a complaint is withdrawn pursuant to a conciliation agreement, the withdrawal of a complaint will be without prejudice to (i) the continued prosecution of the complaint by the Law Enforcement Bureau in accordance with these rules; (ii) the initiation of a complaint by the Law Enforcement Bureau based on the same facts; or (iii) the commencement of a civil action by the Corporation Counsel based on the same facts, pursuant to title 1, chapter 4 of the Code.
  - (2) Effect on complainant.
    - (i) Prior to withdrawal, complainants are cautioned to seek independent legal advice concerning whether the right to sue in another forum is preserved following the withdrawal of a complaint pursuant to § 8-112 of the Code.
    - (ii) Refiling at the Commission. Following a withdrawal, a complainant may refile with the Commission at the discretion of the Law Enforcement Bureau.
    - (iii) Refiling in other venues. A complainant's ability to refile in a venue other than the Commission is determined by the venue itself.
- (b) Procedure for withdrawals.
- (1) Prior to referral to OATH. A complainant may withdraw a complaint as of right at any time prior to being served by the Law Enforcement Bureau with a notice of referral to OATH. The complainant must provide signed, written notice to the Law Enforcement Bureau of the complainant's desire to withdraw a complaint. The Law Enforcement Bureau must promptly provide written notice to all parties of a withdrawal and the status of the case.
  - (2) While pending before OATH. While a case is pending before OATH, a complaint may be withdrawn in accordance with OATH rules of practice (48 RCNY § 2-26).
  - (3) After proceedings at OATH. After a case is returned to the Commission from OATH, a complainant seeking to withdraw a complaint must file a letter motion with the Office of the

Chair. The Chair may, in its discretion, grant a motion to withdraw.

### **§ 1-22 Dismissal of Complaints.**

- (a) Dismissals for administrative cause. The Law Enforcement Bureau may, in its discretion, dismiss a complaint for administrative cause in accordance with § 8-113(a) of the Code at any time prior to the taking of testimony at a hearing. Administrative cause includes, but is not limited to, the following circumstances:
- (1) The Law Enforcement Bureau has been unable to locate the complainant after diligent efforts to do so;
  - (2) Absent good cause, the complainant has repeatedly failed to appear at mutually agreed-upon appointments with the Law Enforcement Bureau or is unwilling to meet with the Law Enforcement Bureau, to provide requested documentation that is available to the complainant and that may be necessary for the case, or to attend a hearing;
  - (3) The complainant has repeatedly engaged in conduct which is disruptive to the orderly functioning of the Law Enforcement Bureau;
  - (4) The complainant is unwilling to accept any reasonable conciliation agreement, where the Law Enforcement Bureau's determination of reasonableness includes consideration of the nature of the alleged violation, the value of similar cases, the impact of the proposed agreement on the parties and the public, and potential litigation risks;
  - (5) Prosecution of the complaint will not serve the public interest. Without limitation, this includes those circumstances:
    1. Where the evidence collected by the Law Enforcement Bureau indicates that further investigation is unlikely to result in a finding of probable cause;
    2. Where, upon further investigation or discovery after a determination of probable cause, the evidence considered as a whole is no longer sufficient to warrant further prosecution;
    3. Where the Law Enforcement Bureau determines that further investigation or prosecution of a case is likely to require a disproportionate investment of public resources relative to: the claims in the case, the potential remedies that may be available, or enforcement priorities identified by the Commission in a publicly-available strategic enforcement plan;
    4. Where the complainant has previously filed a complaint or charge with any administrative agency under any federal law alleging an unlawful discriminatory practice, act of discriminatory harassment or violence, or act of bias-based profiling with respect to the same grievance that is the subject of the complaint;
    5. Where the passage of time or other factors have materially impaired the ability of one or more parties to prove claims or defenses; or
    6. Where further prosecution of the complaint at the Commission poses an unavoidable risk of actual, potential, or perceived prejudice.
- (6) The complainant requests dismissal, 180 days have elapsed since the filing of the complaint with the Law Enforcement Bureau, and the Law Enforcement Bureau finds that (i) the complaint has not been actively investigated and (ii) the respondent will not be unduly prejudiced thereby.
- (b) Mandatory dismissal for administrative cause. The Law Enforcement Bureau must dismiss a complaint for administrative cause at any time prior to the filing of an answer by the respondent if the complainant requests such dismissal, unless the Law Enforcement Bureau has conducted an investigation of the complaint or has engaged the parties in conciliation after the time the complaint was filed.
- (c) Legal effect of dismissal for administrative cause. A dismissal for administrative cause is without prejudice to filing a claim under § 8-502 of the Code.
- (d) Dismissal because the complaint is not within the jurisdiction of the Commission. The Law Enforcement Bureau must dismiss a complaint in whole or in part where it concludes that the complaint or a portion thereof is not within the Commission's jurisdiction.
- (e) Dismissal for lack of probable cause. If, after investigation, the Law Enforcement Bureau determines that probable cause does not exist to believe that the respondent has engaged or is engaging in an unlawful discriminatory practice, act of

discriminatory harassment or violence, or act of bias-based profiling, the Bureau must dismiss the complaint in whole or in part as to such respondent.

- (f) Notification of dismissal. When the Law Enforcement Bureau makes a determination pursuant to this section to dismiss a complaint, in whole or in part, it must promptly serve all parties, and OATH if the case is pending before OATH, with a formal notice of its determination, including a brief statement of the rationale for the dismissal. In addition, the Law Enforcement Bureau must simultaneously serve all parties with a notice of any preservation of claims, if applicable, and of the deadline and process for appeal.

### **§ 1-23 Administrative Appeal of Dismissal.**

A complainant or respondent may appeal to the Office of the Chair for a review of a determination of the Law Enforcement Bureau to dismiss any portion of a complaint pursuant to § 1-22 of this chapter.

