



THE CITY RECORD

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THE CITY RECORD

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MARTHA K. HIRST, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BROOKLYN BOROUGH PRESIDENT

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that Brooklyn Borough President Marty Markowitz will hold a meeting and public hearing of the Brooklyn Borough Board in the Community Room, First Floor, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 6:00 P.M. on Tuesday, March 3, 2009.

Purchaser: M&B Construction, Inc.
Property: 14,800 square feet at 94-96 and 102 Williams Avenue between Liberty Avenue and Atlantic Avenue within the East New York Industrial Business Zone
Block: 3682, Lot 53, 54 and 56
Community Board #5
City Council District #37

Note: To request a sign language interpreter, or to request TTD services, call Mr. Andrew Steininger at (718) 802-3877 at least 5 business days before the day of the hearing.

f25-m3

BRONX BOROUGH PRESIDENT

■ PUBLIC HEARINGS

A PUBLIC HEARING IS being called by the President of the Borough of The Bronx, Honorable Adolfo Carrion, Jr. on Thursday, March 5, 2009 at 10:00 A.M. in the office of the Borough President, 198 East 161st Street (one block east of the Grand Concourse) 2nd Floor, Bronx, New York 10451 on the following items:

CD 3-ULURP APPLICATION NO: C 090228 HAX: IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) Pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) The designation of property located at 404 Claremont Parkway (Block 2896, Lot 96), as an Urban Development Action Area; and
 - b) An Urban Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate an expansion of the playground for the Carl C. Icahn Charter School.

CD 9-ULURP APPLICATION NO: C 090249 PPX: IN THE MATTER OF an application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located on Block 3838, p/o Lot 60, pursuant to zoning.

Anyone wishing to speak may register at the hearing. Please direct any questions concerning this matter to the Borough President's office (718) 590-6124.

f26-m4

STATEN ISLAND BOROUGH PRESIDENT

■ MEETING

Notice of Public Meeting of the Staten Island Borough Board on Wednesday, March 4, 2009 at 5:30 P.M. at Borough Hall - Stuyvesant Place in the Conference Room 122, Staten Island, New York 10301.

f24-m4

CITY COUNCIL

■ PUBLIC HEARING

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 on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 9:30 A.M. on Wednesday, March 4, 2009:

363-365 BOND STREET
BROOKLYN CB - 6 C 090047 ZMK
Application submitted by the Toll Brooklyn, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. Changing from an M2-1 District to an M1-4/R7-2 District property bounded by Carroll Street and its southeasterly centerline prolongation, the center line of the Gowanus Canal, Second Street and its southeasterly centerline prolongation, and Bond Street; and
2. Establishing a Special Mixed Use District (MX-11) District bounded by Carroll Street and its southeasterly centerline prolongation, the center line of the Gowanus Canal, Second Street and its southeasterly centerline prolongation, and Bond Street as shown on a diagram (for illustrative purposes only) dated September 8, 2008, and subject to the conditions of CEQR Declaration E-221.

363-365 BOND STREET
BROOKLYN CB - 6 C 090048 ZSK
Application submitted by Toll Brooklyn LP 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 the height and setback

regulations of Section 123-66 (Height and Setback Regulations), the rear yard regulations of Section 23-47 (Minimum Required Rear Yards), and the inner court regulations of Section 23-852 (Inner court recesses), in connection with a proposed mixed use development on property located at 363-365 Bond Street, (Block 452, Lots 1, 5, 15, 19, and Block 458, Lot 1), in an M1-4/R7-2 (MX-11) district within a General Large-Scale Development.

363-365 BOND STREET
BROOKLYN CB - 6 N 090049 ZRK
Application submitted by Toll Brooklyn, L.P. pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York concerning Article XII, Section 3 (Special Mixed Use Districts); and Article II, Section 3 (Bulk Regulations for Residential Buildings in Residence Districts) in Community District 6.

BATTERY MARITIME BUILDING
MANHATTAN CB - 1 C 090120 ZMM
Application submitted by Dermot BMB, LLC and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12b, changing from an M1-4 District to a C4-6 District property bounded by South Street, the southern prolongation of a line 100 feet westerly of the westerly street line of Broad Street, the US Pierhead Line, and the southerly centerline prolongation of Whitehall Street, as shown on a diagram (for illustrative purposes only) dated October 27, 2008.

BATTERY MARITIME BUILDING
MANHATTAN CB - 1 C 090121 PPM
Application submitted by the Department of Small Business Services pursuant to Section 197-c of the New York City Charter for the disposition of one (1) city-owned property, located at the Battery Maritime Building, 10 South Street (Block 2, Lot 1) pursuant to zoning.

BATTERY MARITIME BUILDING
MANHATTAN CB - 1 N 090122 ZAM
Application submitted by Dermot BMB, LLC, and the Economic Development Corporation for the grant of an authorization pursuant to Section 62-722(a) to modify the waterfront public access requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDOR), and in conjunction therewith, Section 62-332 (Rear yards and waterfront yards) to facilitate a partial conversion and enlargement of an existing building, on property located at 10 South Street (Block 2, p/o Lot 1), in a C4-6 District, within the Special Lower Manhattan District.

EAST WINDSOR TERRACE REZONING
BROOKLYN CB - 7 C 090197 ZMK
Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16d and 22c:

1. changing from an R5 District to a R5B District property bounded by the northeasterly centerline prolongation of Kermit Place, a line 80 feet southwesterly of Coney Island Avenue, Caton Avenue, and East 8th Street;
2. changing from an R6 District to an R5B District property bounded by Caton Place, East 8th Street, Kermit Place, a line 100 feet southwesterly of East 8th Street, a line 125 feet southeasterly of Kermit Place, East 7th Street, Kermit Place, the northerly prolongation of a line midway between Ocean Parkway and East 7th Street, a line midway between Caton Place and Kermit Place, and a line 100 feet southwesterly of East 8th Street;
3. changing from an R7A District to an R5B District property bounded by a line 75 feet northwesterly of Kermit Place, the northerly prolongation of a line midway between Ocean Parkway and East 7th Street, Kermit Place, and Ocean Parkway;
4. changing from an R6 District to an R6A District property bounded by Kermit Place, East 7th Street, a line 125 feet southeasterly of Kermit Place, a line 100 feet southwesterly of East 8th Street, Kermit Place, East 8th Street, Caton Avenue, and the northerly prolongation of a line midway between

Ocean Parkway and East 7th Street; and

5. establishing within a proposed R6A District a C2-4 District bounded by East 8th Street, Caton Avenue, East 7th Street, and a line 125 feet southeasterly of Kermit Place;

within the Special Ocean Parkway District, as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Wednesday, March 4, 2009:

ST. NICHOLAS OF MYRA ORTHODOX CHURCH MANHATTAN CB - 3 20095264 HKM (N 090255 HKM)
Designation (List No. 408/LP- 2312) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of the St. Nicholas of Myra Orthodox Church building, located at 288 East 10th Street (Block 437, Lot 25), as an historic landmark.

SOCIETY HOUSE OF THE A.S.C.E. MANHATTAN CB - 5 20095265 HKM (N 090254 HKM)
Designation (List No. 408/LP- 2297) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of the Society House of the American Society of Civil Engineers, located at 220 West 57th Street (Block 1028, Lot 42), as an historic landmark.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 1:00 P.M. on Wednesday, March 4, 2009:

GATEWAY ESTATES II BROOKLYN CB - 5 C 090078 HUK
Application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the third amendment to the Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area.

GATEWAY ESTATES II BROOKLYN CB - 5 C 090079 ZMK
Application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d:

1. eliminating from within an existing R6 District a C2-4 District bounded by a line 95 feet northeasterly of Lower Ashford Street, a line 115 northwesterly of Fountain Street, a line 100 feet southwesterly of Elton Street, the southwesterly centerline prolongation of Elton Place, Elton Street, a line 162 feet southeasterly of Erskine Place, a line 100 feet northeasterly of Elton Street, a line midway between Elton Place and Fountain Street, a line 95 feet southwesterly of Essex Street, Fountain Street, the southeasterly prolongation of the northeasterly street line of Essex Street, a line 180 feet southeasterly of Fountain Street, the southeasterly prolongation of the southwesterly street line of Lower Ashford Street, and Fountain Street;
2. changing from an R3-2 District to an R6 District property bounded by the former centerline of Erskine Street, the new centerline of Erskine Street, and a line 115 feet southeasterly of Schroeders Avenue;
3. changing from an R6 District to an R7A District property bounded by Flatlands Avenue, Elton Street, a line 100 feet northwesterly of Egan Street, a line 100 feet northeasterly of Elton Street, the southeasterly street line of Elton Street and its northeasterly and southwesterly prolongations, a line 100 feet southwesterly of Elton Street, Locke Street, and Ashford Street;
4. changing from an R3-2 District to a C4-2 District property bounded by a line 115 southeasterly of Schroeder Avenue, the former centerline of Erskine Street, and the new centerline of Erskine Street;
5. changing from an R6 District to a C4-2 District property bounded by a line 115 feet southeasterly of Schroeders Avenue and its southwesterly prolongation, a line 100 feet southwesterly of Elton Street, the southeasterly street line of Elton Street and its northeasterly and southwesterly prolongations, a line 100 feet northeasterly of Elton Street, a line 115 feet southeasterly of Schroeders Avenue, the former centerline of Erskine Street, Erskine Street, a line 180 feet southeasterly of former Fountain Street, and the centerline of former Schenck Avenue;
6. establishing within an existing R6 District a C2-4 District bounded by:
 - a. Vandalia Avenue, Erskine Avenue, Schroeders Avenue, and a northeasterly boundary line of a park; and
 - b. Egan Street, Fountain Avenue, Vandalia Avenue, and a line 100 feet southwesterly of Fountain Avenue; and
7. establishing within the proposed R7A District a C2-4 District bounded by:

- a. Flatlands Avenue, a line 100 feet southwesterly of Elton Street, Locke Street, and Ashford Street;
- b. a line 100 feet northwesterly of Egan Street, a line 100 feet northeasterly of Elton Street, Vandalia Avenue, and Elton Street; and
- c. Schroeders Avenue, Elton Street, the southeasterly street line of Elton Street and its southwesterly prolongation, and a line 100 feet southwesterly of Elton Street;

as shown on a diagram (for illustrative purposes only) dated September 8, 2008.

GATEWAY ESTATES II BROOKLYN CB - 5 C 090081 ZSK
Application submitted by the New York City Department of Housing Preservation and Development and Gateway Center Properties Phase II, LLC. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the regulations of Section 32-64 (Surface Area and Illumination Provisions), Section 32-65 (Permitted Projection or Height of Signs) and Section 33-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) in connection with a proposed commercial development, on property generally bounded by Gateway Drive, a line approximately 750 southeasterly of Schroeders Avenue, Erskine Street, and a line approximately 115 feet southeasterly of Schroeders Avenue (Block 4452 p/o Lots 170 and 400, and Block 4586 p/o Lot 1), in a C4-2 District, within a general-large scale development.

GATEWAY ESTATES II BROOKLYN CB - 5 C 090082 HAK
Application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 1. the designation of the following properties located at:

Block	Lot	Fresh Creek Urban Renewal Area
4444	p/o Lot 1	p/o Site 3a
4445	Lot 1	Sites 3b, 3e, 3f, and p/o Site 3a
4446	Lot 1	
4447	p/o Lot 1	p/o Site 4
4448	Lot 1	Sites 6a, 6b, 14a, 14c, and p/o Site 4
4449	Lot 1	
4452	600, 700, p/o Lot 170 and p/o Lot 400	Sites 3c, 3d, 7a-c, 8a-f, 10, 12a-e, 16c, 19b, 20a-b, p/o Site 13a and p/o Site 24
4586	p/o Lot 1	Sites 29, 31, 27, 28, p/o Site 13a and p/o Site 24

- as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a new mixed use community, containing regional and local retail, housing, community and public facilities, and open space, tentatively known as Gateway Estates II, within the Fresh Creek Urban Renewal Area.

GATEWAY ESTATES II BROOKLYN CB - 5 C 080089 MMK
Application submitted by Gateway Center Properties Phase II, LLC, the Department of Housing, Preservation and Development, the Department of Parks and Recreation, and the Nehemiah Housing Development Fund Corporation, Inc., pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430, *et seq.*, of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of streets;
- the elimination, discontinuance and closing of streets;
- the establishment of Parklands;
- the elimination of Parklands;
- the extinguishment and modification of easements;
- the modifications of grades necessitated thereby; and
- the acquisition and disposition of real property related thereto, all within an area generally bounded by Gateway Drive, Flatlands Avenue, Fountain Avenue, and Shore Parkway,

in accordance with Map Nos. Y-2705 and X-2706, dated September 4, 2008, and signed by the Borough President.

● f26-m4

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearing on the matter indicated below:

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the

following matter in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Wednesday, March 4, 2009:

QUEENS CB-08 20095340 HHQ
Application submitted by the New York Health and Hospitals Corporation pursuant to Section 7385(6) of its Enabling Act requesting the approval of the surrender of a parcel of land located on the campus of the Queens Hospital Center on Goethals Avenue to the Department of Education, to facilitate the development a parking lot for the Gateway School.

f25-m4

■ HEARINGS

HEARING BY THE COMMITTEE ON HOUSING AND BUILDINGS

THE COMMITTEE ON HOUSING AND BUILDINGS WILL HOLD A HEARING ON MONDAY, MARCH 16, 2009 AT 10:00 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTERS:

Int. No. 923, a Local Law to amend the administrative code of the City of New York, in relation to extending the rent stabilization laws.

Res. No. 1815, a Resolution determining that a public emergency requiring rent control in the City of New York continues to exist and will continue to exist on and after April 1, 2009

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael McSweeney
Acting City Clerk, Clerk of the Council

f13-m16

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON THURSDAY, FEBRUARY 26 AT 10:00 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTERS:

Appointment

● **Preconsidered-M**, Communication from the Richmond County Republican Committee recommending the name of John P. Sipp, Jr. to the Council, regarding his appointment to the New York City Board of Elections pursuant to § 3-204 of the *New York State Election Law*. Should the Council appoint Mr. Sipp, he will serve the remainder of a four-year term that began on January 1, 2009 and ends on December 31, 2012.

Advice and Consent

● **Preconsidered-M**, Communication from the Mayor submitting the name of Michael Phillips, M.D. for appointment as a member of the New York City Board of Health pursuant to §§ 31 and 553 of the *New York City Charter*. Should Dr. Phillips receive the advice and consent of the Council, he will serve the remainder of a six-year term that expires on May 31, 2014.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael McSweeney
Acting City Clerk, Clerk of the Council

f19-26

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, March 4, 2009, commencing at 9:00 A.M.

CITYWIDE No. 1 WATERFRONT ZONING TEXT

CITYWIDE N 090239 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, relating to modifications of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area); and various related Sections of the Zoning Resolution.

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

appears in the Zoning Resolution

Article I
Chapter 2
Construction of Language and Definitions

12-10
DEFINITIONS

Waterfront area
The "waterfront area" is the geographical area comprising all #blocks# between the pierhead line and a line 800 feet landward from the #shoreline#.

For the purposes of this definition, only #blocks# along waterways that have a minimum width of 100 feet between opposite #shorelines#...

Article IV
Chapter 2
Special Regulations Applying in the Waterfront Area

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Appendix A - Waterfront Plant List
Chapter 2
Special Regulations Applying in the Waterfront Area

62-10
GENERAL PROVISIONS

62-11
Definitions

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

Pier

A "pier" is a structure at the water's edge, not otherwise defined as a #platform#, that is:

- (a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or
(b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

Projections from #platforms# shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion.

Pier, existing

An "existing pier" is a #pier# of which at least 75 percent of its surface is visible in the aerial photographs of New York City flown by Lockwood, Kessler and Bartlett in April 1988.

Pier, new

A "new pier" is any #pier# other than an #existing pier#.

Platform

A "platform" is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

- (a) is permanently connected to the land; and
(b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected (see illustration).

Platform, existing

An "existing platform" is a #platform# of which at least 75 percent of its surface is visible in the aerial photographs of New York City flown by Lockwood, Kessler and Bartlett in April 1988.

Platform, new

A "new platform" is any #platform# other than an #existing platform#.

* * *

Supplemental public access area

A "supplemental public access area" is a #waterfront public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the waterfront public access requirements.

Upland connection

An "upland connection" is a pedestrian way which provides a public access route from a #shore public walkway# or a #supplemental public access area# to a public sidewalk within an open and accessible public #street#, #public park# or other accessible public place.

* * *

Water coverage

"Water coverage" is the portion of a #zoning lot# seaward of the #shoreline# that, when viewed directly from above, would be covered by a #pier#, #platform# or #floating structure#, including portions of #buildings or other structures# projecting over the water from such structures.

For the purpose of applying #water coverage# to any provision of this Resolution relating to #lot area#, a #pier# or #platform# shall be structurally sound and physically accessible directly from the shore, with a surface capable of lawful occupancy.

coverage# of a #building or other structure# projecting over the water from a #pier# or #platform# be included in #lot area#.

Waterfront block, waterfront public park or waterfront zoning lot
A "waterfront block," "waterfront public park" or "waterfront zoning lot" is a #block#, #public park# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#.

- (a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;
(b) a #block# within the #waterfront area# that abuts a #waterfront public park# along the waterfront shall be deemed to be part of a #waterfront block#; and
(c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

However, any #block# or #zoning lot# in the #waterfront area# having a boundary within or coincident with the boundaries of the Gowanus Canal as shown on the City Map shall be a #waterfront block# or #waterfront zoning lot#, respectively.

Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not abut a #waterfront public park# along the waterfront, shall be deemed outside of the #waterfront block#.

Waterfront Public Access Area

A "waterfront public access area" is the portion of a #zoning lot# required to be improved for public access. It may include any of the following: #shore public walkway#, #upland connection#, #supplemental public access area#, or public access area on a #pier# or #floating structure#.

* * *

62-12
Applicability to Developments in the Waterfront Area

Within the #waterfront area#, all #developments# on #zoning lots# within #waterfront blocks# shall be subject to all provisions of this Chapter, unless stated otherwise. #Developments# on other #zoning lots# within the #waterfront area# shall be subject to the regulations of this Chapter only when part of a large-scale development, any portion of which is within a #waterfront block#, or when on #zoning lots# located in an area designated as part of a Waterfront Access Plan in accordance with Section 62-80 (WATERFRONT ACCESS PLANS).

Any #development# approved by special permit or authorization of the City Planning Commission or any #zoning lot# subject to a restrictive declaration in conjunction with a land use action by the City Planning Commission and City Council, or former Board of Estimate, as applicable, prior to October 25, 1993, may be started or continued pursuant to such special permit, authorization or the terms of such restrictive declaration.

Notwithstanding the provisions of this Chapter except as set forth in paragraphs (a) through (f) of this Section, the Commission may authorize modifications of such special permit or authorization, or the terms of a restrictive declaration may be modified by the City Planning Commission and, if applicable, the City Council, provided such modifications do not:

- (a) increase the height or #lot coverage# of any #building# in a #waterfront block# beyond the maximum set forth in Section 62-30 (SPECIAL BULK REGULATIONS);
(b) extend the location of the exterior walls of any #building# within a #waterfront block# above the maximum base height for the district as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks);
(c) increase the total #floor area# on any #zoning lot# within a #waterfront block# beyond the amount approved prior to October 25, 1993;
(d) result in the obstruction of a required #visual corridor# or increase any existing obstruction of such #visual corridor#;
(e) increase the size of a #pier# or #platform# or the size of any #building or other structure# on a #pier# or #platform# approved prior to October 25, 1993; or
(f) involve a change that would create a requirement for public access or #visual corridors# without providing such public access or #visual corridors# in accordance with the provisions of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS).

#Developments# for which an application for certification pursuant to this Chapter was filed prior to (date of adoption) may be continued pursuant to the regulations of this Chapter in effect at the time of such filing. Design changes for any previously certified application may be made only upon

certification by the Chairperson of the City Planning Commission that such changes would result in greater accordance with the standards set forth in this Chapter. #Developments# for which an application for authorization or special permit pursuant to this Chapter was filed prior to (date of referral) may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.

#Developments# for which an application for authorization or special permit other than authorizations or special permits pursuant to this Chapter was filed prior to (date of referral) may be continued pursuant to the terms of such authorization or special permit, and, to the extent not modified under the terms of such authorization or special permit, in accordance with the regulations of this Resolution in effect at the time such authorization or special permit was granted.

In addition to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), construction involving the alteration of existing #buildings# authorized pursuant to a building permit issued by the Departments of Buildings or Business Services for any #development# for which an application, with complete plans and specifications for the entire construction and not merely a part thereof, was filed and pending with the Departments of Buildings or Business Services as of May 12, 1993, may be continued after October 25, 1993, provided that an application pursuant to Section 62-70 (SPECIAL REVIEW PROVISIONS) is filed with the Department of City Planning within 30 days from October 25, 1993. Construction thereafter may continue for a period of one year after October 25, 1993, during which period either the Chairperson of the City Planning Commission certifies pursuant to Section 62-711 (Waterfront public access and visual corridors) that there is compliance with the public access and #visual corridor# requirements of this Chapter or the City Planning Commission acts pursuant to Section 62-72 (Authorizations by the City Planning Commission) or 62-73 (Special Permits by the City Planning Commission) to approve a modification. If the Commission does not approve a modification, then the #development# shall comply with the requirements of Sections 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA).

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

* * *
The following special permits by the City Planning Commission shall be applicable on #waterfront blocks# only as modified in the following Sections:

* * *
Section 74-922 (Certain large retail establishments) shall be applicable except that, on #existing #piers#, the provisions of Section 62-241 (Uses on existing piers and platforms) shall also be applicable.

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

* * *
(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with physical and visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).

* * *
62-14
Requirements for Recordation
(move to Section 62-634)

62-15
62-14
Integration of Waterfront Access Plans

* * *
62-16
Requirements for Applications
(move to 62-70)

* * *
62-20
SPECIAL USE REGULATIONS

* * *
62-212
WE uses (Waterfront-Enhancing)

- * * *
From Use Group 4:
Community centers
Houses of worship
*Ice skating rinks, outdoor
*Non-commercial clubs, with restrictions
**#Public parks# or #pPlaygrounds or private parks
Recreation centers, non-commercial
*Philanthropic or non-profit institutions without

sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

- Golf courses
*Tennis courts, outdoor

* * *
62-24
Uses on Piers and Platforms

#Piers# and #platforms# shall be classified as either existing or new for the purposes of the #waterfront area# regulations. A #pier# or #platform# shall be classified as existing only if at least 75 percent of the surface of such pile supported or solid core structure is visible in the aerial photographs of New York City flown by Lockwood, Kessler and Bartlett in April 1988.

#Uses# on #existing #piers# or #existing platforms# shall be subject to the provisions of Section 62-241. #Uses# on #new #piers# or #new platforms# shall be subject to the provisions of Section 62-242.

62-241
Uses on existing piers and platforms

The #use# of an #existing #platform# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district.

The #use# of an #existing #pier# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district provided that any #use# within a #building or other structure# on the #pier# meets one of the following requirements:

* * *
Any #use# on an #existing #pier# not permitted by the foregoing provisions of this Section shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-734 (Developments on piers or platforms).

62-242
Uses on new piers and platforms

#New #piers# and #new platforms# shall be limited to WD #uses# or to the following WE #uses#: #public parks# or playgrounds or publicly accessible private parks. Conversions from these #uses# to any other WE #use# are permitted only by special permit pursuant to Section 62-734 (Developments on piers or platforms).

* * *
62-27
Special Use Regulations for Public Parks, Playgrounds or Private Parks

#Public parks#, #pPlaygrounds or private parks shall be a permitted #use# in M2 and M3 Districts within the #waterfront area# in Community Districts 1, 2 and 4 in the Borough of Manhattan.

* * *
62-29
Special Use Regulations for Waterfront Access Plan BK-1

All Use Group 6 and 9 #uses# delineated in Section 62-212 (Waterfront enhancing uses) not otherwise permitted, shall be a permitted #uses# on any parcel identified in Waterfront Access Plan BK-1, provided that:

- (a) such #use# is limited to not more than 10,000 square feet of #floor area# per establishment;
(b) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such parcel; and
(c) such #uses# are located below the level of the first #story# ceiling of a #building# or are located on a #pier# or #platform#.

Additionally, docks for water taxis and docks or mooring facilities for non-commercial pleasure boats (Use Group 6) shall be a permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.

62-29
Special Use Regulations for R6, R7, R8, R9, and R10 Districts

R6 R7 R8 R9 R10

In the districts indicated, any Use Group 6 or 9 #use# listed in Section 62-212 (Waterfront enhancing uses) shall be a permitted #use# anywhere on the #zoning lot#, provided such #zoning lot# is partially located within a #commercial district#, and provided that:

- (a) such #uses# have a public entrance fronting on a #waterfront public access area# or a #street# that provides public access to a #shore public walkway#;
(b) such #uses# are limited to not more than 10,000 square feet of #floor area# per establishment;
(c) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such #zoning lot#; and
(d) such #uses# are located below the level of the first

#story# ceiling of a #building#, on a #pier# or #platform#, or in a kiosk within a #waterfront public access area# in accordance with the provisions for kiosks set forth in paragraph (e) of Section 62-612 (Permitted obstructions).

62-291
Special Provisions in Waterfront Access Plan BK-1

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats (Use Group 6) shall be permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.

* * *
62-31
Bulk Computations on Waterfront Zoning Lots

On #waterfront zoning lots#, the areas of the #upland lot# and the #seaward lot# shall be computed separately.

(a) Upland lot

All #bulk# regulations pertaining to the #upland lot# shall be satisfied entirely on such portion of the #zoning lot#. All #floor area, dwelling units# or #rooming units# generated by such portion shall be located within the #upland lot# and all #lot coverage# computations shall be based solely on the area of the #upland lot#.

(b) Seaward lot

Within the #seaward lot#, only the #water coverage# of #piers# or #platforms# that are structurally sound and physically accessible directly from the shore, with a surface capable of lawful occupancy shall be deemed to be #lot area# for the purpose of determining allowable #floor area, dwelling units# or #rooming units# on such structures or to satisfy any other #bulk# regulations, unless expressly stated otherwise. However, in no event shall the #water coverage# of a #building or other structure# projecting over the water from a #pier# or #platform# be included in #lot area#. #Lot coverage# provisions shall not apply to the #seaward lot#.

Except where all #piers#, #platforms# or #floating structures# are occupied #predominantly# by WD #uses#, the maximum #water coverage# permitted on a #zoning lot# shall not exceed 50 percent and the #water coverage# of an #existing #pier# or #platform# may not be increased by more than ten percent.

(b)(c) Special provisions for bulk distribution

#Floor area, dwelling units# or #rooming units# generated by #existing #piers# or #platforms# within the #seaward lot# may be located anywhere on the #zoning lot# provided the amount on the #upland lot# does not exceed the maximum for the district on such portion of the #zoning lot# by more than 20 percent. No #bulk# distribution from the #seaward lot# shall be permitted for #new #piers# or #platforms#, except within Waterfront Access Plan BK-1. Such #bulk# distribution shall be permitted for new portions of #piers# located within Waterfront Access Plan BK-1, provided that such new portion of the #pier# is accessed from a portion of an #existing #pier# containing not less than 25 percent of the #water coverage# of such #existing #pier# and that the #water coverage# of the new and existing portions of the #pier# does not exceed the #water coverage# of the #existing #pier#.

* * *
62-332
Rear yards and waterfront yards

* * *
No #building or other structure# shall be erected above the lowest level of a #waterfront yard#. Permitted obstructions in #waterfront yards# in all districts shall be limited to those allowed for public access areas include improvements within #waterfront public access areas#, and permitted obstructions as listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), except that the following #rear yard# obstructions shall not be permitted:

- *Balconies, unenclosed;
*Greenhouses, non-commercial, #accessory#;
*Parking spaces, off-street, open or enclosed, #accessory#;
*Swimming pools, #accessory#;
*Terraces or porches, open;
Walls, exceeding four feet in height.

* Except when #accessory# to #single-# or #two-family residences# in #detached#, #semi-detached# or #zero lot line buildings#. However, only open #accessory# off-street parking spaces shall be permitted.

* * *
62-34
Height and Setback Regulations on Waterfront Blocks

* * *
62-341
Developments on land and platforms

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

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

(1) #Street lines#

For the purposes of paragraphs (c) and (d) of this Section and of paragraph (h) of Section 62-354, a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

(2) #Initial setback distance#

For the purposes of paragraph (c) of this Section, an #initial setback distance# shall be a horizontal distance measured for a depth of 15 feet from a #narrow street line# and ten feet from a #wide street line#. However, an #initial setback distance# shall have a depth of 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

(3) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#. For #buildings# with pitched roofs, maximum building height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section 23-631 (Height and setback in R1, R2, R3, R4 or R5 Districts).

(4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42, or 43-42 shall apply. In addition, the following obstructions shall be permitted:

(i) within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in Table C of this Section provided that on any #street# frontage the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See Illustration of Dormer)

(ii) ~~A penthouse portion of a #building or other structure# shall be permitted to exceed a maximum building height specified in Table A of this Section only if the gross area of any #story# within such portion located either partially or wholly above such height does not exceed 80 percent of the gross area of the #story# directly below. No such portion of a #building or other structure# shall exceed the maximum building height in Table A by more than 40 feet.~~

A penthouse portion of a #building# shall be permitted to exceed the applicable maximum building height specified in Table A of this Section by not more than 40 feet only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# located entirely below the maximum building height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least ten percent of the width of such respective face. For the purposes of this paragraph, the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum building height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap

(c) Medium and High Density Non-Contextual Districts R6 R7 R8 R9 R10

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C7 C8-2 C8-3 C8-4 M1-2 M1-3 M1-4 M1-5 M1-6 M2 M3

Except for medium and high density contextual districts listed in paragraph (d) of this Section, in the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Sections 23-60, 24-50, 33-40 and 43-40 shall not apply. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

~~(5) Additional setback provisions for high #buildings#~~

~~A setback is required for all #buildings# that exceed a height of 150 feet. Such setback may be provided in any manner, provided any #story# of a #building# located entirely above a height of 150 feet does not exceed 85 percent of the gross area of the highest #story# of the same #building# located entirely below a height of 150 feet. Such setback areas may be penetrated by dormers provided that the setback is at least six feet in depth and extends across the entire face of the #building#. On any building face, the aggregate length of all dormers at a height of 150 feet shall not exceed 60 percent of the length of the building face at such level. At any higher level, the length of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds 150 feet.~~

(65) Maximum length of walls facing #shoreline#

(76) Ground floor streetscape provisions

At least 50 percent of the frontage length of any #street wall# facing and within 50 feet of a #shore public walkway#, #upland connection#, #supplemental public access area#, or public #street# shall be occupied by #floor area# at the ground floor level. This provision shall not apply to any such #street wall# less than 50 feet in length. Parking garages that occupy the ground floor frontage along any #street# or private drive which is also an #upland connection# shall be screened in accordance with the planting requirements of Section ~~62-675-62-625~~.

62-35 Special Bulk Regulations for Certain Areas Within Community District 1, Brooklyn

62-354 Special height and setback regulations

Within Waterfront Access Plan BK-1, the provisions of Section 62-341 (Developments on land and platforms) are modified as follows:

(b) Paragraph (c)(2) (Maximum building height) shall not apply. In lieu thereof, the provisions of this paragraph, (b), shall apply:

(1) The maximum building height in an R6 District shall be 65 feet or six #stories#, whichever is less, within 100 feet of Commercial Street, West Street, Dupont Street, Franklin Street and Kent Avenue. Beyond 100 feet of such #streets# and any other portions of an R6 District, the maximum building height shall be 110 feet. In R8 Districts, the maximum building height shall be 190 feet, except that for #zoning lots developed# with multiple #buildings# or portions of #buildings# that exceed a height of 180 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 190 feet, to a maximum building height of 290 feet. Such maximum building heights of 110 feet, 190 feet and 290 feet may be exceeded by a penthouse portion of a #building#, provided any #story# of a #building# within such penthouse portion does not exceed 85 percent of the gross area of the highest #story# of the same #building# entirely below a height of 110 feet, 190 feet or 290 feet, as applicable, and the maximum height of such penthouse portion does not exceed 40 feet by not more than 40 feet only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# located entirely below the applicable maximum building height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least ten percent of the width of such respective face. For the purposes of this paragraph, the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum building height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

(2) For #developments# that provide #lower income housing# pursuant to Section 62-352 (Inclusionary housing), the increased #floor area# permitted for such #developments# may exceed the height limits of an R8 District set forth in paragraph (b) of this Section, provided that the maximum building height shall be 260 feet, except that for #zoning lots developed# with multiple #buildings# or portions of #buildings# that exceed a height of 200 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 260 feet to a maximum building height of 360 feet. Such maximum building heights of 260 feet and 360 feet may be exceeded by a penthouse portion of a #building# ~~provided any #story# of a #building# within such penthouse portion does not exceed 85 percent of the gross area of the highest #story# of the same #building# entirely below a height of 260 feet or 360 feet, as applicable, and the maximum height of such penthouse portion does not exceed 40 feet. by not more than 40 feet only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# located entirely below the applicable maximum building height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least ten percent of the width of such respective face. For the purposes of this paragraph, the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum building height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap~~

(c) Paragraphs (c)(3) (#Floor area# distribution) ~~and (c)(5) (Additional setback provisions for high #buildings#)~~ shall not apply.

(d) Paragraph (c)(4) (Maximum #residential# tower size) shall not apply. In lieu thereof, each #residential story# of a #building# located entirely above a height of 85 feet shall not exceed a gross area of 8,100 square feet in an R6 District and 11,000 square feet in an R8 District. However, in R8 Districts, for #buildings# where at least 20 percent of the total #floor area# is comprised of #lower income housing# pursuant to Section 62-352, each #residential story# of such #building# located entirely above a height of 100 feet shall not exceed a gross area of 11,000 square feet. If such #residential story# of a #building# is located partially in an R6 District and partially in an R8 District, it shall not exceed a gross area of 11,000 square feet and any portion located in an R6 District shall not exceed a gross area of 8,100 square feet.

~~(i) All #developments#, conversions, and #enlargements# or #extensions# which increase the existing #floor area# by more than 10 percent, shall provide along the entire #street# length of the #zoning lot#, one tree for every 25 feet of street frontage. Such trees shall be of at least three inch caliper at the time of planting and be placed at approximately equal intervals except where the Department of Parks and Recreation determines that such tree planting would be unfeasible. Such trees shall be planted in accordance with the standards of the Department of Parks and Recreation.~~

62-40 REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS
(delete existing text)

62-41 Requirements for Waterfront Public Access
(delete existing text)

62-411 Requirements for shore public walkways
(moved to 62-42)
(moved from 62-40 and 62-60)

62-412 Requirements for public access on piers
(moved to 62-43)

62-413 Public access requirements for floating structures
(moved to 62-44)

62-414 Requirements for upland connections
(moved to 62-45)

62-415 Requirements for supplemental public access areas
(moved to 62-46)

62-416
Special regulations for zoning lots that include parks
(moved to 62-47)

62-40
REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS

All #developments# on #zoning lots# within #waterfront blocks# shall be subject to the provisions of this Section and the review provisions of Section 62-71 (City Planning Certifications). For the purpose of determining requirements for #waterfront public access areas# the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #upland lot# and #water coverage# of structurally sound #piers# and #platforms# within the #seaward lot#.