- (a) Timing. Within 30 days of service of the notice of dismissal, a notice of appeal must be mailed or hand delivered to the Office of the Chair and must be served on all other parties. A request for extension of the time to file a notice of appeal must be submitted in writing to the Office of the Chair, with copies to all other parties, and will only be granted for good cause. Untimely appeals will be dismissed, unless good cause for delay is shown.
- (b) Content of a notice of appeal. A notice of appeal should clearly state that an appeal is being requested, the date of the Law Enforcement Bureau's notice of dismissal that is being appealed, and the case number. At the same time that a party files a notice of appeal, it may also state, in writing, its reasons for challenging the dismissal, or it may wait to do so in comments filed pursuant to § 1-23(c) of this chapter.
- (c) Optional comments. After a notice of appeal has been timely filed, the Office of the Chair must send a notice to all claimants, respondents, and necessary parties, setting a schedule for the optional submission of comments on the appeal.
- (d) Review by the Office of the Chair. After the final deadline for the submission of comments pursuant to § 1-23(c) has passed, the Office of the Chair must conduct a review of the Law Enforcement Bureau's investigation file, the Law Enforcement Bureau's notice of dismissal, and any comments submitted in a timely manner by complainants, respondents, and any other necessary parties pursuant to § 1-23(c) of this chapter. The standard of review for an appeal is reasonableness as to findings of fact and *de novo* as to findings of law. After concluding the review, the Chair must issue an order affirming, reversing, or modifying the Law Enforcement Bureau's determination to dismiss, or remanding the matter for further investigation and action, and must, if applicable, provide notice of any right to further appeal. The Office of the Chair must serve a copy of such order on the Law Enforcement Bureau, complainant, respondent, and any other necessary parties.

## **SUBCHAPTER D INVESTIGATORY PROCEDURES**

### **§ 1-31 Policy.**

The Law Enforcement Bureau has discretion to use investigatory procedures that it determines will best facilitate accurate, orderly, and thorough fact-finding.

### **§ 1-32 Pre-complaint Investigations.**

In addition to conducting investigations of allegations contained in complaints filed pursuant to § 1-11 and § 1-12 of this chapter, the Law Enforcement Bureau may investigate on its own initiative possible violations of the NYCHRL.

### **§ 1-33 Investigatory Demands.**

- (a) General. Except as otherwise limited by law, the Law Enforcement Bureau may (i) demand from any person or party the production of materials relevant to a Commission investigation, including but not limited to documents, electronically stored information, or other materials; (ii) conduct interviews or depositions of any person; and (iii) undertake testing and such other investigatory tasks as the Law Enforcement Bureau deems appropriate.
- (b) Demands for preservation of records. The Law Enforcement Bureau is authorized to make demands for the preservation of records and for the continuation of the practice of making and keeping records as permitted by § 8-114(b) of the Code. Such demand for preservation of records is effective immediately at the time of service of the demand and will remain in effect until the termination of all proceedings relating to any complaint or civil action commenced, including after the time for appeal has expired, or if no complaint or civil action is filed, will expire two years after the date of service of the preservation demand. A demand for preservation must require that records preserved pursuant to the demand be made available for inspection by the Law Enforcement Bureau and/or be filed with the Law Enforcement Bureau.

For purposes of this provision, the term "records" means any form of recorded information, regardless of form or characteristics, including but not limited to books, papers, electronically-stored information, photographs, spreadsheets, graphs, maps, charts, drawings, audio recordings, video recordings, and machine-readable materials.

#### **§ 1-34 Subpoenas.**

- (a) *General.* The Law Enforcement Bureau may issue and serve subpoenas *ad testificandum* and subpoenas *duces tecum* on any person. Subpoenas must be served in a manner prescribed by the CPLR.
- (b) *Contents of a subpoena.* A subpoena must state with specificity (i) the form of evidence to be produced, including but not limited to testimony, documents, electronically stored information, or other materials; (ii) where applicable, the date ranges for which such evidence is sought; (iii) the deadline for production, which should be no less than 20 days from the date of service; (iv) where applicable, the format and manner in which evidence should be produced; and (v) information concerning whom to contact in the Law Enforcement Bureau with requests for extensions, inquiries, objections to a subpoena, and related matters. Where a subpoena demands the production of testimony, it must state the name of the subpoenaed person and the date, time, and location at which the person must appear.

#### **§ 1-35 Objections to Investigatory Demands and Subpoenas.**

- (a) *Effect of Failing to Object.* Objections to an investigatory demand or subpoena that are not raised in accordance with this section, including by first raising objections with the Law Enforcement Bureau, may be deemed waived, absent a showing of good cause.
- (b) *Initial Application to the Law Enforcement Bureau.* A person objecting to an investigatory demand or subpoena must confer in good faith with the Law Enforcement Bureau as soon as practicable and no later than 30 days after service of the investigatory demand or subpoena. The Law Enforcement Bureau may, in its discretion, extend the deadline for such objections.
- (c) *Motion to the Office of the Chair.* If a conference with the Law Enforcement Bureau pursuant to § 1-35(b) of this chapter does not resolve a person's objections to an investigatory demand or subpoena, the person may file a letter motion with the Office of the Chair for a protective order within 14 days after the Law Enforcement Bureau provides notice of its decision on the movant's objections. Applications for an extension of the deadline for a motion for a protective order must be submitted to the Office of the Chair in writing and may be granted for good cause.

A motion for protective order must be served simultaneously on the Office of the Chair and the Law Enforcement Bureau and must include (i) a copy of the full investigatory demand or subpoena, (ii) confirmation that the movant conferred in good faith with the Law Enforcement Bureau pursuant to § 1-35(b) of this chapter; and (iii) a statement of the specific portion or portions of the investigatory demand or subpoena to which the movant objects and the grounds for objection.

The filing of a motion with the Office of the Chair will stay the deadline for production of only those materials that are the subject of the motion for a protective order, until the motion is decided. The Law Enforcement Bureau has 14 days from service of the motion to file and serve its opposition on the movant and the Office of the Chair. The movant may file a reply within 7 days after the Law Enforcement Bureau's opposition is filed. The Chair must promptly issue an order on the motion. A protective order may deny, limit, or condition the use of any disclosure device and should be designed to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person.

- (d) *Judicial review of subpoenas.* Consistent with CPLR 2304, after the Chair issues an order deciding a motion challenging a subpoena, the movant may seek review in state Supreme Court.