All #waterfront public access areas#, including those required pursuant to paragraph (b) of Section 62-41 (Applicability of waterfront public access area requirements), shall comply with the provisions of 62-60 (GENERAL DESIGN STANDARDS AND MAINTENANCE OBLIGATIONS FOR WATERFRONT PUBLIC ACCESS AREAS), except as modified by:

- (a) authorization of the City Planning Commission pursuant to Section 62-722 (Modification of Waterfront Public Access and Visual Corridor Requirements); or
- (b) special permit of the City Planning Commission pursuant to Sections 62-733 (Uses on floating structures), 62-734 (Developments on piers and platforms), 74-711 (Landmark preservation in all districts) or 74-79 (Transfer of Development Rights from Landmark Sites); or
- (c) establishment of a Waterfront Access Plan pursuant to Section 62-80, or:

However, the design of portions of #waterfront public access areas# located within New York State designated wetlands or their adjacent regulated areas shall be in accordance with an approval from the New York State Department of Environmental Conservation.

In the event of a conflict between the provisions of this Section and a Waterfront Access Plan, the plan shall control.

62-41
Applicability of Waterfront Public Access Area Requirements

#Waterfront public access areas# shall be provided for all #developments# on #waterfront zoning lots# with a #lot area# of 10,000 square feet or greater and a #shoreline# length of 100 feet or greater, and for all #developments# on #floating structures# in accordance with the provisions of the following Sections:

- Section 62-42 Requirements for #Shore Public Walkways#
- Section 62-43 Requirements for Public Access on #Piers#
- Section 62-44 Requirements for Public Access on #Floating Structures#
- Section 62-45 Requirements for #Upland Connections#
- Section 62-46 Requirements for #Supplemental Public Access Areas#.

However, #developments# listed in paragraph (a) of this Section shall be exempted from #waterfront public access area# requirements, and #developments# listed in paragraph (b) of this Section shall provide a #waterfront public access area# only as referenced therein.

- (a) The following shall be exempted from #waterfront public access area# requirements:
 - airports, heliports, seaplane bases;
 - #developments# comprising #predominantly# WD #uses#, except as set forth in paragraph (b)(1) of this Section;
 - #developments# in C8 or #Manufacturing Districts# comprising #predominantly uses# in Use Groups 16, 17 or 18, except as set forth in paragraph (b)(2) of this Section;
 - #developments# in R1 or R2 Districts;
 - #developments# comprising #predominantly# #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# in any district;
 - #developments# comprising #predominantly# residential use# in R3, R4, R5, C3 or C4-1 Districts and in C1 or C2 Districts mapped within R1 through R5 Districts;
 - #enlargements# which in the aggregate involve an increase in #floor area# (or for open #uses#, #lot area#) of less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;
 - #extensions# which in the aggregate involve an increase in the amount of #floor area# occupied by such existing #uses# of less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;
 - changes of #use#, from exempt #uses#, as listed in this Section, to non-exempt #uses#, where the aggregate amount of #floor area# or #lot area# involved is less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

(b) #Waterfront public access areas# required in conjunction with the following #developments# shall be subject to the requirements of Section 62-48 (Special regulations for water-dependent uses and other developments):

- (1) #developments# comprised #predominantly# of the following WD #uses#: docks for non-commercial pleasure boats, ferries, sightseeing, excursion or sport fishing vessels; #boatels#; or commercial beaches; or
- (2) #developments# on #piers# or #platforms# that involve existing #buildings# or other structures# that are either New York City-designated landmarks or have been calendared for consideration, or are listed or eligible to be listed in the National or New York State Registers of Historic Places; or
- (3) changes of #use# or #extensions# within #buildings# existing on October 25, 1993, which involve, in aggregate, an amount of #floor area# less than 30 percent of the maximum #floor area# permitted on the #zoning lot# for either #commercial# or #residential use#, whichever is greater.

62-42
Requirements for Visual Corridors *(moved to 62-49)*
Requirements for Shore Public Walkways
(moved from 62-411)

- (a) All #developments# on #waterfront zoning lots# meeting the criteria set forth in Section 62-41 (Applicability of Waterfront Public Access Area Requirements), or on #floating structures# shall provide a #shore public walkway# which shall:
 - (1) have a seaward edge contiguous with the seaward edge of the #waterfront yard# as established in Section 62-332, with a minimum width measured from such edge as set forth in the following table, or for #floating structures# as set forth in Section 62-44, unless relocation or modification of width is permitted pursuant to this Section;
 - (2) be permitted to be reduced in width on shallow portions of the #zoning lot# or narrow portions of #platforms# using the same method as set forth for #waterfront yards# in Section 62-332, except that a reduction shall be permitted below a 150 foot dimension in lieu of the dimensions set forth in Section 62-332, paragraphs (a) and (b). The reduction factor, in all cases, shall be one foot for each two feet that the dimension is less than 150 feet, provided no #shore public walkway# is reduced to less than ten feet; and

MINIMUM SHORE PUBLIC WALKWAY WIDTH

#Developments# in the Following Districts	#Shore Public Walkway# Width
#Developments for predominantly community facility# or #commercial use# in R3, R4, R5 Districts; C1 or C2 in R1 thru R5 Districts; and C3 Districts	30 ft.
In all other Districts; (except R1 and R2)	40 ft.

- (b) In the case of a natural #shoreline# within New York State-designated wetlands, the #shore public walkway# shall be permitted to be relocated using either of the following methods:
 - (1) further landward within the designated wetlands or its adjacent regulated area in accordance with an approval from the New York State Department of Environmental Conservation, in which case its width and design shall be determined by such agency; or
 - (2) immediately adjacent and contiguous to the landward boundary of the wetlands area and any State-regulated adjacent area at the same elevation, in which case its width shall be measured from the seaward edge as relocated.
- (c) #Shore public walkways# shall be accessible from a public sidewalk within an open public #street#, #public park# or other accessible public place in accordance with the provisions of Section 62-45 (Requirements for upland connections). #Shore public walkways# shall also connect with #shore public walkways# on adjoining #zoning lots#.
- (d) Whenever a #zoning lot# is divided by a boundary between districts, each portion of the #shore public walkway# shall be governed by the width requirement specified for the district in which it is located. However, the total area in square feet, of required #shore public walkway# may be distributed anywhere within the #waterfront yard#, provided that the #shore public walkway# is at no point narrower than the lesser of the two width requirements.

62-421
Location of visual corridors *(moved to 62-491)*
Design Requirements for shore public walkways and supplemental public access areas
 The requirements of this Section shall apply to #shore public walkways#, and #supplemental public access areas# except as modified by Section 62-46.

- (a) Circulation and access
 - A #shore public walkway# shall provide a circulation path with a minimum clear width of 12 feet. Such path shall be located within 10 feet of the #shoreline# for at least 20 percent of its length. Secondary paths, when provided, shall be at least 6 feet wide. When two circulation paths are parallel to each other, they shall be connected by other paths or accessible lawn at intervals not to exceed 200 feet.
 - No circulation path shall be permitted within a screening buffer, except where required to provide access to a #building# fronting on the #waterfront public access area#.
- (b) Seating
 - One linear foot of seating shall be provided for every 75 SF of #shore public walkway# and #supplemental public access area#. Such seating shall comply with the standards of Section 62-622 (Seating).
- (c) Planting
 - (1) General planting
 - An area equal to at least 50 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted. Such planted area may be located anywhere within the #shore public walkway# or #supplemental public access area# and shall comply with the standards of Section 62-625 (Planting and trees).
 - (2) Screening buffer
 - (i) A screening buffer shall be provided within the #shore public walkway# or #supplemental public access area#, running along the entire upland boundary of such area where it abuts non-publicly accessible areas of the #zoning lot#, except as provided in paragraphs (c)(2)(iii) and (c)(2)(iv) of this Section.
 - (ii) The minimum width of the screening buffer shall be 10 feet. On shallow lots where the width of the #shore public walkway# is permitted to be reduced pursuant to Section 62-42, the screening buffer may be reduced in width proportionally but shall not be less than 4 feet.
 - (iii) No screening buffer shall be required adjoining a private drive or #street# or at entrances to buildings.
 - (iv) No screening buffer shall be required adjoining the building frontage of a #commercial use# where a minimum of 70 percent of the area of such portion of the facade within a height of 10 feet of the adjoining sidewalk or public access area is glazed with windows, transoms or glazed portions of doors. Not less than 50 percent of such facade area shall be glazed with transparent materials and up to 20 percent of such facade area may be glazed with translucent materials.
 - (3) Trees and additional planting
 - (i) A minimum of one canopy tree shall be provided for every 2,000 square feet of #shore public walkway# and #supplemental public access area#. In no event may a #shore public walkway# have an amount equivalent to less than two canopy trees for every 100 feet of #shoreline#.
 - (ii) In addition to the trees required pursuant to paragraph (3)(i) of this Section, for every 1,250 square feet of #shore public walkway# or #supplemental public access area#, one of the following must be provided: a canopy tree, an ornamental tree or a multi-stemmed equivalent, 60 square feet of planting beds, or 110 square feet of accessible lawn.
- (d) Permitted reduction in minimum required planted area
 - The minimum planted area required by paragraph (c)(1) of this Section may be reduced by 10 square feet for every linear foot of:
 - (1) #shoreline# improved for boat tie-up or with architectural features designed to facilitate direct, pedestrian access to the water such as steps or similar "get-downs", except that rip-rap used as stabilized shore shall not qualify for a planting reduction; or
 - (2) WE #uses# with building frontage adjoining, and having a public entrance

on the #shore public walkway# or #supplemental public access area# provided that the screening buffer for such #shore public walkway# or #supplemental public access area# is waived pursuant to paragraph (c)(2)(iii) or paragraph (c)(2)(iv) of this Section.

However, in no event shall the required planted area be less than 25 percent of the area of the #shore public walkway# and #supplemental public access area# combined.

(e) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided within a #waterfront public access area#.

Furthermore, when the combined area of the #shore public walkway# and #supplemental public access area# is greater than 8,000 square feet, two additional bicycle parking spaces shall be provided for every additional 2,000 square feet of #shore public walkway# or #supplemental public access area#.

Bicycle racks shall be adjacent to a circulation path and at least 20 feet from the #shoreline#. Each bicycle rack shall allow for the bicycle frame and one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and a 96 inch wide aisle shall be provided between bicycle rack areas.

(f) Trash receptacles

One trash receptacle shall be provided for every 4,000 square feet of #shore public walkway# and #supplemental public access area#, located in visible and convenient locations. All trash receptacles shall comply with the standards of Section 62-627 (Trash receptacles).

(g) Optional placement of amenities seaward of the #shore public walkway#

(1) Seating

Up to 25 percent of the required seating may be located seaward of the #shore public walkway# and shall not be subject to the provisions of Section 62-22 if provided as:

(i) A generally smooth and flat surface within a stabilized natural #shoreline#, in the form of rock, stone, wood or other solid material that measures at least 15 inches in width and depth and is between 12 and 30 inches high measured from the adjoining accessible surface; or

(ii) Steps with a depth and height between 12 and 30 inches which facilitate access to the water.

(2) Planting

Up to 15 percent of the required planted area may be located seaward of a #shore public walkway#. Such planted area shall be measured in plan view and not along the planted slope.

62-422
Modifications for certain #developments# in lower density districts

R3 R4 R5 C1 C2 C3

In the districts indicated, and in C1 or C2 Districts mapped within R1 through R5 Districts, for #developments# comprised of #predominantly commercial# or #community facility uses#, the provisions of paragraphs (a) and (c)(1) of Section 62-421 (Design requirements for #shore public walkways#) are modified as follows:

(a) Circulation and access

The minimum width for the required clear circulation path shall be 10 feet.

(b) General planting

An area equal to at least 40 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted. Such planted area may be located anywhere within such #shore public walkway# and #supplemental public access area# and shall comply with the requirements of Section 62-625 (Planting and trees).

* * *
62-422
Dimensions of visual corridors (moved to 62-492)
* * *

62-43
Requirements for Public Access on Piers
(moved from 62-412)

All #developments# on #zoning lots# containing #piers# shall provide public access in accordance with the provisions of this Section.

#Waterfront public access areas# on #piers# shall consist of the following:

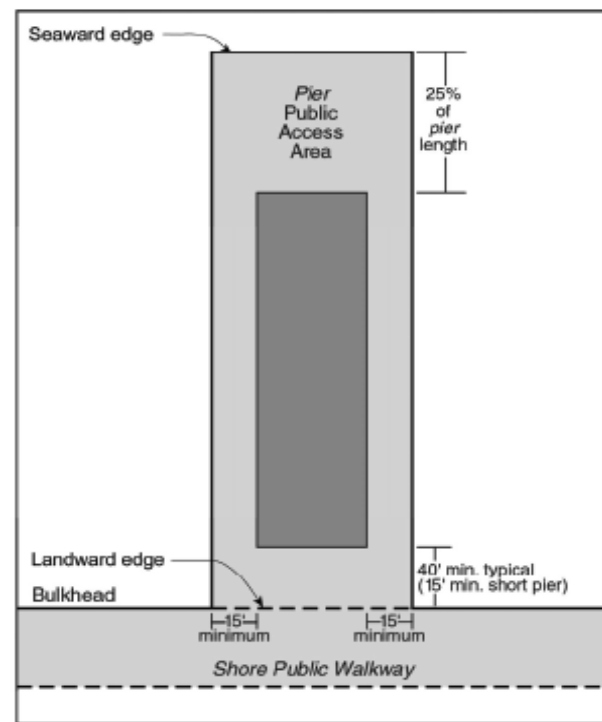
(a) an area along the seaward edge of the #pier# having a depth measured from such edge equal to at least 25 percent of the total length of the #pier#. Building projections into such required public access area are permitted provided that the aggregate width of all projections at the level of any #story# does not exceed 50 percent of the aggregate width of the #building#. Such projections shall not reduce the depth of the required area by more than 20 percent and shall not be included in the computation of public access area provided on the #pier#. In no event shall the depth of the public access area be less than 15 feet;

(b) an area along the landward portion of the #pier#, having a depth of at least 40 feet measured seaward from the bulkhead, stabilized or natural #shoreline#, or #platform# edge from which the #pier# projects. However, the depth of such area need not exceed 25 percent of the length of the #pier#. In no event shall the depth be reduced to less than 15 feet; and

(c) an area along all other water edges of the #pier# having a depth of at least 15 feet measured from such edges. For portions of #piers# wider than 80 feet, the depth along edges of such portion shall be increased by three inches for each additional foot of #pier# width over 80 feet, but need not exceed a total of 60 feet for all other edges. Such areas along water edges which are directly opposite each other may be aggregated so that the entire area is along one edge. Alternatively, the required area may also be allocated to such opposite edges so that the total aggregate depth is maintained with a minimum 15 foot depth along any edge.

Notwithstanding the preceding requirements, when a #pier# is #developed predominantly# with a #public park# or playground or private park, the waterfront public access requirement on the #pier# pursuant to Section 62-41, and Section 62-60 (GENERAL DESIGN STANDARDS AND MAINTENANCE OBLIGATIONS FOR WATERFRONT PUBLIC ACCESS AREAS) shall be deemed to be satisfied by such #use#.

#Pier# public access areas shall be directly accessible from a #waterfront public access area#, public sidewalk within an open public #street#, #public park# or other accessible public place. For those #pier# public access areas provided pursuant to the preceding paragraph, the minimum width of such connection shall be equal to at least 50 percent of the #pier# width where it projects from the bulkhead, stabilized or natural #shoreline#, or #platform# edge.



MINIMUM PUBLIC ACCESS REQUIREMENTS ON PIERS
(delete existing graphic - insert new)

62-431
Design Requirements for Public Access on Piers (moved from 62-65)

Public access areas on #piers# shall be improved in accordance with the provisions of this Section.

(a) Circulation and access

At least one circulation path having a minimum clear width of ten feet shall be provided throughout the public access area required on the #pier#.

(b) Permitted obstructions

In addition to the permitted obstructions pursuant to Section 62-612, #pier# public access areas may include one free-standing open or enclosed public pavilion, provided such structure does not exceed one #story#, is no taller than 30 feet, and has an area no larger than 1,600 square feet. At least 50 percent of the perimeter wall area on all sides, up

to a height of 15 feet, shall consist of clear or glazed materials which may include show windows, glazed transoms, glazed portions of doors or latticework. Such structures shall be exempt from building spacing requirements on #piers# provided they maintain a spacing of at least 12 feet from other #buildings# and from any water edge of the #pier#, except that when a #pier# is 30 feet or less in width, a pavilion may abut one water edge.

(c) Seating

At least one linear foot of seating is required for every 100 square feet of #pier# public access area.

62-44
Requirements for Public Access on Floating Structures (moved from 62-413)

All #developments# on #floating structures# permitted as-of-right pursuant to Section 62-25 shall provide #waterfront public access areas# in accordance with the provisions of this Section. #Developments# subject to a special permit pursuant to Section 62-733 shall provide public access in accordance with a plan established pursuant to such permit.

(a) Public access in conjunction with a #development# on a #floating structure# shall consist of a 30 foot wide #shore public walkway# along the entire length of the #shoreline#, including the water edge perimeter of a #platform# projecting from any portion of the #shoreline# in accordance with the provisions of Section 62-42. In the event that there is additional #development# on the #zoning lot# requiring a 40 foot width, the greater width shall be provided.

(b) When the primary entrance to a #floating structure# is located on a #pier#, and there is no other #development# on the #pier# that would require #pier# public access, a 15 foot wide public access area shall be provided in addition to the #shore public walkway#, along the full length of one of the longer water edges of the #pier#. Such public access area shall be directly connected to the #shore public walkway#.

62-441
Design requirements for public access on floating structures (moved from 62-66)

The following design requirements shall apply to #shore public walkways# provided in conjunction with as-of-right #development# on #floating structures# pursuant to Section 62-44.

(a) Circulation and access

A circulation path shall be provided with a minimum clear width of ten feet. On shallow portions of #zoning lots# where the width of the #shore public walkway# may be reduced in accordance with Section 62-42, the minimum clear width of the path may be reduced to a minimum of six feet when the #shore public walkway# is less than 16 feet. The circulation path reduction shall be made to comply with the screening requirements of paragraph (c) of this Section.

(b) Seating

At least one linear foot of seating is required for every 100 square feet of public access.

(c) Screening

Any service area, such as that used for equipment storage or similar, shall be screened from the circulation path in accordance with the standards for screening in Section 62-625 (Planting and trees).

62-45
Requirements for Upland Connections
(moved from 62-414)

All #waterfront public access areas# provided pursuant to Sections 62-42 (Requirements for Shore Public Walkways), 62-43 (Requirements for Public Access on Piers) or 62-44 (Requirements for Public Access on Floating Structures) shall be accessible from an open public #street#, #public park# or other public place at intervals along the #shore public walkway# not to exceed 600 feet by means of either a direct connection or, where no direct connection exists, an #upland connection# between the public access area and an adjoining public sidewalk within an open public #street#, #public park# or other public place.

Where there is an intervening #zoning lot# that would prevent compliance with the maximum interval, such interval may be increased to the minimum necessary to clear the intervening #zoning lot#. In the event there is no way to provide the #upland connection# without encroaching on an intervening #zoning lot#, the #upland connection# shall not be required.

62-451
Minimum dimensions of upland connections

#Upland connections# shall be provided as a single pedestrian walkway pursuant to paragraph (a) of this Section or as two pedestrian walkways pursuant to paragraph (b) of this Section.

(a) #Upland connections# as single pedestrian walkway

(1) The minimum width of an #upland

connection# with a single pedestrian walkway (hereinafter referred to as "Type 1") shall be as set forth in Column A of the following Table. In addition, such widths shall be increased by 20 feet within 15 feet of a public #street#, #public park# or other public place, hereinafter referred to as an "Entry Area". Such widths may be reduced on #zoning lots# having a #lot width# less than 150 feet by an amount equal to one foot for each two feet that the #lot width# is less than 150 feet. However, in no event shall the width be less than the minimum width specified in Column B of the table.

TABLE
MINIMUM WIDTH REQUIREMENTS FOR
TYPE 1 UPLAND CONNECTIONS

Districts	Column A Minimum Width	Column B #Narrow Lot# Reduction Minimum Width
R3 R4 R5	20 ft.	12 ft.
C1, C2 mapped in R1 thru R5 Districts; C3 Districts	20 ft.	12 ft.
All other Districts (except R1 and R2)	30 ft.	16 ft.

- (2) Where an #upland connection# does not coincide with a #visual corridor#, a 20 foot wide open area shall be required in addition to the Entry Area, and shall extend along the entire remaining length of the #upland connection#, but need not be publicly accessible. Such open area may be located on either side of the #upland connection# or aggregated in any combination, so long as the total width of the open area at any point along the #upland connection# is 20 feet. Such increased widths may be modified in accordance with the #narrow lot# reduction rule in paragraph (1) above.

- (3) Where an #upland connection# traverses portions of a #zoning lot# located in districts in which different width requirements apply, the width of the #upland connection# shall be computed as the weighted average based on the length of the #upland connection# in each district.

(b) #Upland connections# as two pedestrian walkways

The minimum width of an #upland connection# provided in the form of two pedestrian walkways, one on each side of a private driveway (hereinafter referred to as "Type 2"), shall be 13 feet for each such walkway. However, where a private driveway terminates in a vehicular turn-around, the minimum width of the #upland connection# abutting such turn-around shall be ten feet. In addition, a "transition area" shall be provided between the upland boundary of the #shore public walkway# or #supplemental public access area#, whichever is applicable, and the edge of the roadbed closest to the #shoreline#. Such transition area shall have a width equal to the combined width of the Type 2 #upland connections# and road bed, and a depth of 40 feet measured from such roadbed, as shown in Illustrations 1 and 2, for roadbeds that turn and roadbeds that terminate in a turn-around, respectively.

62-452
Design requirements for upland connections

(a) Circulation and access

- (1) For Type 1 #upland connections# there shall be at least one circulation path linking an open public #street#, #public park# or other public place with a #shore public walkway#. Such path shall have a minimum clear width of twelve feet. Any secondary paths shall have a minimum clear width of six feet.
- (2) For Type 2 #upland connections#, each pedestrian walkway shall have a circulation path with a minimum clear width of eight feet linking an open public #street#, #public park# or other public place with a #shore public walkway#.
- (3) For Transition Areas, a circulation path with a width of at least twelve feet shall connect each circulation path of the Type 2 #upland connection# with a circulation path of a #shore public walkway#, #supplemental public access area# or Type 1 #upland connection#, whichever is applicable.

(b) Paving

- (1) For Type 1 #upland connections#, at least 40 percent but not more than 65 percent of the Entry Area shall be paved. In addition, at least 70 percent of the

frontage along a public sidewalk shall be paved to a depth of at least five feet.

- (2) Where any #upland connection# is interrupted by a private driveway, the full width of the required #upland connection# shall traverse the roadbed without a drop in level, and paved with materials distinct from the roadbed. Such portion of the #upland connection# shall not count towards fulfilling a minimum required amount of #public access area#. In addition, for Type 2 #upland connections#, the area of the roadbed between both circulation paths, within which lines perpendicular to the #upland connection# traversing the roadbed can be drawn, shall be raised to be flush with the level of such adjoining #upland connections# (see Illustration 1)
- (3) The roadbed paving material of a private driveway leading to a vehicular turn-around may be extended into the turn-around provided the area of the turn-around paved with such material is not wider than the roadbed leading to the turn-around. The remaining portions of the turn-around shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining circulation paths.

(c) Planting

- (1) For Type 1 #upland connections#, at least forty percent of the area of the #upland connection# shall be planted in accordance with the provisions set forth in Section 62-625. In addition, the following rules shall apply:

- (i) where such #upland connections# do not abut open parking lots or private driveways, six caliper inches of ornamental trees or their equivalent in multi-stemmed plants shall be required for every 100 linear feet of #upland connection#.

- (iii) where such #upland connections# abut an open parking lot of any size and for any #use#, screening shall be provided within the #upland connection# along the curb of such lot in accordance with Section 37-921 (Perimeter landscaping).

- (iv) where such #upland connections# abut a private driveway, a continuous tree pit shall be provided within the #upland connection# along the curb of the driveway. Such tree pit shall meet the minimum planting requirements set forth in Section 62-625, and in addition, planted with one tree for every 25 feet of private driveway frontage

- (vi) where such #upland connections# do not coincide with a #visual corridor#, at least 30 percent of the required open area along the length of the #upland connection# shall be planted, and the requirement of Section 62-649 (Permitted obstructions for #visual corridors#) shall apply within such open areas.

- (2) For Type 2 #upland connections#, a continuous tree pit shall be provided within the #upland connection# along the curb of the private driveway. Such tree pit shall meet the minimum planting requirements set forth in Section 62-625, and in addition, planted with one tree for every 25 feet of private driveway frontage. Portions of the continuous tree pit may be paved with permeable paving such as Belgian Block or similar unit pavers in order to accommodate any required amenity, such as benches or bike racks, or other permitted obstructions in accordance with the provisions of Section 62-612. However, no continuous tree pit shall be required where an #upland connection# abuts a portion of a roadbed that is required to be raised pursuant to paragraphs (b)(2) or (b)(3) of this Section.

- (3) For Transition Areas, at least forty percent of such area shall be planted. In addition, a minimum of two canopy trees or their equivalent in caliper inches of ornamental trees or multi-stemmed plants are required.

(d) Seating

For all #upland connections#, at least 12 linear feet of seating shall be provided for every 100 linear feet of such connections, except that in Entry Areas and Transition Areas there shall be at least 24 linear feet of seating. At least fifty percent of all required seating shall have backs.

(e) Trash receptacles

One trash receptacle shall be provided within 15 feet of a public #street#, #public park# or other public place and one where the #upland connection# adjoins a #shore public walkway# or #supplemental public access area#.

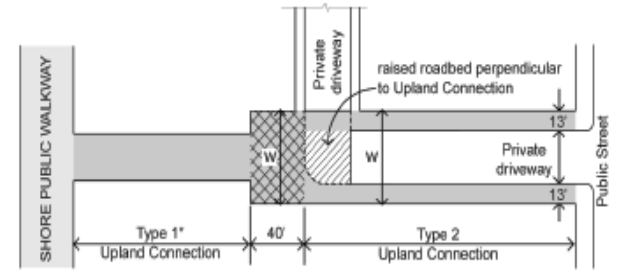


ILLUSTRATION 1: UPLAND CONNECTION WITH ROADBED TURN

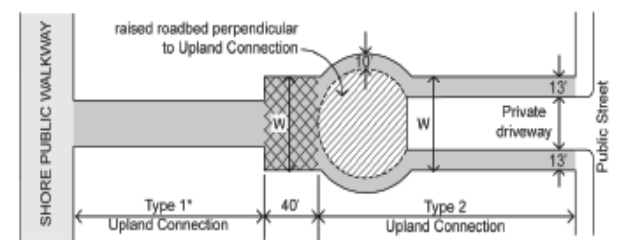


ILLUSTRATION 2: UPLAND CONNECTION WITH VEHICULAR TURN-AROUND

Upland Connection
 Transition Area
 Raised roadbed
 W Minimum width of transition area beyond roadbed
 * Required where Transition Area does not abut Shore Public Walkway or Supplemental Public Access Area

62-46
Requirements for Supplemental Public Access Areas
(moved from 62-415)

If the aggregate area of the required #shore public walkways#, #upland connections#, public access areas on #piers#, and public access areas in conjunction with #floating structures# on the #zoning lot#, is less by 750 square feet or more than the amount of #waterfront public access area# required by the following table, then #supplemental public access areas# shall be provided in order to meet the total amount of waterfront public access required by the table. However, when a #zoning lot# is #developed predominantly# with a playground or publicly accessible private park, the requirements of this Section shall be deemed to be satisfied by such #use#.

Where #supplemental public access areas# are required within New York State-designated wetlands or adjacent State-regulated areas, the area requirements and the design standards for such #supplemental public access areas# may be reduced or modified by the New York State Department of Environmental Conservation.

#Supplemental public access areas# shall not be required where the total area of such designated wetlands and adjacent State-regulated areas on the #zoning lot# is equal to or greater than the total #supplemental public access area# requirement and the Department of Environmental Conservation determines that public access to such areas is not permitted.

WATERFRONT PUBLIC ACCESS AREA REQUIREMENTS

#Developments# in the Following Districts	#Zoning Lot# Threshold	Total #Waterfront Public Access Area# Requirement
In R3, R4, R5 Districts; C1 or C2 in R1 thru R5 Districts; C3, C4-1 Districts	#Lot area# of 65,340 sq. ft. and #shoreline# length of 600 ft.	15% of #lot area#
In R6, R7-1, R7-2, R7A, R7B, R7D and R8B Districts and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#	#Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft.	15% of #lot area#
In all other #Commercial# or #Manufacturing Districts# with a permitted commercial FAR of 4.0 or less		
In other R7, R8, R9 and R10 Districts and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#	#Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft.	20% of #lot area#
In all other #Commercial# or #Manufacturing Districts# with a permitted commercial FAR above 4.0		

Whenever a #zoning lot# is divided by a boundary between

districts in which different thresholds apply pursuant to the table, and if:

- (a) the #lot area# or length of #shoreline# in either district is less than the minimum threshold for which there is a total #waterfront public access area# requirement; and
- (b) the total #lot area# or length of #shoreline# for the entire #zoning lot# is greater than the lowest threshold in either district for which there is a total #waterfront public access area# requirement; then

the #waterfront public access area# requirement shall be met for the entire #zoning lot#. Each portion of the #zoning lot# shall generate a total #waterfront public access area# requirement based on the percentage required in the table for the district in which it is located

62-461
Location and area requirements for supplemental public access areas

#Supplemental public access areas# shall adjoin a #shore public walkway# in accordance with the requirements of this Section 62-461.

- (a) When located at the intersection of a #shore public walkway# and an #upland connection# or #street#, the minimum area of the #supplemental public access area# shall be 750 square feet, have a minimum width to depth ratio of 1:1 and a maximum width to depth ratio of 3:1. The longest side shall adjoin the #shore public walkway#.
- (b) When located adjoining a #shore public walkway# without adjoining an #upland connection# or #street#, the minimum area of a #supplemental public access area# shall be 1,875 square feet and have a minimum width to depth ratio of 3:1. The minimum depth perpendicular to the #shore public walkway# shall be 25 feet.
- (c) A #supplemental public access area# may be provided as a widened #shore public walkway# if a minimum width of 10 feet running continuously and parallel to the #shore public walkway# is achieved between any two of the following: an #upland connection#, open public #street#, #public park# or other public place.

The width to depth requirements may be satisfied with average dimensions. The minimum angle between the two boundary lines of a #supplemental public access area# coinciding with the private portion of the #zoning lot# shall be 90 degrees.

62-462
Design requirements for #supplemental public access areas#

A #supplemental public access area# shall comply with the design requirements of Section 62-421 (Design requirements for #shore public walkway#), except that:

- (a) A #supplemental public access area# shall provide at least one circulation path with a minimum clear width of 6 feet that provides access throughout the #supplemental public access area#. This requirement can be met by a circulation path of the #shore public walkway# that traverses the #supplemental public access area#;
- (b) a widened #shore public walkway# may be improved as a pedestrian sidewalk area abutting a vehicular roadway provided such sidewalk has a minimum width of 13 feet and complies with the provisions of Section 62-452 (Design requirements for upland connections). Any additional #supplemental public access area# shall comply with the requirements of Section 62-421 (Design standards for #shore public walkways#);
- (c) a widened #shore public walkway may be improved as a dedicated bicycle path if such path connects at each end to an open accessible #street#. The minimum width of a two way bicycle path shall be 10 feet, with an additional 2 feet clearance on each side along the entire length of the path. In addition, a planting area with a width of at least 5 feet shall be provided between the dedicated bicycle path and any paved area for pedestrian use. Any planted area being provided pursuant to Section 62-421 (Design requirements for shore public walkways) or to paragraph (b)(3)(i) of this Section that achieves this minimum width may be used to satisfy this requirement;
- (d) where a #supplemental public access area# is greater than 1,875 square feet, at least 25 percent of the required planted area shall be provided as lawn; and
- (e) where a #supplemental public access area# having at least 7,500 square feet is provided containing a playground of at least 3,500 square feet and improved in accordance with the standards of the Department of Parks and Recreation, the required minimum planted area may be reduced by one square foot for every five square feet of playground area. The playground area may be located anywhere within the #waterfront public access area# that is beyond 20 feet of the #shoreline#. However, in no event shall the required planted area be less than 25 percent of the area of the #shore public walkway# and supplemental public access area# combined, as set forth in Section 62-

421(d) (Permitted reduction in minimum required planted area).

62-47
Special Regulations for Zoning Lots that include Parks
(moved from 62-416)

- (a) In M2 and M3 Districts as permitted in Section 62-27 (Special Use Regulations for Playgrounds or Private Parks), where a #zoning lot# is or adjoining #zoning lots# are #predominantly developed# as a park, the requirements of Section 62-42 through 62-46, and Section 62-60 shall be deemed satisfied for that portion of the #zoning lots# occupied by such park #use#, provided that:

* * *

- (b) In order to implement the East River Waterfront Esplanade and Piers Project described in the Final Environmental Impact Statement (FEIS) dated May 18 2007, of the Lower Manhattan Development Corporation and the record of decision (ROD) adopted by such corporation on November 7, 2007 (the ERW Project), in C2-8, C4-6, C6-4 and M1-4 Districts located in Manhattan Community Districts 1 and 3, for #zoning lots predominantly developed# as publicly accessible open space under the ERW Project, the Chairperson shall allow for the phased implementation of such publicly accessible open space, and the requirements of Sections 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS), inclusive, and 62-60 (GENERAL DESIGN STANDARDS AND MAINTENANCE OBLIGATIONS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed satisfied, provided that:

* * *

62-48
Special Regulations for Water-Dependent Uses and Other Developments
(generally moved from 62-415(b))

#Developments# on #waterfront zoning lots# listed in paragraph (b) of Section 62-41 (Applicability of waterfront public access area requirements) shall provide a minimum amount of public access area in accordance with the following table:

WATERFRONT PUBLIC ACCESS AREA REQUIREMENTS

#Developments# in the Following Districts	#Zoning Lot# Threshold	Total #Waterfront Public Access Area# Requirement
-------------------------------------------	------------------------	---------------------------------------------------

#Predominantly community facility# and #commercial uses# in R3, R4, R5 Districts; C1 or C2 in R1 thru R5 Districts; C3, C4-1 Districts	#Lot area# of 65,340 sq. ft. and #shoreline# length of 600 ft.	15% of #lot area#
----------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------	-------------------

In R6,R7-1,R7-2,R7A, R7B, R7D and R8B Districts and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#	#Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft.	15% of #lot area#
------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------	-------------------

In all other #Commercial# or #Manufacturing Districts# with a permitted commercial FAR of 4.0 or less

In other R7, R8, R9 and R10 Districts and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#	#Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft.	20% of #lot area#
--------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------	-------------------

In all other #Commercial# or #Manufacturing Districts# with a permitted commercial FAR above 4.0

The total #waterfront public access area# requirement determined from the table may be provided in any manner that will enable the public to reach a waterfront viewing area on the #zoning lot# from a public sidewalk within a public #street#, #public park# or other public place. Such viewing area shall provide an unobstructed view of the water and comprise at least 50 percent of the total #waterfront public access area# required on the #zoning lot#. One linear foot of seating shall be provided for every 100 square feet of viewing area.