#### **§ 1-36 Extensions of the Time to Comply With an Investigatory Demand or Subpoena.**

A person seeking an extension of the time to comply with an investigatory demand or subpoena may, as soon as reasonably practicable prior to the expiration of the deadline to comply, submit a written request to the Law Enforcement Bureau stating the reasons that an extension is sought and the length of extension that is being requested. The Law Enforcement Bureau must promptly advise the person seeking an extension of its determination.

#### **§ 1-37 Enforcement of Investigatory Demands and Subpoenas.**

- (a) *Investigatory Demands.* The Law Enforcement Bureau may file a letter motion to compel compliance with an investigatory demand with the Office of the Chair. Such motion must include a copy of the full investigatory demand and an affirmation stating efforts taken by the Law Enforcement Bureau to procure compliance with

the demand, including efforts to confer with the subject of the demand. Opposition to a motion to compel compliance with an investigatory demand must be filed and served on the Law Enforcement Bureau and the Office of the Chair within 14 days of service of the motion. The Law Enforcement Bureau may file and serve a reply within 7 days of service after the opposition is filed. The Chair must promptly issue an order on the motion to compel.

In the event that a person fails to comply with an order compelling testimony or the production of evidence pursuant to an investigatory demand, the Chair may, on its own motion or at the request of the Law Enforcement Bureau, issue such order as may be just with regard to the non-compliance, including but not limited to: (i) holding that the issues to which the testimony or evidence are relevant will be resolved against the non-compliant person; (ii) prohibiting the non-compliant person from supporting or opposing designated claims or defenses or from introducing designated evidence or testimony into the record; or (iii) striking out claims, affirmative defenses, or pleadings or parts thereof.

- (b) *Subpoena enforcement.* Proceedings to enforce subpoenas are governed by Article 23 of the CPLR. The Law Enforcement Bureau may, in its discretion, file a letter motion to compel compliance with a subpoena with the Office of the Chair, or in state Supreme Court pursuant to CPLR 2308(b). A motion to the Office of the Chair to compel compliance with a subpoena are governed by § 1-37(a) of this chapter.

#### **§ 1-38 Injunctions and Temporary Restraining Orders.**

Consistent with § 8-122 of the Code, if the Law Enforcement Bureau finds that a respondent or a person acting in concert with a respondent is acting in a manner tending to render ineffectual relief that the Commission could order after a hearing, the Commission may commence a special proceeding in state Supreme Court for an order to show cause to enjoin such conduct pursuant to CPLR article 63.

#### **§ 1-39 Redactions.**

In response to an investigatory demand or subpoena, unless otherwise ordered by the Law Enforcement Bureau, all documents produced in connection with an investigation or case at the Commission that contain an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, a financial-account number, immigration status, or employer ID number, must be redacted to include only (i) the last four digits of the social-security number, taxpayer-identification number, financial-account number, or employer ID number; (ii) the year of the individual's birth; and (iii) the minor's initials.

#### **§ 1-40 Availability of Investigatory Materials Following Dismissal of the Complaint.**

Within 30 days of the issuance of an order of the Law Enforcement Bureau dismissing the complaint, the complainant and respondent may examine certain materials and documentation from the Law Enforcement Bureau's investigation of the complaint. Such materials and documentation are limited to the factual information uncovered during the investigation that led to the determination and may include, among other things: (i) intake forms and documents submitted by a complainant during intake of a case; (ii) complaints, answers, position statements, and rebuttals filed by the parties; (iii) motions and other administrative case filings; (iv) requests for information, investigatory demands, document requests, and subpoenas, unless prohibited by law or an order of the Commission or a court; (v) responses to requests for information, investigatory demands, document requests, and subpoenas, unless prohibited by law or an order of the Chair or a court; (vi) notes and recordings of interviews with witnesses; (vii) notes pertaining to investigative work such as site visits; (viii) correspondence pre-dating a finding of probable cause (see 48 RCNY § 2-29(b)(1)); (ix) call logs; (x) the results of electronic and internet searches; (xi) photographs, audio recordings, and video recordings; and (xii) documents pertaining to proceedings in other administrative or court proceedings involving any party to the case.

Notwithstanding the foregoing, the following materials are not subject to disclosure absent an order from a court or tribunal of competent jurisdiction: (i) materials that are protected by privilege under the CPLR, including attorney work product and attorney-client communications; (ii) any information about witnesses who request anonymity, unless the Law Enforcement Bureau relies on such witnesses in issuing a finding of probable cause or in prosecuting a case before OATH; (iii) materials that are not material or necessary, within the meaning of CPLR Article 31; (iv) correspondence post-dating a finding of probable cause (see 48 RCNY § 2-29(b)(1)); and (v) notes and correspondence related to settlement negotiations.

The Law Enforcement Bureau assesses whether production of sensitive information is appropriate, including production of financial information, medical information, and correspondence with treatment providers. Redactions are made where required by law and to prevent harassment.

**DETERMINATION OF WHETHER PROBABLE CAUSE EXISTS****§ 1-41 Basis of Determination.**

The Law Enforcement Bureau must find probable cause exists to credit the allegations of a complaint that an unlawful discriminatory practice, act of discriminatory harassment or violence, or act of bias-based profiling has been or is being committed by a respondent where a reasonable person, looking at the evidence as a whole, could reach the conclusion that it is more likely than not that the unlawful discriminatory practice, act of discriminatory harassment or violence, or act of bias-based profiling was committed.

**§ 1-42 Notice of Determination.**

The Law Enforcement Bureau must serve the complainant and respondent with written notice of its determination as to whether probable cause exists. A determination to dismiss the complaint upon a finding of no probable cause must state the reasons for the Law Enforcement Bureau's conclusion.

**§ 1-43 Review of Determination.**

- (a) *No review of probable cause determination.* A determination that probable cause exists to credit some or all of the allegations of a complaint is not subject to interlocutory review or appeal.
- (b) *Review of determination of no probable cause.* A determination that dismisses a complaint, in whole or in part, on a finding of no probable cause is reviewable in accordance with § 1-23 of this chapter.
- (c) *Withdrawal of a determination of probable cause.* Prior to a hearing before OATH, the Law Enforcement Bureau may withdraw a probable cause determination if it determines a reasonable person looking at the evidence as a whole could no longer reach the conclusion that it is more likely than not that the unlawful discriminatory practice, act of discriminatory harassment or violence, or act of bias-based profiling was committed.