#Waterfront public access areas# improved in accordance with this Section shall comply with the provisions of Section 62-60 (GENERAL DESIGN STANDARDS AND MAINTENANCE OBLIGATIONS FOR WATERFRONT PUBLIC ACCESS AREAS).

For #developments listed in Section 62-41 paragraph (b)(1), on #zoning lots# containing a public access area established prior to October 25, 1993, by restrictive declaration, lease agreement, maintenance and operation agreement, or other agreement with a public entity, which public access area is required to be provided for the life of the new #development#, the requirements for #waterfront public access area# shall be met if the established public access area is substantially in compliance with the provisions of this Section.

62-49
Requirements for Visual Corridors
(Relocate Section 62-42, renumber 62-49)

#Visual corridors# shall be provided...

* * *

In the event the #visual corridor# requirement imposed on the #zoning lot# exceeds 50 percent of the #lot width#, or there is no way to provide a #visual corridor# in compliance with Section 62-421 62-491, no #visual corridors# shall be required.

62-491
Location of visual corridors

(Relocate Section 62-421, including illustrations, renumber 62-491)

* * *

62-492
Dimensions of visual corridors

(Relocate Section 62-422, including illustration, renumber 62-422)

The width of a #visual corridor#...

* * *

The lowest level of a #visual corridor#...

* * *

No obstructions are permitted within a #visual corridor# except as set forth in Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA)-(GENERAL DESIGN STANDARDS AND MAINTENANCE OBLIGATIONS FOR WATERFRONT PUBLIC ACCESS AREAS).

62-493
Permitted obstructions in visual corridors

(generally moved from 62-642)

The requirements of this Section shall apply to all #visual corridors#.

No #building or other structure# shall be erected within the width of a #visual corridor# above its lowest level, as established pursuant to Section 62-492 (Dimensions of visual corridors), except as provided in this Section. Permitted obstructions within #visual corridors# in all districts shall be limited to those allowed for #waterfront yards# listed in Section 62-332 (Rear yards and waterfront yards), except that the following obstructions shall also be permitted:

- (a) boats, ships or other vessels, and #floating structures# permitted as-of-right by Section 62-25;
- (b) any moving or parked vehicles or street furniture, including but not limited to, benches, seats, kiosks, carts and open display booths, lighting fixtures, flagpoles, trash receptacles, drinking fountains and public telephones;
- (c) Guardrails, gates and other protective barriers provided they comply with the design standards of Section 62-621;
- (d) planting areas, provided that no shade trees are planted within a 30 foot wide area, with 15 feet of such area located along each side of the centerline of the #visual corridor#, except that shade trees shall be a permitted obstruction when provided within an open surface parking lot; and
- (e) swimming pools, provided no portion projects more than 18 inches above the lowest level of a #visual corridor#.

* * *

62-50
SPECIAL PARKING AND LOADING REGULATIONS

* * *

62-553
Screening requirements for parking facilities on waterfront blocks

- (a) All open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots#, and from any #waterfront public access area# on the #zoning lot# pursuant to Section 62-675 62-625 (Planting and trees). Open parking areas shall also be screened from all #zoning lots# situated across a #street# pursuant to Section 62-675, except where the provisions of Section 37-921 (Perimeter landscaping) apply. Screening may be interrupted only by vehicular or pedestrian entrances.
- (b) All parking garages that occupy the ground floor frontage along any #street# or private drive which is also an #upland connection# shall be screened in accordance with the planting requirements of Section 62-675 62-625.
- (c) For parking garages on #piers#...

* * *

62-60
DESIGN STANDARDS FOR THE WATERFRONT AREA
GENERAL DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

All #waterfront public access areas# and #visual corridors# required by Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS) shall comply with this Section unless expressly stated otherwise. Modifications of the provisions of Section 62-40 or this Section are permitted only by:

- (a) authorization of the City Planning Commission pursuant to Section 62-722 (Modification of Waterfront Public Access and Visual Corridor Requirements); or

(b) special permit of the City Planning Commission pursuant to Sections 62-733 (Uses on floating structures), 62-734 (Developments on piers and platforms), 74-711 (Landmark preservation in all districts) or 74-79 (Transfer of Development Rights from Landmark Sites); or

(c) establishment of a Waterfront Access Plan in Section 62-80.

In the event of a conflict between the provisions of this Section and a Waterfront Access Plan, the plan shall control.

62-61
Design Options and Methodology
(Delete entire Section 62-61)

62-62
62-61
General Requirements for Public Access Areas

(a) #Waterfront public access areas# shall be accessible to the handicapped in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design guidelines.

(b) The minimum required circulation path in all #waterfront public access areas# on adjacent #zoning lots# shall be connected and continuous.

All public access areas consist of one or more of the following three functional components:

(1) Pedestrian circulation zone

The pedestrian circulation zone is the portion of a waterfront public access area that contains one or more required circulation paths for pedestrian movement.

(2) Buffer zone

The buffer zone, when required, is a landscaped area within a waterfront public access area running along its boundary with the non-public portions of the #zoning lot# or a public #street#. The buffer zone shall be improved entirely as planting area except:

(i) at locations occupied by permitted obstructions; or

(ii) at locations, other than at a waterview sitting area, where there is ground floor #commercial use# frontage on a public access area, in which case that portion of the buffer zone may be paved.

(3) Transition zone

The transition zone is the portion of the pedestrian circulation zone of a waterfront public access area located within ten feet of its intersection with another portion of the public access network on the same or an adjoining #zoning lot#, or a public #street#, #public park# or other public place to which it connects. At the intersection of an #upland connection# and a #shore public walkway#, the transition zone shall include the entire area of the two intersecting pedestrian circulation zones within the boundary lines of the transition zone.

(delete illustration of Transition zone)

(c) All #waterfront public access areas# shall be unobstructed from their lowest level to the sky, except as set forth in Section 62-622 (Permitted obstructions). The lowest level of any portion of a #waterfront public access system area# on a #zoning lot# shall be determined by the elevation of the adjoining portion of the system on the same or an adjoining #zoning lot# or the public sidewalk to which it connects. Reference elevations shall be established from the public sidewalks, #waterfront yard# levels and the elevations previously established by adjoining #zoning lots# at #lot line# intersections of a waterfront public access network, as applicable.

* * *

62-621
Shore public walkways
(move to 62-42)

62-622
Upland connections
(move to 62-45)

62-623
Supplemental public access areas
(move to 62-46)

62-624
Maintenance and operation of waterfront public access areas
(move to 62-63)

* * *

62-625
62-611
Grading controls

Any area improved for public access shall meet the following regulations for site grading:

(a) ~~Pedestrian circulation zone~~ In required circulation paths

(1) Cross-sectional grading regulations ~~for circulation paths~~ (perpendicular to the general direction of pedestrian movement) The minimum slope of a required circulation path shall be one and one-half percent (1.5%) to allow for positive drainage and the maximum slope shall be three percent (3.0%). Steps, and stairways and ramps accommodating a cross-sectional grade change are only permitted in a pedestrian circulation zone outside of the required circulation path(s) and in compliance with the regulations for handicapped accessibility.

(2) Longitudinal grading controls ~~for circulation paths~~ (parallel to the general direction of pedestrian movement)

Longitudinal grade changes are permitted along the length of a required circulation path by means of steps or ramps in compliance with the requirements for handicapped accessibility.

~~(3) Transition zones~~

~~No steps shall be permitted in a required pedestrian circulation path within the boundaries of a transition zone.~~

(b) ~~Buffer zones~~ In required planting areas, including screening buffers

Within five feet of the edge of any planting area boundary line of a pedestrian circulation zone, the grade level of such planting area the buffer zone shall not be more than 18 inches higher or lower than the adjoining level of the pedestrian circulation path zone.

62-626
62-612
Permitted obstructions (delete existing and re-write)

#Waterfront public access areas# shall be unobstructed from their lowest level to the sky except that the obstructions listed in paragraphs (a) through (e) of this Section shall be permitted as specified. However, no obstructions of any kind shall be permitted within a required circulation path.

(a) In all areas:

- (1) Trees and other plant materials, including grasses, vines, shrubs and flowers; watering equipment, arbors, trellises or observation decks, and retaining walls;
- (2) Seating, litter receptacles, drinking fountains and other outdoor furniture;
- (3) Fountains, reflecting pools, waterfalls, sculptures and other works of art and temporary exhibitions;
- (4) Open air cafes and kiosks in accordance with the provisions of paragraph (e) of this Section;
- (5) Lights and lighting stanchions, flag poles, bollards and guardrails; exercise and other recreational equipment.

(b) In screening buffers:

- (1) Paved entrances to #buildings# fronting upon the screening buffer, including awnings and canopies over such entrances; seating located within 42 inches of an adjacent paved area; bike racks within six feet of the sidewalk of an open accessible #street# or within ten feet of an #upland connection#;
- (2) Service equipment necessary for maintenance of the #waterfront public access areas# or the functioning of adjacent structures such as watering equipment; sheds for tool storage, and electrical transformers or other mechanical or electrical service devices, provided all such equipment covers no more than 100 square feet in any location and has a maximum height of ten feet. Such obstructions shall be screened in accordance with Section 62-625 (Planting and trees);
- (3) Exhaust vents located on building walls fronting on the screening buffer are permitted only if the bottom of such vent is a minimum of ten feet above the adjacent ground level. The vent shall project no more than four inches from the #building# wall.

(c) Beyond 20 feet of the #shoreline#:

Tot-lots, playgrounds, dog runs, public telephones, toilets and bicycle racks,

(d) Fences and walls limited to the following locations: Along the boundaries of tot-lots, playgrounds and dog runs, between adjacent WD #uses#, within a #visual corridor#, and along any grade level change greater than 30 inches;

Along the boundary of any #waterfront public access areas# and any non-publicly accessible areas on the #zoning lot# or any non-publicly accessible areas on adjacent #zoning lots#.

(e) Kiosks and open-air cafes:

Where a kiosk is provided, it shall not occupy an area in excess of 150 square feet, including roofed areas. A kiosk may be freestanding or attached on only one side to a #building# wall. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may only be occupied, as permitted by applicable district #use# or as modified by Section 62-29, regulations, by news or magazine stands, food stands, flower stands, bicycle rental stands, information booths or #uses accessory# to permitted WD #uses#.

Open air cafes shall be permanently unenclosed except that they may have a temporary fabric roof. No kitchen equipment shall be installed within an open air café. Kitchen equipment may be contained in a kiosk adjoining the open air café.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers on a #waterfront public access area# through open windows.

62-627
62-613
Vehicle and emergency access

Vehicular access is prohibited within #waterfront public access areas# except for emergency and maintenance vehicular access. Parking areas, passenger drop-offs, driveways, loading berths and building trash storage facilities are not permitted within, or allowed to be accessed or serviced through a #waterfront public access area# except for:

- (a) vehicular access to drop-offs and other required services #accessory# to docking facilities; or
- (b) vehicular access to #development# on a #pier# or #floating structure#.

Such vehicular ways shall be used only to provide access across the #shore public walkway#. No single driveway shall exceed a width of 25 feet. Paving and bollards shall be installed in accordance with Section 62-671621. There shall be a minimum four inch and maximum seven inch grade change between the driveway and any adjoining pedestrian circulation zone, satisfied by a curb or sloped paving surface. Curbs shall have a minimum width of six inches. When a sloped surface is provided, a minimum 12 inch paved border shall be installed within along the driveway boundaries where the slope terminates. Curbs and paved borders shall have a color distinct from the paving of the adjoining paved surface pedestrian circulation zone.

Vehicular roadways are permitted as part of an #upland connection# in accordance with the regulations of Section 62-64 62-45.

Any vehicular roadway crossing a required #waterfront public access area# shall comply with the requirements for paving in Section 62-676 62-626.

* * *

62-63
Specific Design Requirements for Public Access Prototypes
(Delete entire section 62-63)

62-631
Shore public walkway—Prototype I: Esplanade
(Delete entire Section 62-631)

62-632
Shore public walkway—Prototype II: Moderate-intensity walkway
(Delete entire Section 62-632)

62-633
Shore public walkway—Prototype III: Low-intensity walkway
(Delete entire Section 62-633)

62-634
Shore public walkway—Prototype IV: Open recreation walkway
(Delete entire Section 62-634)

62-635
Supplemental public access area—Prototype I: Waterview plaza
(Delete entire Section 62-635)

62-636
Supplemental public access area—Prototype II: Waterview park
(Delete entire Section)

62-637
Supplemental public access area—Prototype III: Waterview sitting area
(Delete entire Section 62-637)

62-64
Design Requirements for Upland Connections and Visual Corridors
(Delete entire Section 62-64)

62-641
Design requirements for upland connections
 (move to Section 62-451)

62-642
Design requirements for visual corridors
 (move to Section 62-493)

62-65
Design Requirements for Public Access on Piers
 (move to Section 62-431)

62-66
Design Requirements for Floating Structure Public Access
 (move to Section 62-441)

* * *

62-67
62-62
Public Access Design Reference Standards

No hollow plastic material, such as PVC (polyvinyl chloride) or similar, shall be permitted on guardrails, fences, seating, trash receptacles or other similar furniture within a #waterfront public access area#. However, high-density polyethylene shall be a permitted material as a substitute for traditional wood applications.

62-671
62-62
Public Access Design Reference Standards

No hollow plastic material, such as PVC (polyvinyl chloride) or similar, shall be permitted on guardrails, fences, seating, trash receptacles or other similar furniture within a #waterfront public access area#. However, high-density polyethylene shall be a permitted material as a substitute for traditional wood applications.

62-671
62-621
Guardrails, gates and other protective barriers

The requirements of this Section shall not supersede other applicable government regulations or safety codes.

(a) Guardrails *(delete existing gate language)*

For the purposes of this paragraph (a), the term "guardrail" shall refer only to fencing or similar structures provided along a bulkhead, stabilized shore or the water edges of a #pier# or #platform#.

Guardrails shall not be required. However, if a guardrail is provided, it shall comply with the requirements of either (1) or (2):

(1) The maximum permitted height of a guardrail shall be 42 inches measured from the adjacent grade. Guardrails higher than 21 inches in height shall consist of no more than 30 percent opaque or solid elements. Such guardrail may be mounted on a solid curb not higher than six inches; or

(2) Guardrails that do not exceed 21 inches in height may consist of a solid, opaque wall.

(b) Bollards

(1) Bollards shall be limited to the following locations: along the bulkhead, stabilized shore or the water edges of a #pier# or #platform#; along a #zoning lot line# adjacent to, and limiting access from an upland public #street#; and along the boundaries of a roadway within an #upland connection#.

(2) Bollards shall not exceed 30 inches in height and may be between six and fifteen inches in width. The top of bollards shall not consist of any sharp edges. The minimum clearance between two bollards shall be five feet.

(b) Fencing and walls

(1) When provided, fences or walls within a waterfront public access area shall be limited to the following locations: anywhere within a buffer zone provided it does not obstruct access to required seating; along the boundary of a screening buffer zone and an adjoining private area; adjoining WD #uses#; within a #visual corridor#; and, elsewhere, to define the seating or waiting area of an open air cafe or similar open #use#.

(2) Fences or walls shall not exceed 48 inches in height. Each may be opaque up to a maximum height of 21 inches and shall be a minimum of 65 percent (65%) open above such height.

(c) Fences, walls and gates

(1) Fences and walls, that are not guardrails, shall comply with the following requirements:

(i) Fences and walls, when provided, shall be limited to the

following locations: along the boundary of a #waterfront public access area# and an adjoining private area on the #zoning lot#; around the perimeter of a playground, tot-lot and dog-run; adjoining WD #uses#; within a #visual corridor#; or along any grade level change of 30 inches or greater.

(ii) Fences shall be a minimum 70 percent open with a maximum height of 36 inches measured from adjoining grade level. They may be mounted on a solid curb not higher than six inches.

(iii) Walls may not exceed a height of 21 inches and may be fully opaque.

(iv) Chain link fencing or barbed or razor wire shall not be permitted

(2) Gates attached to fences and walls that limit physical access to #waterfront public access areas# from #streets#, #public parks# or other public ways or from adjacent #waterfront public access areas# on adjoining #zoning lots# shall comply with the provisions of this paragraph (c)(2). Such gates shall be permitted only at the boundaries of the #waterfront public access areas# and such adjacent publicly accessible areas; except that in #upland connections# that are not adjacent to a private roadway, gates may be located 15 feet seaward of its boundary with such adjacent publicly accessible area. Gates may be closed only pursuant to Section 62-631 (Operational requirements).

The maximum height of a gate shall be four feet above the adjoining grade. Gates shall consist of no more than 30 percent opaque or solid elements. When opened for access, such gate shall not obstruct any portion of the required circulation path or paved area. In addition, at least 16 feet of width or 70 percent of the total width of the #waterfront public access area#, whichever is greater, shall not be obstructed by such gate. Stanchions or cabinets for gate storage may be located at the edges of the #waterfront public access area#, perpendicular to the gates and shall not occupy more than two feet in width. Gates shall not intrude into any adjacent planting area.

(delete existing gate language)

62-672
62-622
Seating *(delete existing seating language)*

All required seating shall comply with the following standards:

(a) Seating with backs

Seating with backs shall comprise at least 50 percent of the required seating, unless otherwise specified in the requirements of Section 62-40. Additionally, at least 50 percent of seats with backs shall generally face the water. Seat backs shall be at least 14 inches high. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from the vertical between 10 to 15 degrees.