**SUBCHAPTER F  
SETTLEMENT AND CONCILIATION**

**§ 1-51 Settlement.**

- (a) *General.* A complainant, respondent, or any other necessary party may, at any time, enter into an agreement to settle a case.
- (b) *Mediation.* The Law Enforcement Bureau may, in its discretion, refer a case to the Office of Mediation and Conflict Resolution for mediation of a settlement agreement as provided in subchapter H of this chapter.
- (c) *Legal effect of settlement agreement.* Where a complainant agrees pursuant to a settlement agreement to withdraw a complaint, the legal effect of such withdrawal is governed by § 1-21(a) of this chapter.

**§ 1-52 Conciliation.**

- (a) *General.* The Law Enforcement Bureau, complainant, respondent, and any other necessary parties may, at any time after the filing of a complaint, agree to a conciliated resolution of a case.
- (b) *Mediation.* The Law Enforcement Bureau may, in its discretion, refer a case to the Office of Mediation and Conflict Resolution for mediation of a conciliation agreement as provided in subchapter H of this chapter.
- (c) *Conciliation agreements.*
  1. *Form and content.* Every conciliation agreement must contain an acknowledgement of the execution of the agreement by the Law Enforcement Bureau and each complainant, respondent, and other necessary party who is party to the agreement. The provisions of the conciliation agreement may be such as are agreed to by the parties to the agreement.
  2. *Entry of order by Commission.* When a conciliation agreement has been fully executed, the Law Enforcement Bureau must promptly forward such agreement to the Chair. The signature of the Chair on a conciliation agreement with the notation "SO ORDERED" will be construed to be an order of the Commission pursuant to § 8-115(d) of the Code, directing the parties to such agreement to perform each and every obligation under such conciliation agreement in the time and manner set forth in the agreement. The Chair must deliver the order of the Commission to the Law Enforcement Bureau for service on the parties to the agreement.
  3. *Effective date.* A conciliation agreement is binding at the time that it is so-ordered by the Chair, after it has been executed by the parties to the agreement.

- (d) *Legal effect of conciliation.* Where a complaint is withdrawn pursuant to a conciliation agreement, the legal effect of such withdrawal is governed by § 1-21(a) of this chapter.

**SUBCHAPTER G  
ADJUDICATION PROCEDURES**

**§ 1-61 Referral of Complaints to OATH.**

- (a) *Filing a notice of referral to OATH.* When the Law Enforcement Bureau determines that a case is ready for adjudication, the Bureau must refer the case to OATH by serving a notice of referral on the complainant, the respondent, and any necessary party, and filing it, along with copies of the pleadings, with OATH.
- (b) *Contents of a notice of referral.* The notice of referral must include the last known address and telephone number of each complainant, respondent, and necessary party and must state whether the respondent has complied with the requirement of § 1-14 of this chapter concerning the filing of an answer and, if not, whether the Law Enforcement Bureau seeks to have respondent held in default. The notice of referral must also inform the complainant of its right to intervene pursuant to OATH rules (see 48 RCNY § 2-25). No material relating to the investigation, the reasoning supporting a finding of probable cause, or the substance of conciliation efforts may be filed with OATH.

**§ 1-62 Incorporation of OATH Rules of Practice for Cases Pending Before OATH.**

Except as otherwise provided pursuant to these rules, the Commission adopts OATH's rules of practice relating to hearing and pre-hearing procedures (chapter 1 and subchapter C of chapter 2 of title 48 of the Rules of the City of New York), which apply to all cases during the period that they are pending before OATH.

**§ 1-63 Interlocutory Review of Administrative Law Judge Decisions and Orders.**

- (a) *General.* A party may seek interlocutory review by the Office of the Chair of a decision or order of an Administrative Law Judge, when the presiding Administrative Law Judge has certified a question for review. Any question not certified by the presiding Administrative Law Judge may be raised by a party in comments responding to a report and recommendation pursuant to § 1-66 of this chapter. Any challenge that is certified by the Administrative Law Judge and entertained by the Office of the Chair will preclude further review of that issue by the Commission. The failure of a party to challenge a decision or order of an Administrative Law Judge, other than a report and recommendation, will not preclude that party from making such challenge in comments responding to the report and recommendation pursuant to § 1-66 of this chapter, provided that the party timely made its objection known to the Administrative Law Judge and that the grounds for such challenge are limited to those set forth to the Administrative Law Judge.
- (b) *Review of motions for protective orders filed at OATH.* Within seven days of being served with a decision by an Administrative Law Judge to grant or deny any portion of a motion for a protective order pursuant to § 1-65 of this chapter, the person seeking the protective order may, as of right, seek review of such decision by the Office of the Chair. A motion for interlocutory review of an OATH decision on a motion for a protective order must include (i) copies of all original motion papers filed with OATH, (ii) a copy of the decision issued by the Administrative Law Judge on the original motion, and (iii) a statement of the prejudice that would result if the requested relief is denied. After the motion is served, the Office of the Chair will set deadlines for opposition and reply papers.

**§ 1-64 Redacted Filings at OATH.**

Unless otherwise ordered by an Administrative Law Judge or the Chair, all documents filed in connection with the adjudication of a case and that contain an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, a financial-account number, or employer ID number, must be redacted to include only (i) the last four digits of the social-security number, taxpayer-identification number, financial-account number, or employer ID number; (ii) the year of the individual's birth; and (iii) the minor's initials.

**§ 1-65 Protective Orders.**

- (a) *General.* An Administrative Law Judge may at any time on his or her own initiative, or on the motion of any party or any person from whom or about whom a disclosure is sought, make a protective order denying, limiting, or conditioning the use of any disclosure device. Such order should be designed to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person.