(b) Depth

Seating with or without backs shall have a depth not less than 18 inches, nor greater than 22 inches. Seating 36 inches or more in depth and accessible from both sides may be credited as double seating. When seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

(c) Height

At least 75 percent of the required seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent grade. Seating higher than 36 inches or lower than 12 inches shall not qualify toward the seating requirements.

(d) Clearance

Seating shall be located a minimum of 22 inches from any circulation path or permitted obstruction along its accessible side, except that seating without backs may be as close to a guardrail as 12 inches

(e) Types of seating

In #shore public walkways# and #supplemental public access areas#, at least two of the following types of seating are required: moveable seating,

fixed individual seats, fixed benches with and without backs, lounging chairs, and design-feature seating such as seat walls, planting walls, or seating steps.

(i) Design feature seating

Design feature seating, including planting walls, seating walls, and seating steps, shall be limited to 25 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(ii) Movable seating

Moveable chairs, excluding those in open air cafes, may be credited as 18 inches of linear seating per chair; however, not more than 50 percent of required linear seating may be in moveable seats. Moveable seats may be placed in storage outside of the required hours of operation pursuant to Section 62-63. All moveable seats must have backs. Moveable chairs shall not be chained, fixed, or otherwise secured while the #waterfront public access area# is open to the public.

(iii) Seating steps

Seating steps shall not include any steps intended for circulation and must have a height not less than twelve inches nor greater than 30 inches and a depth not less than 18 inches.

(iv) Lounge chairs

Lounge chairs shall allow for a reclined position supporting the back as well as the legs. Lounge chairs may be credited as 36 inches of linear seating per chair.

(f) Social seating and tables

At least 25 percent of required seating shall be social seating, consisting of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction. A minimum of four square feet in tables shall be required for every three linear feet of social seating.

(g) Shaded seating

At least 40 percent of required seating shall be shaded between the hours of 2 PM and 6 PM, between the months of April and October. Such shade may be cast by canopy trees, shade structures or #building# walls. However, no more than 20 percent of such seating shall be in the shadow of a #building wall#.

Seating in open air cafes or stairs shall not qualify towards seating requirements. All seating located within a planted area shall be on permeable pavement, and secured for stability.

62-673
62-623
Lighting

All waterfront public access areas shall provide lighting in accordance with the following requirements:

(a) Lighting fixtures

Light posts shall be spaced at a maximum distance of 40 feet. The light center of the fixture shall be mounted at a minimum height of 12 feet and a maximum height of 15 feet above the adjacent circulation path. Lighting shall be located within five feet of a circulation path.

(b) Light source and illumination level

Luminaires shall have type III photometric distribution as described in the Illuminating Engineering Society's (IES) Handbook. Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak footcandle intensity radiating above 90 degrees and 20 percent (20%) of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with color temperature range of 3000-2000 K to 4100-4000 K with a minimum color rendering index of 65. The performance standard for illumination shall be a minimum of 0.5 horizontal footcandles along both the paved portion of the walkway and seating areas. The average illumination to minimum footcandle uniformity ratio shall be no greater than 4.0 to 1.0 within such paved and seating areas. All lenses and globes shall be polycarbonate or equivalent.

(a) Illumination

An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas shall be required. Such level of illumination shall be maintained from one-half hour before sunset to one-half hour after sunrise.

The average illumination to minimum footcandle uniformity ratio shall be no greater than 10 to 1 within a #waterfront public access area#. Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak footcandle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with 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 #waterfront public access area# and are mounted on or located within #buildings# adjacent to the #waterfront public access area# shall be shielded from direct view. In addition, all lighting within the #waterfront public access area# shall be shielded to minimize any adverse effect on surrounding #residential buildings#.

(b) Lighting plans

A lighting schedule, including fixtures, wattage and their locations and designs together with a diagram of light level distribution, with light levels indicated at intervals of no more than every 20 square feet, shall be part of the required detailed design plans.

62-674

62-624

Signage (delete existing text)

The provisions of this Section 62-624 shall apply to signs required in #waterfront public access areas#. All such signs shall be located in directly visible locations, without any obstruction at any time. Such signs shall be fully opaque, non reflective and constructed of permanent, highly durable materials such as metal or stone. All lettering shall be in a clear, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color with a minimum height of one-quarter inch, unless otherwise specified in this Section, and shall highly contrast with the background color.

Drawings documenting the size, format, and orientation of all required signs shall be included in the application for certification pursuant to Section 62-71. Such drawings shall include detailed information about dimensions of the sign, lettering size, color and materials.

(a) Entry signage

All #waterfront public access areas# shall contain an entry sign mounted on a permanent structure. Such sign shall be located within five feet of the boundary of the entrance from a #street#, #public park# or other public way. Required signage shall contain:

- (1) the New York City waterfront symbol, 12 inches square in dimension, as provided in the "The New York Waterfront Symbol Standards and Specifications" document, published by the Department of City Planning.

INSERT WATERFRONT SYMBOL GRAPHIC

- (2) lettering at least one-and one-half inches in height stating "OPEN TO PUBLIC" in bold type;
- (3) lettering at least one-half inch in height stating the approved hours of operation as required pursuant to Section 62-631;
- (4) lettering at least one-half inch stating: "Do not enter outside of hours of operation";
- (5) the International Symbol of Access for the Physically Handicapped, at least three inches square, or the statement "This public access area is accessible to the physically handicapped";
- (6) address of the property where the #waterfront public access area# is located;
- (7) name of the current owner and the name, phone number and email address of the person designated to maintain the #waterfront public access area#; and
- (8) the statement, "For complaints or questions: call 311";
- (9) the statement "For more information go to <http://nyc.gov/planning>";
- (10) rules of conduct as specified in Section 62-631 (Operational requirements).

Information in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity.

All information required in this paragraph (a) shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above adjoining grade shall be three feet for a horizontal sign and five feet for a vertical sign. The bottom of all signs shall at least eighteen inches above adjoining grade, except for signs

angled 45 degrees or less as measured from adjacent grade. However, the waterfront symbol required pursuant to subparagraph (1) above need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity.

(b) Signage at #zoning lot# line

A sign shall be required to be located within five feet of any #zoning lot line# adjacent to another #zoning lot# within a #shore public walkway# and at a distance no greater than five feet from the required circulation path. All information required in this paragraph (a) shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above adjoining grade shall be three feet. The bottom of all signs shall at least eighteen inches above adjoining grade, except for signs angled 45 degrees or less as measured from adjacent grade. However, the waterfront symbol required pursuant to subparagraph (1) above need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity. However, the waterfront symbol required pursuant to subparagraph (1) above shall be no larger than four inches square, or 12 inches if inscribed in pavement or any appropriate amenity, and the information required in subparagraph (2) above shall be one inch high.

The information required in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity.

(c) Other signage

Seating areas within #waterfront public access areas# allowed pursuant to paragraph (d)(2) of Section 62-421 (Design requirements for shore public walkways and supplemental public access areas) shall be identified by a sign with the words "SEATING OPEN TO PUBLIC" in lettering at least one inch high. Such sign shall be clearly visible from the #waterfront public access area#. In addition, such sign shall be no greater than sixty square inches no higher than eighteen inches above adjacent grade, and angled for visibility. The required sign may be freestanding or attached to a permitted amenity within the #waterfront public access area#.

No #advertising signs# may be located within a #waterfront public access area#.

62-675

62-625

Planting and trees (delete existing text)

Within #waterfront public access areas# and parking areas where planting or screening is required, the design standards of this Section shall apply

A detailed landscape plan prepared by a registered landscape architect shall be submitted to the Department of Parks and Recreation prior to seeking Certification by the Chair of the City Planning Commission pursuant to the requirements of Section 62-71. Such plans shall include plants suited for waterfront conditions and include a diversity of species with emphasis on native plants, salt tolerance and the facilitation of sustainable wild-life habitats where appropriate. No species listed on quarantine or as host species for any disease listed by the Department of Parks and Recreation at the time of application shall be included.

All landscaped areas shall contain a built-in irrigation system or contain hose bibs within 100 feet of all planted areas.

(a) Planted areas

Wherever a minimum percentage of planted area is specified for a #waterfront public access area#, such requirements shall be met only through the provisions of the types of planted areas listed in the following paragraphs (1) through (7). A curb with a maximum height of six inches is permitted along the perimeter of any planted area. Any edging higher than six inches above adjacent grade shall be considered a retaining wall. Retaining walls shall not exceed 60 percent of the perimeter of a planting area or a maximum height of 18 inches measured from the adjacent grade. At least one continuous length equal to 40 percent of the planted area's perimeter shall have a grade level within six inches of the adjacent grade level. Where not specifically indicated, the minimum planting standard for required planted areas shall be turfgrass, natural grasses or groundcover. All planted areas shall be located on undisturbed subsoil or clean fill.

(1) Single tree pits

A single tree pit shall have a minimum dimension of five feet with a minimum area of 30 square feet and a minimum depth of three feet, six inches. Only tree pits planted with ground cover shall count towards meeting a minimum planted area requirement.

(2) Continuous tree pits

A continuous tree pit is a planted area containing two or more trees. Continuous tree pits shall have a minimum width of five feet, and a minimum depth of three feet, six inches, and a length as required to meet a minimum of five feet from any end.

(3) Planting beds

Planting beds for turf grass or groundcovers shall have minimum dimensions of two feet on any direction and a minimum depth of two feet. Planting beds for shrubs shall have minimum dimensions of three feet by three feet for each shrub and a minimum depth of two feet, six inches. Planting beds containing trees shall have a minimum dimension of five feet and a minimum area of 30 square feet for each tree, with a minimum depth of three feet, six inches. Trees, shrubs or groundcovers may be combined in a single planting bed only if such bed meets the minimum depth required for the largest plant.

Retaining walls are permitted along the perimeter of a planting bed in accordance with the regulations for planted areas in paragraph (a) of this Section.

(4) Raised planting beds

A "raised planting bed" is a planted area with retaining walls along more than 60 percent of its perimeter or a height along any portion greater than 18 inches. A raised planting bed shall comply with the dimensional standards for a planting bed except that the height from the adjacent grade to the top of the retaining wall of a raised planting bed shall be a maximum of 36 inches.

(5) Berms

A "berm" is a planting area with sloped grade stabilized primarily by plant materials rather than retaining walls or other similar built structures. A berm shall comply with the dimensional standards for a planting bed except that the height from the adjacent grade to the top of the berm shall not exceed 60 inches.

(6) Lawns

A "lawn" is an area planted with turfgrass having a minimum soil depth of two feet, six inches. Along at least 60 percent of its perimeter a lawn shall have a grade level within six inches of the adjacent grade providing unobstructed pedestrian access. Where a #supplemental public access area# greater than 1,875 square feet is required, at least 25 percent of the required planted area shall be lawn, with a minimum area of 500 square feet and no dimension less than 18 feet.

(7) Screening

Screening is intended to create a landscaped buffer between the #waterfront public access areas# and adjoining non-public #uses# to protect the privacy or minimize the visual impact of blank walls, equipment, loading and parking areas or similar conditions.

(i) Screening buffers

Screening buffers required pursuant to paragraph (c)(2), Section 62-421 (Design requirements for shore public walkways and supplemental public access areas) shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall be at least four feet height at the time of planting. The requirements of this paragraph may also be satisfied by the requirements of paragraph (ii) below

(ii) Blank walls

Blank walls higher than five feet measured from an adjacent grade level anywhere within a #waterfront public access area# shall be screened with any combination of evergreen trees, vines or espaliered trees or shrubs, and an architectural treatment such as pergola, stone rustication, grills or sculptural features.

(iii) Parking screening

Screening required pursuant to Sections 62-553 shall be improved, as applicable, pursuant to the provisions of this Section. Screening of parking garages shall consist of a planting strip of at least four feet wide. Plants shall be at least four feet high at the time of planting, and 50 percent of them shall be evergreen shrubs. Open parking areas on any

#waterfront block#, notwithstanding the #use# of the #development#, fronting on an #upland connection# shall be screening pursuant to the requirements of Section 37-921 (Perimeter landscaping).

All required screening may be interrupted by vehicular or pedestrian entrances.

(b) Trees

(1) Tree caliper

At time of planting, canopy trees shall be a minimum of three inches caliper and ornamental trees shall be a minimum of two inches caliper.

(2) Trees in single tree pits

One of the following measures shall be employed for trees planted at grade:

(i) Granite or cast concrete block pavers with a minimum four inch depth shall be installed in accordance with New York City Department of Parks and Recreation (DPR) standards for #street# trees; or

(ii) A grate shall be installed over the root zone, supported at its edges and set flush with the adjacent pavement for pedestrian safety, in accordance with DPR standards for #street# trees as amended for grate size; or

(iii) The root zone shall be surrounded with barrier hedge planting.

**62-676
62-626
Paving**

Paving in #waterfront public access areas# shall comply with the following:

(a) Paving shall consist of unit pavers or wood decking except as follows:

(1) Seating areas which are outside of the minimum clear path may also be paved with Belgian block or poured concrete.

(2) In #shore public walkways# (Prototype III: Low intensity walkway and Prototype IV: Open recreation walkway), crushed stone, woodchips or asphalt may be used in lieu of unit pavers or wood decking.

(3) Designated bike paths, when provided, shall be paved with asphalt or a similar smooth and elastic, monolithic surfacing material.

Unit pavers shall be made of pressed terrazzo concrete with visible aggregate content, asphalt, brick or stone having a smooth but slip resistant surface. Unit pavers shall be bounded by poured or precast concrete or stone edging of a width not to exceed two feet, or a curb or retaining wall.

(a) Locational requirements:

(1) Within required circulation paths: All paving material for a required circulation path shall be permanent, durable, handicapped accessible, and shall consist of one or a combination of the following:

(i) Unit Pavers constituted of stone, concrete, granite, asphalt or a mix of these materials with other aggregates;

(ii) Concrete, prefabricated, poured or permeable;

(iii) Wood planks for boardwalk or decking, except that tropical hardwood shall not be permitted;

(iv) Solid plastic, such as "plastic lumber", high density polyethylene, wood composite plastic or fiber-reinforced plastic.

(2) Other than within required circulation paths:

In addition to the permitted paving materials of paragraph (a)(1) of this Section, the following materials shall be permitted anywhere in a #waterfront public access area#:

(i) Blocks such as Belgian Blocks, cobble stones, concrete cobbles, or eurocobble;

(ii) Gravel that is loose installed over a solid surface or glued with resin;

(iii) Wood chips or other similar material;

(iv) Metal grating, limited to locations that require drainage and for #platforms#;

(v) Asphalt, impermeable or porous, and may be imprinted with thermoplastic patterns.

(3) Special regulations for "Type 2" #upland connections#

Paving for driveways and pedestrian paths shall be subject to the standards of the New York City Department of Transportation for roadbeds and sidewalks

(b) Dimensional requirements

(1) All unit pavers shall have a minimum thickness dimension of two inches for pedestrian use and three inches for vehicular use and shall not exceed a maximum of four square feet in area.

(2) Wood planks or plastic lumber for boardwalk or decking shall be a minimum of three inches thick (nominal dimension). The direction of planks shall not be parallel to the direction of traffic.

(3) Concrete slabs, other than in #upland connections# shall be a maximum of two feet in any one dimension.

All the above materials may be installed to facilitate storm water management appropriate for specific site conditions.

**62-627
Trash receptacles**

Trash receptacles shall be placed within 50 feet of a seating area, have a minimum capacity of 25 gallons and have either top openings that measure at least 12 inches wide or side openings that measure at least nine inches high. Trash receptacles shall be able to fit standard bags used to collect trash.

**62-63
Maintenance and Operation Obligations of Waterfront Public Access Areas**

**62-631
Operational requirements**

(a) Hours of operation

All #waterfront public access areas# shall be open to the public at the times indicated in the Table in this Section, except with respect to repairs and prevention of public dedication as set forth in the maintenance and operation agreement required by Section 62-632.

TABLE
HOURS OF OPERATION FOR WATERFRONT PUBLIC ACCESS AREAS

#Developments# in the Following #Districts#	April 15 to October 31	November 1 to April 14
#Predominantly community facility developments# in R3, R4, R5 #districts#, C1 or C2 #districts# in R3 through R5 #districts#: C3, C4-1, C8 or M #districts#	6:00 A.M. to 8:00 PM	7:00 A.M. to 6:00 PM
#Predominantly commercial developments# in all #districts#	6:00 A.M. to 8:00 PM or business closing*	7:00 A.M. to 6:00 PM or business closing*
#Predominantly residential# and #community facility developments# in R6 thru R10 #districts#	6:00 A.M. to 11:00 P.M.	7:00 A.M. to 8:00 P.M.

* #waterfront public access area# in #commercial developments# shall not be required to be open beyond required hours of operation for #predominantly residential developments#.

(b) Rules of conduct

Rules of conduct for the #waterfront access area# shall be established with the Department of Parks and Recreation and set forth in the maintenance and operation agreement as required pursuant to Section 62-634 (Requirements for Recordation). Such rules of conduct shall not prohibit typical promenade activities consistent with public enjoyment of the waterfront, such as walking, jogging, sitting or reclining, gathering in small groups, or consumption of food or non-alcoholic beverages.

**62-632
Performance and maintenance obligations**

(a) Performance and Maintenance

(1) The property owner shall be responsible for the completion and maintenance of all required #waterfront public access areas# on the #zoning lot#. No certificate of occupancy shall be issued until all required #waterfront public access area# improvements are completed except as otherwise provided in a phasing plan pursuant to 62-711 (Waterfront public

access and visual corridors), or Section 62-722 (Modification of waterfront public access area and visual corridor requirements).