- (b) Interlocutory review. Interlocutory review of a decision to grant or deny a motion for a protective order, in whole or in part, is governed by § 1-63(b) of this chapter.
- (c) Suspension of disclosure obligations while a motion for protective order is pending. Service of a motion for a protective order will stay the obligation to disclose the particular materials in dispute until the date specified in an order on the motion issued by an Administrative Law Judge pursuant to § 1-65(a) of this chapter, or where interlocutory review of such order is sought pursuant to § 1-63(b) of this chapter, by the Chair on the motion for interlocutory review.
- (d) Materials related to immigration status. Materials related to immigration status are not subject to disclosure or discovery absent an order to compel issued by the Chair. A party seeking production of such materials may move the Administrative Law Judge for a recommendation to the Chair for an order to compel. When deciding a motion for an order to compel the production of such materials, the Chair must consider the following factors: whether the materials are relevant and necessary to a claim or defense, and whether production of the materials will subject a party to annoyance, embarrassment, oppression, undue burden, or prejudice (including *in terrorem* effect). Notwithstanding the foregoing, an individual may voluntarily produce or authorize the production of information about the individual's own immigration status.

#### **§ 1-66 Post-hearing Comments.**

- (a) Notice of right to file comments. After receiving a report and recommendation from OATH, the Office of the Chair must promptly issue a notice to all parties advising of the deadline to file written comments with the Office of the Chair.
- (b) Timing, content, and service of written comments. All written comments concerning a report and recommendation must be submitted within 30 days of service of the notice of the right to file such comments, unless an extension of time is granted pursuant to § 1-66(c) of this chapter. A party's written comments concerning a report and recommendation should raise any objections and should not exceed the scope of issues reflected in the OATH hearing record. Objections not raised in the comments may be deemed waived in any further proceedings. Comments must be served on all other parties and the Office of the Chair. Reply comments are not permitted, unless ordered by the Office of the Chair.
- (c) Extensions of the time to file comments. A party seeking an extension of the time to file comments to a report and recommendation should promptly file with the Office of the Chair a written application for an extension, stating the date to which an extension is sought and the basis for the extension request. The Office of the Chair may grant a request for extension for good cause.
- (d) Notice of application for attorney's fees. A complainant must clearly provide notice of its intent to seek attorney's fees in comments to a report and recommendation. Fee applications are governed by subchapter I of this chapter.
- (e) Amicus comments. Within 30 days after a report and recommendation is issued by OATH, a non-party may submit a written request to the Office of the Chair for leave to file comments as amicus curiae. A request to file amicus comments may not exceed 3 pages and should include a concise statement of the identity of the amicus curiae, its interest in the case, and the reasons why amicus comments would serve the public interest and aid the Commission's resolution of a case. The Office of the Chair has discretion to grant or deny a request to file amicus comments. Where a request to file amicus comments is granted, the comments must be submitted within 30 days and may not exceed 8 pages.

#### **§ 1-67 Review of a Report and Recommendation by the Office of the Chair.**

- (a) General. The Office of the Chair will commence consideration of a report and recommendation after it receives the report and recommendation and hearing record from OATH.
- (b) Recommended decisions and orders not completely disposing of a complaint. The Chair may not issue a decision and order that is the subject of a report and recommendation which, if adopted, would not resolve the complaint in its entirety, unless the Administrative Law Judge certifies the portion of the case proposed to be decided by the report and recommendation to the Chair for immediate consideration. Dismissal of all or part of a case by an Administrative Law Judge has the effect of a report and recommendation for the purpose of this section.
- (c) Decisions and orders.
1. Decisions involving no attorney's fees. Where there is no finding of liability or where notice of an application for

attorney's fees has not been properly filed, the Chair will issue a decision and order based on a review of the report and recommendation; the hearing record from OATH; comments on the report and recommendation; any motion papers filed at OATH and OATH decisions bearing on the merits of the case; and any supplemental evidence gathered by the Office of the Chair pursuant to § 1-69 of this chapter.

2. Decisions involving attorney's fees. Where a complainant has properly filed notice of an application for attorney's fees and where there is a finding of liability, the Chair will issue a memorandum decision based on a review of the report and recommendation; the hearing record from OATH; comments on the report and recommendation; any motion papers filed at OATH and OATH decisions bearing on the merits of the case; and any supplemental evidence gathered by the Office of the Chair pursuant to § 1-69 of this chapter. In addition, after briefing on attorney's fees has closed, the Chair must issue a decision and order resolving all issues of liability, damages, civil penalties, and attorney's fees.
3. Orders for relief. Upon a finding of liability, the Chair must order the respondent to cease and desist violating the NYCHRL. The Chair may also impose such additional relief as the Chair deems appropriate, in accordance with § 8-120 of the Code. The decision and order must be served on the Law Enforcement Bureau, complainant, respondent, and any necessary parties.

#### **§ 1-68 Relief from Default After Issuance of a Report and Recommendation.**

A respondent against whom a default has been entered pursuant to § 2-27(a) of OATH's rules (48 RCNY § 2-27) and who has not already moved for relief from default pursuant to § 2-27(b) of OATH's rules, may file a letter motion with the Office of the Chair to open the default at any time after the issuance of a report and recommendation and prior to the issuance by the Commission of a final decision and order. A motion to reopen must show either (a) lack of service or (b) both a showing of good cause for the default and a potentially meritorious defense to the complaint. The Office of the Chair will set deadlines for opposition and reply to a motion to open a default. In granting a motion to open a default, the Chair may impose such terms and conditions as the Chair deems to be just and equitable.

#### **§ 1-69 Reopening of Proceeding.**

Prior to the commencement of a judicial proceeding under § 8-123 of Code, the Chair may, on its own or on the motion of any party, order any proceeding reopened or vacate or modify any order or determination, whenever justice so requires.

In addition, the Office of the Chair may order supplemental briefing or hold a supplemental hearing after the issuance of a report and recommendation and a hearing at OATH. A request from a party seeking leave to file supplemental briefing or for a supplemental hearing must be included in any written comments filed under § 1-66 of this chapter.

### **SUBCHAPTER H MEDIATION**

#### **§ 1-71 Referrals for Mediation.**

The Law Enforcement Bureau may suggest or a respondent, complainant, or necessary party may request that a case be referred to the Office of Mediation and Conflict Resolution for mediation of a settlement or conciliation agreement. If complainant, respondent, and all other necessary parties agree to enter into mediation, the Law Enforcement Bureau may, in its discretion, refer a case to the Office of Mediation and Conflict Resolution.

### **SUBCHAPTER I ATTORNEY'S FEES**

#### **§ 1-81 Applications for Attorney's Fees.**

A complainant may apply to the Office of the Chair for an award of attorney's fees within 14 days of service of a memorandum decision holding a respondent liable for an unlawful discriminatory practice, act of discriminatory harassment, or act of bias-based profiling. An application for attorney's fees must include a memorandum and copies of time records, accompanied by an affidavit or affirmation. A respondent may file an opposition to an application for an award of attorney's fees within 14 days of service of the complainant's application for attorney's fees. The fee applicant's reply, if any, must be filed within 7 days of service of the respondent's opposition. In addition to filing with the Office of the Chair, copies of all papers relating to an application for an award of attorney's fees must also be served on the opposing party and the Law Enforcement Bureau. The Chair or the Chair's designee will decide an application for attorney's fees in a supplemental decision and order.

#### **§ 1-82 Assessment of an Award of Attorney's Fees.**

Attorney's fees will generally be calculated under the lodestar method, multiplying the number of hours reasonably expended on the case by a reasonable hourly rate. In assessing the amount of time reasonably spent on a matter, the Commission may consider, among other things, the novelty and difficulty of the issues presented in the case and the degree of success ultimately achieved, including whether the litigation acted as a catalyst to effect policy change on the part of the respondent, regardless of whether that change has been implemented voluntarily. In assessing a reasonable hourly rate, the Commission may consider, among other things, the skill and experience of the attorney, and the hourly rate typically charged by attorneys of similar skill and experience litigating similar cases in New York county.

- (a) Billing judgment. An applicant seeking attorney's fees should make a good faith effort to exclude from its fee request time for work that is excessive, redundant, or otherwise unnecessary. Regardless of who performs the work, tasks which are clerical or secretarial in nature should be billed at an administrative rate and tasks which could be performed by a paralegal should be billed as such.
- (b) Time records. Time records should be set forth with sufficient particularity to enable an assessment of the accuracy of the records and whether the amount of time expended was reasonable. The Commission may reduce a fee award where time records do not adequately describe the nature of the work performed.

**§ 1-83 Input from the Law Enforcement Bureau.**

On its own accord or at the request of the Office of the Chair, the Law Enforcement Bureau may respond to a complainant's application for attorney's fees. The deadline for the Law Enforcement Bureau to file such a response is 20 days after the deadline for the complainant's reply papers, unless otherwise specified by the Office of the Chair.

**SUBCHAPTER J  
JUDICIAL REVIEW**

**§ 1-91 Judicial Review of Final Orders of the Commission.**

Any complainant, respondent or other person aggrieved by a final order issued pursuant to § 8-120 or § 8-126 of the Code or an order issued pursuant to § 8-113(f) may obtain judicial review in accordance with § 8-123.

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**COMPTROLLER**

■ NOTICE

**NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH** cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on **8/14/2019**, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	5030	72

Acquired in the proceeding entitled: MAPLE STREET PASSIVE RECREATION SPACE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer  
Comptroller

a1-14

**TRANSPORTATION**

■ NOTICE

New York City has one of the largest and most complex street networks in the world, including over 12,000 miles of sidewalks and pedestrian

ramps at street crossings throughout the City. Pedestrian ramps are a critical component in providing for safe and accessible means of travel throughout New York City. Pedestrian ramps provide access on and off our streets and sidewalks and are an essential tool for all pedestrians, especially aging New Yorkers and persons with disabilities.

The City of New York (Defendants) and disability advocates (Plaintiffs) in the matter of *Eastern Paralyzed Veterans Association n/k/a United Spinal Association v. City of New York and Center for Independence of the Disabled, New York et al v. City of New York et al*, which was recently settled and approved by the United States District Court for the Southern District of New York, are in the process of searching for a mutually agreeable candidate(s) to work as a Court-appointed Monitor. The final selection of the Monitor will happen within 45 days of July 23rd, or shortly thereafter by the Court.

The Monitor will work as an independent entity and oversee compliance with the Settlement Agreement relating to the installation, upgrade, and maintenance of pedestrian ramps at street crossings City-Wide. As part of this process, the City is gathering names of potential candidates. The Monitor must be a New York State licensed Professional Civil Engineer. The City prefers candidate(s) who possess a minimum of 10 years' experience working on either infrastructure projects involving public utilities with facilities located under or above ground in New York City or real estate development projects within New York City.

According to the terms of the settlement, the Monitor will be in place for at least 15 years, but there would be no obligation for the selected Monitor to remain for the entire period. For further information on the settlement and duties of the Monitor, follow this link: <https://www.nycpedramps.info/sites/default/files/2019-07/Pedestrian%20Ramp%20Settlement%20Agreement--Final%20Approved%207-23-2019.pdf>

Section 22 of the settlement agreement contains the relevant provisions relating to the Monitor. Please consider any potential conflicts due to past, present and future work experience.

If you are interested in being appointed as the Monitor, please contact Timothy Cherry, NYC DOT Assistant General Counsel, at [tcherry@dot.nyc.gov](mailto:tcherry@dot.nyc.gov) or (212) 839-6510.