(2) To ensure the maintenance of the #waterfront public access areas#, prior to obtaining any certificate of occupancy, the property owner shall post security in the form of a maintenance bond, letter of credit or other security acceptable to the Department of Parks and Recreation (DPR), with the DPR in an amount certified by a registered architect or landscape architect to be sufficient to cover one hundred and twenty-five percent (125%) of the cost of maintaining the #waterfront public access areas# for a twelve (12) month period following their final completion. The security shall be replaced every five years with a new security in an amount sufficient to cover one hundred and twenty five percent (125%) of the current annual cost of maintaining the #waterfront public access areas#, as certified by a registered architect or landscape architect. The security shall be in effect for the life of the #development#.

(b) Maintenance and liability

Any declaration by the owner, its successor or assigns, or agreement between the owner, its successor or assigns, and New York City regarding the maintenance and operation of a required #waterfront public access area# as established in 62-41 (Applicability of waterfront public access area requirements)the #shore public walkway# established in Section 62-42, public access areas on #piers# as established in Section 62-43, public access areas for #floating structures# as established in Section 62-44, and #supplemental public access areas# established in Section 62-46, shall provide that:

(1) the owner, its successor or assigns, will construct and be responsible for ordinary maintenance and repair of all such areas;

(2) the City will indemnify the owner, its successor or assigns, for judgments resulting from litigation of claims of personal injury on such areas in accordance with reasonable provisions and procedures in the declaration and the maintenance and operation agreement, provided that the owner, its successor or assigns, have fully complied with the design and maintenance obligations as set forth in this Resolution and the maintenance and operation agreement;

(3) in the event such areas are destroyed or substantially damaged as a result of flood, storm, fire or other acts of God, reconstruction shall be the responsibility of the City, provided that such destruction or damage is not the result of the negligence of the owner, or of the owner's failure to construct or maintain such areas in accordance with the provisions of this Resolution and the maintenance and operation agreement.

**62-633
Request to transfer title to certain of waterfront public access areas**

(a) The owner may, at its option, make a request directed to the Office of the Mayor (Request), to transfer to the City its fee simple absolute interest, free and clear of any encumbrances, in the #waterfront public access area#. #shore public walkway# as established in Section 62-42, public access areas on #piers# as established in Section 62-43, public access areas for #floating structures# as established in Section 62-44, and any #supplemental public access areas# as established in Section 62-46.

(1) Such Request shall be made on the first occasion when the owner seeks any building permit for any part of the #development#.

(2) The City shall accept or reject such Request within 60 days of its receipt.

(3) If the City accepts such Request, then the completion of the construction of the #waterfront public access areas#, as required in Section 62-632 paragraph (1), and the transfer of title that is the subject of the Request, must be completed prior to the issuance of any temporary or permanent certificate of occupancy for any part of the #development#.

In the event of a transfer under this Section, the #bulk# and parking computations for the #zoning lot# shall include the transferred property. Such transfer shall not be deemed a #non-compliance#. Alternate provisions in Waterfront Access Plan BK-1

(b) For parcels identified in Waterfront Access Plan BK-1, the following alternative provisions shall apply:

(a) The owner of a #zoning lot# on a #waterfront block# may, at the owner's option, and prior to commencement of design and construction of

#waterfront public access areas#, make a request directed to the Office of the Mayor (Request) to transfer to the City its fee simple absolute interest, free and clear of any encumbrances, in the #waterfront public access area# on such #zoning lot#.

(1) The City may accept the transfer request, provided that transfer is made in accordance with guidelines established by the Chairperson of the City Planning Commission and the Commissioner of Parks and Recreation specifying minimum conditions for transfer including, without limitation, establishment by the owner of an account for the funding of ordinary maintenance of the #waterfront public access area# and a capital reserve for future repair, and adequate guarantees of access to the #waterfront public access area# and, provided further, that transfer is made pursuant to such instruments, which shall be a condition of certification pursuant to Section 62-711, paragraphs (b) and (c), as are necessary for implementation. Where the Request is for transfer of a phase of the #waterfront public access area# pursuant to a phased implementation of required public access areas certified by the Chairperson pursuant to Section 62-711 or authorized by the City Planning Commission pursuant to Section 62-722, the City shall consider, in determining whether to accept such Request, such factors as the size, location and access for purposes of maintenance, repair and reconstruction, of the phase which is the subject of the Request, and may require as a condition of acceptance that the owner make binding commitments to the transfer of subsequent phases.

(2) The Department of Parks and Recreation shall review and approve the design and construction specifications for the #waterfront public access areas# proposed for transfer, and transfer of such areas shall be made prior to the issuance of any temporary or permanent certificate of occupancy for any part of the #development# for which such areas are required to be constructed, upon determination by the Department of Parks and Recreation that construction of such areas is complete, as required in Sections 62-40 and 62-60, and is in accordance with the previously approved design and construction specifications.

(3) Upon transfer, the owner, its successors, and assigns shall have no liability for judgments resulting from litigation of claims of personal injury on such areas and shall have no responsibility for repair or reconstruction of the #waterfront public access areas#, provided that any such judgment, or destruction or damage of the #waterfront public access areas#, is not the result of negligence by the owner, or of the owner's failure to construct such areas in accordance with the design and construction specifications approved by the Department of Parks and Recreation.

In the event of a transfer under this paragraph (a), the #bulk# and parking computations for the #zoning lot# shall include the transferred property. Such transfer shall not be deemed a #non-compliance#.

(b) For parcels identified in Waterfront Access Plan BK-1, the owners of two or more parcels may, either for purposes of certification pursuant to Section 62-711 or at any time thereafter, submit an alternate plan to the Chairperson for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section 62-632 (Performance and maintenance obligations), as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:

(i) implementation of the plan would enhance maintenance and operation of the #waterfront public access areas# consistent with the purposes of this Article; and

(ii) participation in the plan is available to owners of contiguous parcels identified in Waterfront Access Plan BK-1 on an equal basis.

62-634 Requirements for Recordation

All required #visual corridors# and #waterfront public access areas# other than those provided in parks #developed#

pursuant to Section 62-47 (Special regulations for zoning lots that include parks), once certified in accordance with the provisions of Section 62-711 (Waterfront public access and visual corridors), paragraphs (b) or (c), shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement with the Department of Parks and Recreation, indexed against the property, binding the owners, successors and assigns to provide #visual corridors# and to construct and maintain the #waterfront public access areas#, except as provided in the provisions of this Section, and provide #waterfront public access areas# thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the #waterfront public access areas# are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times, and shall set forth Rules of Conduct consistent with the provisions of Section 62-631. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the preceding #waterfront public access area# elements shall be recorded on the certificate of occupancy by the Departments of Buildings or Business Services, as applicable, and shall be a condition of issuance of such certificate of occupancy.

62-70 SPECIAL REVIEW PROVISIONS (moved from 62-16, Requirements for Applications)

An application to the Department of Buildings, Department of City Planning or Department of Business Services, involving a #zoning lot# subject to the provisions of this Chapter, shall include a survey of the #zoning lot# showing the following elements, as applicable:

- (a) pierhead line;
- (b) bulkhead line;
- (c) #shoreline#, including its length;
- (d) #upland lot#, including its area;
- (e) #seaward lot#, including its area;
- (f) area of the portion of the #zoning lot# seaward of the #shoreline#;
- (g) #existing #piers#, #platforms# or #floating structures#, including their #water coverage# and surface elevation or height, as applicable;
- (h) previously established and recorded #visual corridors# and #waterfront public access areas# or any other public access area on the #zoning lot# or on adjoining #zoning lots#;
- (i) #visual corridors# or #waterfront public access areas# required on the #zoning lot# by a Waterfront Access Plan set forth in Section 62-80;
- (j) existing bulkheads and stabilized portions of natural shore showing their seaward and landward edges, as well as their top elevations;
- (k) a lighting plan, as required in Section 62-624 (Lighting), including fixtures, wattage and their locations and designs, with a diagram of light level distribution;
- (l) a detailed landscape plan, as required in Section 62-625 (Planting and trees) prepared by a licensed landscape architect; and
- (m) documentation showing compliance with the requirements of Section 62-624 (Signage).

62-71 City Planning Certifications

The provisions of Sections 62-711 and 62-712, relating to certifications for #waterfront public access areas#, #visual corridors# and #zoning lot# subdivisions, shall not apply to all #zoning lots# within #waterfront blocks# and any other #blocks# included within a Waterfront Access Plan, except that the following shall not be subject to the provisions of Section 62-711:

airports, heliports and seaplane bases;

#developments# involving #predominantly single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# on existing #zoning lots# of less than 10,000 square feet in any district, provided such #zoning lots# are not included within an area subject to a Waterfront Access Plan pursuant to Section 62-80;

#zoning lots# in C8 and #Manufacturing Districts#, involving #predominantly uses# in Use Groups 16, 17 or 18, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels; and

#zoning lots# in R1 and R2 Districts.

62-711 Waterfront public access and visual corridors

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

- (a) there is no #waterfront public access area# or #visual corridor# requirement for the #development# due to the following:
 - (1) the #development# is exempt pursuant to Sections 62-41 (Requirements for Applicability of Waterfront Public Access Area Requirements) or 62-42 62-49 (Requirements for Visual Corridors); or
 - (2) the #waterfront public access area# or #visual corridor# requirement has been waived pursuant to Section 62-80 (WATERFRONT ACCESS PLANS); or
- (b) a site plan has been submitted showing compliance with the provisions of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS) and 62-60 (GENERAL DESIGN STANDARDS AND MAINTENANCE OBLIGATIONS FOR THE WATERFRONT PUBLIC ACCESS AREAS); or
- (c) a site plan has been submitted showing compliance with the provisions of Section 62-80; or
- (d) for #developments# listed in Section ~~62-40~~ 62-41, paragraph (a) (b) (c), on a #zoning lot# containing a public access area established prior to October 25, 1993 meeting the terms of Section ~~62-41~~ 62-48, paragraph (c) by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for a period not less than the anticipated life of the new #development#, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of the first paragraph of Section ~~62-41~~ (Requirements for supplemental public access areas) 62-48 (Special regulations for water-dependent uses and other developments); paragraph (b), have been submitted; or
- (e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section ~~62-41~~ 62-47 (Special Regulations for #Zoning #Lots that #Include #Parks).

For any parcel identified in Waterfront Access Plan BK-1, the Chairperson shall allow for the phased implementation of all required #waterfront public access areas# upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of #waterfront public access area# proportionate to the amount of #floor area# being #developed# in each phase. Additionally, for any #development# located within 240 feet of a #shoreline#, the initial phase and each subsequent phase shall provide a minimum of 200 linear feet of #shore public walkway# and any adjacent #supplemental public access area# located between such #development# and such #shore public walkway#, one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#, and at least one other connection from the #shore public walkway# to an adjacent #shore public walkway#, #street# or other #upland connection#. For any #development# located entirely beyond 240 feet of a #shoreline#, the initial phase and each subsequent phase shall also provide a minimum of 100 linear feet of #shore public walkway# and one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#. However, no #waterfront public access area# need be provided for a phase consisting of a #development# in which all #residences# in such phase are affordable #residences# for #lower income households# as defined in Section 23-93, or #moderate income households# as defined in Section 62-352, provided that such exemption shall only apply where 25 percent or less of the total #residential floor area#, including any applicable #floor area# bonuses, on the parcel have been #developed#.

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section ~~62-14~~ 62-634 (Requirements for Recordation).

Within 45 days of receipt of a complete application, the Chairperson shall either certify that the proposed #development# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Development of Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

62-71 Zoning lot subdivision

An existing #zoning lot# within a #waterfront block#, or within any other #block# included in a Waterfront Access Plan, may be subdivided into two or more #zoning lots#, or reconfigured in a manner that would reduce its area or any dimension, only in accordance with the provisions of this Section or as modified pursuant to Section 62-722 (Modification of waterfront public access area and visual corridor requirements).

Such #zoning lot# may be subdivided or reconfigured provided that the Chairperson of the City Planning Commission certifies that:

- (a) there are no existing requirements in this Chapter for #waterfront public access area# or #visual corridors# on the such #zoning lot# for any use# permitted on such #zoning lot#; or
- (b) the proposed subdivision or reconfiguration will not affect a minimum dimension or area which would mandate waterfront public access or #visual corridors#; or

(e) in the event a subdivision or reconfiguration affects a minimum dimension or area as set forth in paragraph (b) of this Section, such waterfront public access or #visual corridors# will continue to be provided on any subdivided or reconfigured #zoning lots# that would result, as evidenced by the recording of a deed restriction against such property.

(b) a restrictive declaration shall be recorded against the property, binding all resulting #zoning lots#, requiring #waterfront public access areas# or #visual corridors# to be provided at the time of any #development#, other than an exempt #development# as set forth in Section 62-41, on all subdivided or reconfigured #zoning lots# as applicable. Such #waterfront public access area# shall be provided as required for the original #zoning lot#, and shall be provided at the time of #development# of a non-exempt #use#. Such restrictive declaration shall include a site plan that sets forth the amount and location of the required #waterfront public access areas# and #visual corridors# on all resulting #zoning lots#; or

(c) there is existing publicly accessible waterfront open areas on the #zoning lot# constructed as part of a previously approved site plan providing physical and visual access to and along the waterfront, and such open areas is no smaller in square footage than that required under the provisions of this Chapter for #waterfront public access areas#, and restrictions have been recorded against the property requiring such existing open area to remain accessible to the public for the life of the #development#.

62-72 Authorizations by the City Planning Commission

62-722 Modification of waterfront public access area and visual corridor requirements

The City Planning Commission may:

(a) Authorization to modify location and minimum dimension requirements of #waterfront public access areas#.

The City Planning Commission may authorize modification of the requirements for location and minimum dimensions for a #shore public walkway#, #upland connection#, public access area on a #pier# or #floating structure#, #visual corridor# or #supplemental public access area# requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required #waterfront public access area# to be provided off-site on an adjoining public property. The Commission shall file any such authorization with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve such authorization in whole or in part, with additional or modified restrictions or conditions, or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

As a condition to the granting of In order to grant such authorization the Commission shall find that:

- (1) the regulations would result in an unfeasible #development# due to the presence of existing #buildings# or other structures# or unique #shoreline# conditions such as wetlands; or
- (2) strict adherence to the regulations would adversely affect existing topography, vegetation or views having environmental, historic or aesthetic value to the public; or
- (3) for a commercial or community facility #development#, it would be impractical to satisfy the #development's# programmatic requirements while adhering to the regulations.

(1) the Commission shall require that alternate the #waterfront public access areas# and #visual corridors# provided on the #zoning lot#, or off-site adjacent to the #zoning lot#, are provided that are substantially equal in area to that those required and, by virtue of their location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas; or

(2) due to site planning constraints the provision, on the #zoning lot# or off-site on an adjoining public property, of #waterfront public access areas# or #visual corridors#, on the #zoning lot# or off-site on an adjoining public property, that are equal in area to those required would make #development# on the #zoning lot# impractical or infeasible, programmatically or otherwise; and further that the reduction or waiver of

requirements is the minimum necessary.

In the event the Commission determines that there is no feasible way to provide substantially equal alternative public access areas either on the #zoning lot# or off-site on an adjoining public property or to provide substantially equal alternative #visual corridors#, the Commission may authorize a reduction or waiver of the requirements.

(b) Authorization to modify design requirements and design standards for improvements within #waterfront public access areas#.

authorize modifications of the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA).

The City Planning Commission may modify the design requirements and standards for improvements within #waterfront public access areas#, of Sections 62-42 through 62-48, inclusive, Section 62-60 (GENERAL DESIGN STANDARDS AND MAINTENANCE OBLIGATIONS FOR WATERFRONT PUBLIC ACCESS AREAS), and Section 62-80 (WATERFRONT ACCESS PLANS).

As a condition to the In order to granting of such authorization, the Commission shall find that:

- (1) such modifications are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or
- (2) such modifications would result in a design of the #waterfront public access areas# that is functionally equivalent or superior to the design prescribed by strict adherence to the provisions of Sections 62-60, 62-42 through 62-48, inclusive, 62-60 and 62-80.

(c) Authorization for phased development of #waterfront public access areas#

The City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements on #zoning lots# undergoing partial development or #zoning lots# subdivided or reconfigured pursuant to Section 62-712 (Zoning lot subdivision or reconfiguration). In order to grant such authorization, the Commission shall find that:

The City Planning Commission may authorize, in the case of #zoning lots# undergoing partial development or #zoning lots# that have been subdivided or reconfigured pursuant to Section 62-712 (Zoning lot subdivision or reconfiguration), a phasing plan to implement #waterfront public access area# improvements on the #zoning lot#. As a condition to the granting of such authorization, the Commission shall find that:

- (1) the amount of #waterfront public access area# developed in any phase is proportionate to the #lot area# being developed in such phase, or
- (2) physical or programmatic constraints make it infeasible to provide the #waterfront public access area# on a proportional basis as the #zoning lot# is improved, and the maximum feasible amount of #waterfront public access area# is developed in each phase.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the time of #development# of each phase. A deed restriction shall be recorded against all such #zoning lots# binding them to the phasing plan for #waterfront public access areas#.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the time of #development# of each phase. A deed restriction shall be recorded against all such #zoning lots# binding them to the modified requirements for #waterfront public access areas#.

(e) authorize, in the case of #zoning lots# undergoing partial development, a phasing plan to implement public access improvements on a proportional basis as the lot is improved.

(d) Authorization to modify minimum required hours of operation and to install gates

The City Planning Commission may authorize, for a period not to exceed ten years, modifications of the requirements for hours of operation in Section 62-631, or the installation of gates in #predominantly residential developments# in all Districts in accordance to Section 62-621 (c)(2).

The Commission shall find that any modification of the hours of operations and the installation of gates in #predominantly residential developments# are warranted due to the remote location of the #waterfront public access areas#, and such gates or modified hours of accessibility will not thereby unduly restrict public access to the waterfront.