a2-15

**CHANGES IN PERSONNEL**

FIRE DEPARTMENT FOR PERIOD ENDING 06/28/19							
NAME		TITLE	NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
HERMITA	LUIS	A	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
HERNANDEZ	NATALY		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
ISMAILI	SEAN		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
JABLONSKI	PATRICK		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
JENKINS	JULIAN	R	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
JOHNSON	JAMEL		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
JOHNSON	KAMAL		56057	\$42799.0000	APPOINTED	YES 06/16/19	057
JOHNSON JR.	JONATHAN		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
JOSEPH	JOSHUA	D	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
KAHN	TAYLOR	M	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
KATSANOS	ANDREW		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
KAVANAGH	MICHAEL	P	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
KEARNEY	BRIAN	J	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
KELLEHER	RYAN	T	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
KILLELEA	BRIAN	T	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
KOTRI	KLEDIAN		92510	\$277.0400	APPOINTED	NO 06/09/19	057
KOWALSKA	JESSICA		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LADINO	JONATHAN		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LARM	MICHAEL	R	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LEWIS	JAMELIA	L	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LIANDROS	GINA	Y	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LIBBY	RYAN	T	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LOGUIDICE	DANIEL	A	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LOPEZ	JOSEPH		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LOWE	RYAN	W	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LUBINSKI	ROBERT	M	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LUDEWIG	ZACHARY	D	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
LYNAM	MARK	W	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MAFFRO	NICHOLAS	M	53053	\$35254.0000	RESIGNED	NO 05/25/19	057
MALOKU	JOSEPH		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MARCHESANO	MICHAEL	T	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MARINO	JOSEPH	A	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MARMANN	THOMAS	J	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MARRERO	BRIAN		53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MARTINEZ	RAUL	R	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MCDANIELS	COLLIN	P	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MCDONOUGH	ERIN	M	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MCGETRICK	TREVOR	J	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MENBILLY	KEVIN	F	70310	\$85292.0000	RETIRED	NO 02/17/19	057
MILLER	CHRISTOP	J	53053	\$35254.0000	APPOINTED	NO 06/09/19	057
MINTS	GENADIY		90702	\$281.5200	DECREASE	YES 06/02/19	057
MITARD	FRANCIS	P	20246	\$57260.0000	RESIGNED	YES 06/14/19	057
MLOTOK	JEREMY	R	53053	\$35254.0000	APPOINTED	NO 06/09/19	057

MOLLICA	JOSEPH	C	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
MONTES	AARON	J	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
MOORE	JOSEPH	M	92510	\$322.4000	APPOINTED	NO	06/09/19	057

ZHOU	JOHNNY		92510	\$277.0400	APPOINTED	NO	06/09/19	057
ZWILINSKE	JOSEPH		53053	\$35254.0000	APPOINTED	NO	06/09/19	057

FIRE DEPARTMENT  
FOR PERIOD ENDING 06/28/19

TITLE								
NAME			NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
MORRI	VINCENT	A	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
MUNIZ	JOHN	D	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
MUTUM	KEVIN	L	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
NACCARATO	FRANK		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
NAPOLITANO	CIRO	M	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
NAVARRETE	VALARIE		40482	\$48589.0000	APPOINTED	NO	06/09/19	057
NIMAL	TIMOTHY	J	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
NOWAK	CHRISTIN		95005	\$118166.0000	APPOINTED	YES	06/09/19	057
NURNBERGER	STEPHEN	P	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
O'ROURKE	ANDREW		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
OLIVERI	MICHAEL		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
OLSEN	CHRISTOP	S	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
ORTIZ	JUSTIN	J	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
OSORIO	CARMEN	J	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
OTERO JR	JUAN		56057	\$42799.0000	APPOINTED	YES	06/16/19	057
PAGAN	SADIE	E	53053	\$37914.0000	RESIGNED	NO	06/12/19	057
PARK	CATHERIN		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
PARRA	FABIAN		92510	\$277.0400	APPOINTED	NO	06/09/19	057
PENA	SABRINA	M	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
PEREZ	ALBERT		92510	\$277.0400	APPOINTED	NO	06/09/19	057
PEREZ	GABRIEL	N	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
PFEIFFER	ANDREW	I	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
PFEIFFER	STEPHEN	M	70310	\$46066.0000	RESIGNED	NO	06/12/19	057
PILLET	DENNIS	J	53053	\$35254.0000	DECREASE	NO	06/09/19	057
PINTABONA	ANTHONY	M	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
PISAREVSKY	SERGEY		92510	\$277.0400	APPOINTED	NO	06/09/19	057
POBLETE ESPINOZ	DIEGO	M	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
POWERS	CODY	J	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
PUNTES	ADRIAN	L	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
RADANO-FORMISAN	JOHN-MIC	F	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
RAMCHARAN	RICARDO	G	13621	\$71222.0000	RESIGNED	YES	05/09/19	057
RASMUS	DONTE	L	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
REVELLEWEATHERS	TAIMESE		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
REYES	DENNIS		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
RICHARDS	DEBORAH	E	71010	\$38403.0000	RESIGNED	YES	06/11/19	057
RICHARDS	RICARDO	R	92510	\$277.0400	APPOINTED	NO	06/09/19	057
RIVERA	ESTEFANI		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
RIVERA	JOHNATHA		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
ROBERSON	CURTIS		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
RODGERS	JULIA		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
RODRIGUEZ	KAREN	G	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
ROGERS	TIMOTHY	P	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
ROSEN	DAVID	A	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
RUDDICK	SEAN	C	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
RUVOLO	ANTONIO	J	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
SABOROWSKI	MAKENZIE	L	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
SAHALON	ELAN		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
SALAMONE	FRANK	C	71010	\$49921.0000	RESIGNED	NO	06/11/19	057
SALAZAR	CARLOS	J	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
SANDERS	RICKY	I	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
SANTANA	INDIANA	N	53053	\$35254.0000	APPOINTED	NO	06/09/19	057

FIRE DEPARTMENT  
FOR PERIOD ENDING 06/28/19

TITLE								
NAME			NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
SARJOO	MAHADEO		92510	\$287.1200	APPOINTED	NO	06/09/19	057
SCIASCIA	MARISSA-		92510	\$322.4000	APPOINTED	NO	06/09/19	057
SEGARRA	CHRISTIA	J	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
SETTEDUCATO	RALPH	J	92510	\$287.1200	APPOINTED	NO	06/09/19	057
SHARIAR	MD	A	31661	\$46607.0000	TERMINATED	NO	06/13/19	057
SHIELDS	JAMES	M	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
SIEGEL	STEVEN	M	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
SMALL	JAYVANNI	D	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
SPARKS	DEVIN	M	90702	\$281.5200	DECREASE	YES	06/02/19	057
SRSIAKUL	SARINYA		70360	\$90457.0000	PROMOTED	NO	06/01/19	057
STED	MICHAEL	D	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
STRUK	ARKADIUS		92510	\$287.1200	APPOINTED	NO	06/09/19	057
SURAT	DANIEL	J	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
SWAYNE	KEVIN	P	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
TENTEROMANO	JOSEPH	A	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
TOELL	PAUL	R	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
TOUT PUISSANT	DAVIDSON		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
TOWNSLEY	MICHAEL	T	92510	\$277.0400	APPOINTED	NO	06/09/19	057
TRITTHART	THOMAS	D	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
TROTMAN	RABION	M	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
VARRIANO	MICHAEL	T	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
VELAZQUEZ	DANIEL	B	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
VELEZ	ALEXIS	R	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
VIDAL JR	ANTHONY	R	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
VIERA	CHRISTOP	J	90702	\$281.5200	DECREASE	YES	06/02/19	057
VITALE	JOSEPH		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
VONDERLIETH	KAITLYN	B	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
WASSERMAN	SAMUEL	T	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
WEBER	JUSTIN	A	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
WELSH	STEVEN	M	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
WHEELER	EBONY	M	10124	\$56798.0000	APPOINTED	NO	06/09/19	057
WHITE	LORRAINE	S	56057	\$42799.0000	APPOINTED	YES	06/09/19	057
WILLIAMS	MAKEEDAH		56057	\$42799.0000	APPOINTED	YES	06/09/19	057
WILLIAMS	MARK	A	92510	\$277.0400	APPOINTED	NO	06/16/19	057
WILSON	SHANE		53053	\$35254.0000	APPOINTED	NO	06/09/19	057
WODA	EDWARD		1002A	\$85000.0000	RESIGNED	NO	06/13/19	057
WOLF	EDWARD	H	53053	\$35254.0000	APPOINTED	NO	06/09/19	057
ZAMBRANO	BLANCA	M	53053	\$35254.0000	APPOINTED	NO	06/09/19	057

NYC DEPT OF VETERANS' SERVICES  
FOR PERIOD ENDING 06/28/19

TITLE								
NAME			NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
WEISS	HANNAH	G	56058	\$81535.0000	APPOINTED	YES	06/09/19	063

ADMIN FOR CHILDREN'S SVCS  
FOR PERIOD ENDING 06/28/19

TITLE								
NAME			NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
ADEYEMO	ADE-BAYO		80609	\$43807.0000	APPOINTED	YES	06/09/19	067
ALABRE	ANNE	G	52367	\$83588.0000	INCREASE	NO	06/09/19	067
ALVARE	JOSEPH	M	52366	\$57070.0000	RESIGNED	NO	06/09/19	067
ARAUJO	SUSANA		52370	\$84001.0000	INCREASE	YES	02/24/19	067
BECKFORD	WILLIAM	M	52287	\$44426.0000	RESIGNED	YES	06/09/19	067
BEECH	PAULA	S	10251	\$44679.0000	INCREASE	NO	05/26/19	067
BELL	VINROY	H	52366	\$57070.0000	RESIGNED	NO	06/13/19	067
BERNARD	KENALD		52366	\$49279.0000	APPOINTED	NO	04/28/19	067
BOLTON	SHANELLE	L	52366	\$49279.0000	APPOINTED	NO	04/28/19	067
CARAWAY	CHANEL	E	10033	\$105000.0000	INCREASE	YES	06/09/19	067
CLARKE	DENISE	S	52366	\$49279.0000	RESIGNED	NO	06/02/19	067
CONNOR	JON	D	52287	\$44426.0000	RESIGNED	YES	06/14/19	067
DAVIS	KELIA	S	10251	\$44172.0000	DECREASE	NO	06/16/19	067
DYER	JAVON	K	52287	\$44426.0000	RESIGNED	YES	06/17/19	067
FELIX	JULIO		70810	\$32426.0000	APPOINTED	NO	06/16/19	067
FLAHERTY	DEANNA		30087	\$85029.0000	INCREASE	YES	06/09/19	067
FRIED	SAMANTHA	A	95600	\$110000.0000	APPOINTED	YES	06/09/19	067
GERMOSEN	ILIANA	M	52366	\$49279.0000	RESIGNED	NO	06/09/19	067
GREENE	KEISHA	J	52366	\$49279.0000	RESIGNED	NO	06/21/19	067
GUINYARD	JUANITA	C	52367	\$65429.0000	PROMOTED	NO	06/09/19	067
JARVIS	VANESSA	T	52366	\$49279.0000	APPOINTED	NO	04/28/19	067
JEANTY	VANESSA		52366	\$53519.0000	RESIGNED	NO	06/09/19	067
JOHNSON	MICHELL	E	30080	\$41993.0000	RESIGNED	NO	06/09/19	067
JONES	SHAVONDA	B	52366	\$49279.0000	APPOINTED	NO	04/28/19	067
KAO	CYNTHIA		30087	\$86264.0000	RESIGNED	YES	06/09/19	067
KAUFMAN	MARISA	A	10009	\$130000.0000	INCREASE	YES	06/09/19	067
KUZNETSOFF	YEVGENIY		30087	\$76275.0000	INCREASE	YES	06/09/19	067
MAHARAJ	AVINASH		52367	\$83588.0000	PROMOTED	NO	05/05/19	067
MALONE	FELICIA		1002E	\$113300.0000	DECREASED	NO	06/11/19	067
MARTE	ROSAURY		52366	\$53519.0000	RESIGNED	NO	06/09/19	067
NANDALLALL	RICHARD	A	52366	\$57070.0000	TERMINATED	NO	06/09/19	067
O'BRIEN	EUGENE	M	06771	\$64863.0000	RESIGNED	YES	06/02/19	067
OKANE	LORRAINE		52304	\$40275.0000	RESIGNED	NO	06/16/19	067
OTERO	BRENDA		06771	\$63591.0000	RESIGNED	YES	06/16/19	067
OVADEK	CARLI	A	52366	\$49279.0000	APPOINTED	NO	04/28/19	067
PARRIS-CARRINGT	KIMFA	N	10124	\$59183.0000	TERMINATED	NO	06/16/19	067
PARRISH	ELISA	J	10056	\$198161.0000	DECREASED	NO	06/14/19	067

LATE NOTICE

CITY COUNCIL

CHARTER REVISION COMMISSION

■ INTENT TO AWARD

Services (other than human services)

**MEDIA BUYER SERVICES FOR MTA SUBWAY AND BUS SYSTEM** - Sole Source - Available only from a single source - PIN#