As a condition of granting such authorization, the Commission shall find that all gates comply with the design requirements of Section 62-621 (Guardrails, gates and other protective barriers).

Public access to the #waterfront public access areas# shall be assured by appropriate legal

documents; and signage setting forth hours of operation shall be affixed to the gate which shall indicate the hours of public access authorized pursuant to this paragraph (d).

The Commission may impose appropriate conditions and safeguards to assure that such modifications will achieve comparable physical and visual access to the waterfront or to assure that an approved phasing plan will be properly implemented. Such conditions may include, but are not limited to, requirements for deed restrictions, easements or performance bonds.

62-73 Special Permits by the City Planning Commission

62-733 Uses on floating structures

The Commission may also permit modification of the #visual corridor# requirements of Section 62-42 62-49 provided it makes the additional finding that the location and configuration of the #floating structure# minimizes any adverse effects on significant views to the water from upland public #streets# or other public places.

62-734 Developments on piers or platforms

In all districts, the City Planning Commission may permit:

(a) a change of #use# on a #new # pier# or #platform# from a WD #use# or the following WE #uses#: a #public park# or playground or publicly accessible private park, to any other WE #use# permitted by the applicable district regulations and, in conjunction with such change of #use#, modification of the #bulk# regulations of Section 62-30 for an existing #building#, except for Section 62-31, paragraph (a), or the maximum #floor area ratio# for the applicable district, provided the Commission finds that:

(b) for an #existing #-pier#, any #use# permitted by the applicable district regulations and modifications of the provisions of Sections 62-332 (Rear yards and waterfront yards) and 62-342 (Developments on piers), provided the Commission finds that:

(c) for existing or new #piers#, modification of the #waterfront public access area# and #visual corridor# requirements of Sections 62-40 and 62-60 provided the Commission finds that:

(1) the proposed #development# would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-40 and 62-60; and

(2) alternate #waterfront public access area# and #visual corridors# on the #zoning lot#, or off-site on a public property adjacent to the #zoning lot#, are provided that are substantially equal in area to that required and, by virtue of their location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas.

In the event the Commission determines that there is no feasible way to provide substantially equal alternative public access areas either on the #zoning lot# or off-site on an adjoining public property or to provide substantially equal alternative #visual corridors#, the Commission may authorize a reduction or waiver of the requirements.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #buildings# on the same or adjoining #zoning lots#, limitations on lighting and signage and limitations on size of individual establishments.

62-736 Bulk modifications on waterfront blocks

In all districts, the City Planning Commission may permit modification of any applicable #yard#, #lot coverage#, height and setback, and distance between #buildings# regulations for a #development# on a #zoning lot# within a #waterfront block#, excluding any portion on a #pier# or #new # platform#, provided the Commission finds that such modifications:

(a) the #zoning lot# has unique natural features such as rock outcroppings, significant grade changes or wetlands; or has an irregular #shoreline# or shape; or contains existing #buildings# or other structures#;

(b) the site plan of the proposed #development# would result in better #bulk# placement and articulation of #buildings#, and a better arrangement of open spaces than would be possible by strict adherence to the #bulk# regulations;

(c) the proposed #development# would provide physical or visual public access to the waterfront in a way

- that is superior to that which would be possible by strict adherence to the #bulk# regulations; and
- (d) such modifications would significantly enhance the relationship between the proposed #development# and the surrounding area.
- (a) will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and #shorelines# than would be possible through strict adherence to the regulations; or
- (b) are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing #buildings or other structures#; and
- (c) will not adversely affect access to light and air for surrounding #waterfront public access areas#, #streets# and properties.

62-80 WATERFRONT ACCESS PLANS

62-81 General Provisions

62-811 Establishment of Waterfront Access Plans

The City Planning Commission and City Council may adopt a Waterfront Access Plan as an amendment to this Resolution pursuant to Section 200 or 201 of the City Charter and in accordance with the provisions of Sections 62-812 (Elements of a Waterfront Access Plan), 62-813 (Conditions for the adoption of a Waterfront Access Plan) and this Section in order to adjust the #waterfront public access area# and #visual corridor# requirements of Sections 62-40 and 62-60, retain the #waterfront block bulk# regulations of Section 62-30 on newly-created non-#waterfront blocks# within a specifically defined portion of the #waterfront area#, or establish #waterfront yard# requirements for #developments# otherwise exempt from the requirements of Section 62-33 (Special Yard Regulations on Waterfront Blocks).

To be considered for a Waterfront Access Plan, an area shall:

- (a) be entirely ...

* * *

62-812 Elements of a Waterfront Access Plan
A Waterfront Access Plan may:

- (a) on #zoning lots# where #waterfront public access area# or #visual corridors# are required pursuant to the provisions of Sections 62-40 and 62-60, modify the size, configuration, location or design of required #waterfront public access areas# or #visual corridors# within certain designated areas in order to address local conditions, provided such plan does not impose a #waterfront public access area# or #visual corridor# requirement on any #zoning lot# greater than would otherwise be required pursuant to the provisions of Sections 62-40 or 62-60. For the purpose of determining the amount of public access, the highest standard applicable to a #zoning lot# may be applied regardless of any specific #use# permitted or proposed for such #zoning lot#. Within Waterfront Access Plan BK-1, the #waterfront public access area# and #visual corridor# requirements for any parcel located within the Waterfront Access Plan may be determined by aggregating the #waterfront public access area# and #visual corridor# requirements of each #zoning lot# within the parcel and such aggregated requirements may be modified within such parcel without regard to #zoning lot lines#;
- (b) on #zoning lots# where #waterfront public access area# or #visual corridors# are not required pursuant to the provisions of Sections 62-40 and 62-60, establish requirements for #waterfront public access area# or #visual corridors#, except for those #zoning lots# predominantly developed# for airports, heliports, seaplane bases or, in C8 or #Manufacturing Districts#, #uses# in Use Groups 16, 17 or 18, provided that such #zoning lots#, when improved would result in a community need for such physical or visual access to the waterfront or a waterfront linkage of #public parks# or other public areas. The plan may incorporate one or more of the #waterfront public access areas# or #visual corridors# listed in Section 62-40 consistent with the standards of Sections 62-40 and 62-60. Such standards may be modified as necessary to address local conditions provided such plan does not impose a requirement for any component greater than would otherwise be required pursuant to the provisions of Sections 62-40 or 62-60;
- (c) modify or waive specific requirements for #waterfront public access area# or #visual corridors# in certain designated areas where such requirements would not be compatible with local conditions and therefore not serve to further public enjoyment of the waterfront;
- (d) identify shore terminations of mapped #streets# or #existing #piers# or #platforms# within seaward prolongations of such #streets# and establish public access treatments for such areas after referral to the Department of Transportation or other City agency having jurisdiction over such property for its review and concurrence;
- (e) apply the #bulk# regulations of Section 62-30 to a non-#waterfront block# when such #block# results from a subdivision of a #waterfront block# as the result of a #street# mapping; and
- (f) for #developments# where a #waterfront yard# is

not otherwise required by Section 62-33, establish requirements for a #waterfront yard# provided such plan does not impose a requirement greater than would be required by the provisions of Sections 62-331 or 62-332 as modified by the further provisions of this paragraph for such other #developments#. #Enlargements# of #buildings or other structures# existing on the effective date of the Waterfront Access Plan shall be permitted within such #waterfront yard# provided that the #enlargement# is for WD #uses# or Use Group 16, 17 or 18 #uses# and no portion of the #enlargement#, other than permitted obstructions, is within 20 feet of the seaward edge of the #waterfront yard#. In addition, obstructions shall be permitted within such #waterfront yard# pursuant to applicable district #yard# regulations, except that no #building# or portion of a #building# shall be permitted within 10 feet of the seaward edge of such #waterfront yard#.

A Waterfront Access Plan shall include the following elements:

- (1) identification of the plan by Borough and plan number or area name;
- (2) a #zoning map# or portion thereof, showing the boundaries of the geographical area included within the plan, which shall constitute the plan map;
- (3) delineation on the plan map of any physical or visual waterfront access features mandated by the plan to be at specific locations; and
- (4) a description in the plan text of all features established or modified by the plan, with reference to affected blocks and lots.

* * *
62-82 Borough of The Bronx

62-83 Borough of Brooklyn

The following Waterfront Access Plans are hereby established within the Borough of Brooklyn. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BK-1: Greenpoint-Williamsburg, as set forth in Section 62-831.

62-831 Waterfront Access Plan BK-1: Greenpoint-Williamsburg

Maps BK-1a through BK-1c in paragraph (g) of this Section show the boundaries of the area comprising the Greenpoint-Williamsburg Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on May 11, 2005, as follows:

* * *

- (a) Area wide modifications

The following provisions shall apply to all #developments# required to provide #waterfront public access area#, pursuant to Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS):

- (1) Paragraph (c) of Section 62-412-62-43 (Requirements for public access on piers) is applicable, except that a minimum of 15 feet are required along each water edge.
- (2) The provisions of Section 62-61 (Design Options and Methodology) shall be inapplicable. In lieu thereof, the following provisions shall apply: (delete)
- (2) In addition to the requirements of 62-62 (Public Access Design Reference Standards), all #waterfront public access areas# are subject to the provisions set forth in paragraph (d) of this Section.
- (3) The provisions of Section 62-623 (Supplemental public access areas) shall be inapplicable. In lieu thereof, the following provisions shall apply:

* * *

- (43) #Street# treatment

All #streets# adjacent to a #shore public walkway# or #supplemental public access area# shall be improved as a continuation of such #shore public walkway# or #supplemental public access area#, pursuant to the design requirements of paragraph (b) of this Section 62-641 (Design requirements for shore public walkways and supplemental public access areas), inclusive.

- (b) Specific design requirements for Public Access Prototypes (delete entire paragraph)

* * *

- (e) Amenities

In parcels where #supplemental public access area# is required, no more than 15 percent of public access area may be reduced if playgrounds and other amenities are provided in accordance with the following provisions:

- (1) **Playgrounds**

A playground shall have a minimum size of 1,000 square feet and, if applicable, there shall be a minimum of 400 feet between any two playground areas. For every five square feet of playground area provided, the total amount of required public access may be reduced by the rate of one square foot;

- (2) **Other amenities**

A reduction in the total amount of required #waterfront public access area# shall be permitted according to the following table:

Amenity	Square feet reduction
Picnic table	22 sq. ft. per table (max. 200 sq. ft.)
Chess table	20 sq. ft. per table (max. 200 sq. ft.)
Telescope	10 sq. ft. per telescope (max. 50 sq. ft.)
Fountain/water feature	150 sq. ft. per feature (max. 300 sq. ft.)
Shade structure	150 sq. ft. per structure (max. 300 sq. ft.)

- (dc) Public access design reference standard

Section 62-67 62-62 is hereby modified by the following provisions.

- (1) Guardrails

The provisions of paragraph (a) of Section 62-671 62-621 (Guardrails, gates and other protective barriers) shall be inapplicable. In lieu thereof, the following provisions for guardrails shall apply:

- (i) Guardrails shall be located within #waterfront public access areas# continuously along any bulkhead, stabilized shore or the water edges of a #pier# or #platform# that is located within 50 feet of a circulation path; and continuously along any grade level change of 30 inches or greater adjoining or within 10 feet of a circulation path. However, guardrails shall not be required landward of any rip rap, beach or any other shoreline material that is at least 10 feet wide. If any protective barrier is provided adjacent to any rip rap, beach or other shoreline material, they shall not exceed a height of 21 inches or shall consist of a bollard and chain device. Guardrails shall not be required at access points to water dependent (WD) #uses# and #development# on #floating structures#. The minimal protective barrier at such locations shall be a swing gate, bollard and chain or similar device.
- (ii) Guardrails shall comply with Illustration A1; alternatively, Illustration A2 may be used in #piers#.

In addition to the provisions of paragraph (a) of Section 62-621 (Guardrails, gates and other protective barriers), guardrails shall comply with Illustration A1 of this Section.

Illustration A1
(delete existing illustration)

Illustration A2
(delete existing illustration)-

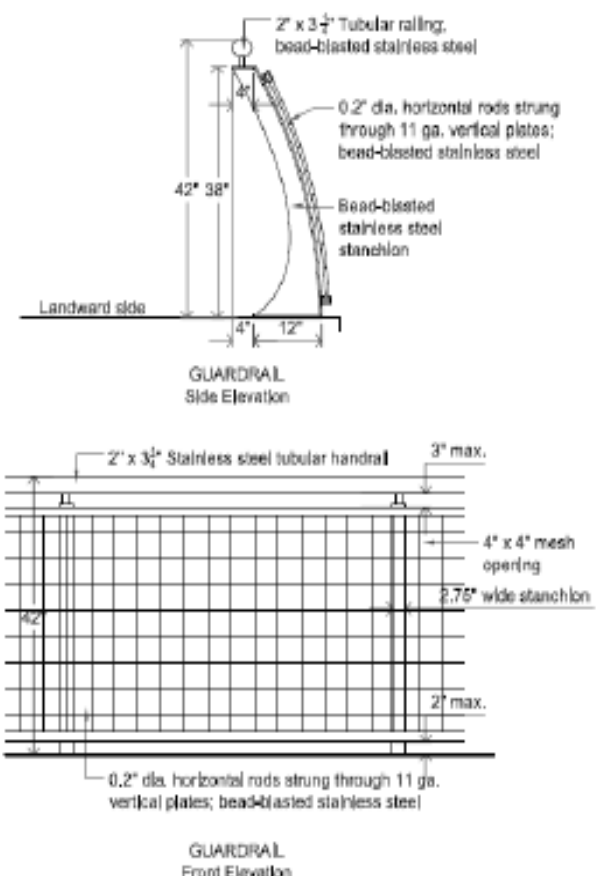


Illustration A1

All guardrail components and hardware shall be #316 stainless steel passivated and bead blasted, or cast aluminum, as applicable.

(2) Seating

In addition to the provisions of Section 62-672 62-622, at least 50 percent of the required seating along any #shore public walkway# or #supplemental public access area# shall comply with Illustration B1 or B2 in this Section.

Illustration B1
(delete existing illustration)

Illustration B2
(delete existing illustration)

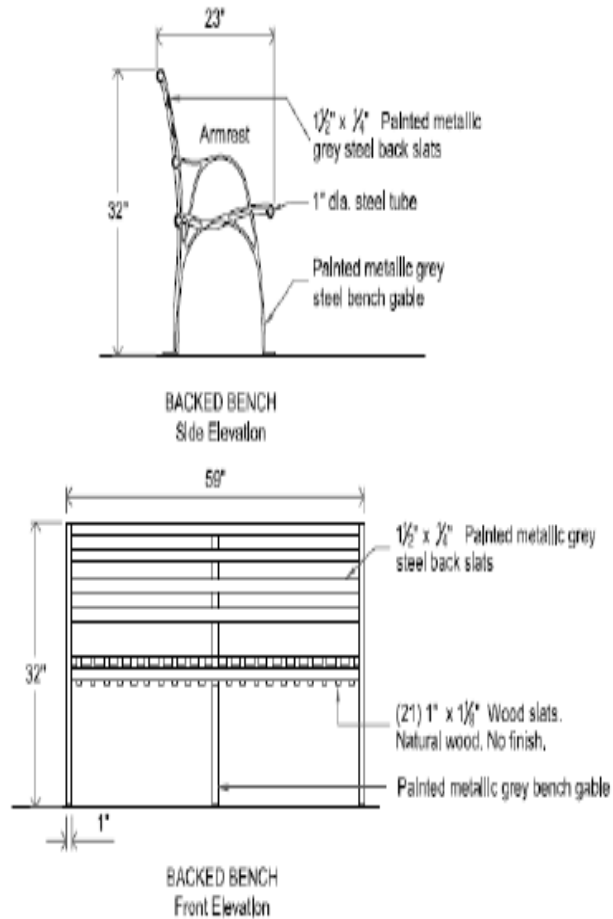


Illustration B1

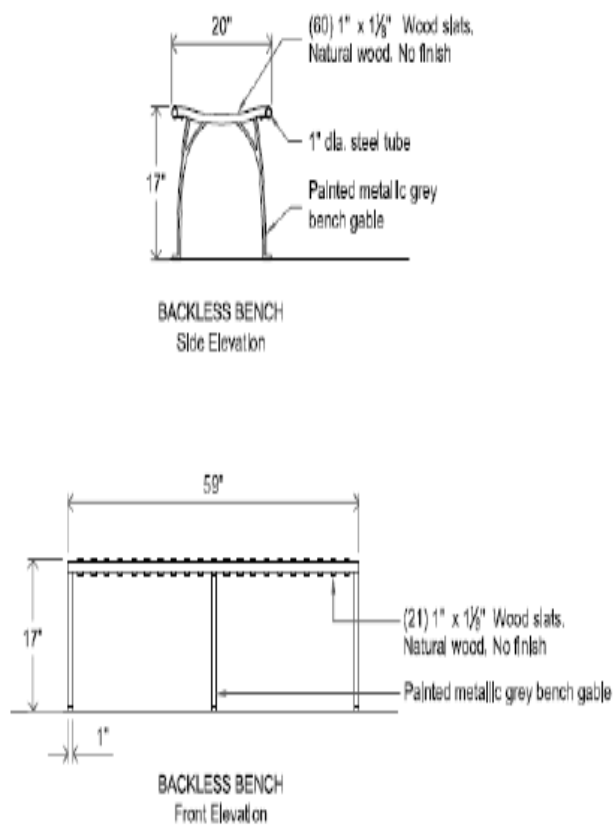


Illustration B2

All wood boards shall be made of domestically grown non-tropical hardwoods, such as American White Oak (Quercus alba), redwood, jarrah or ipe, have eased edges and ends and be treated for external use without stain or varnish.

All supports and backstraps shall be 713 tenz alloy east aluminum, with a rust inhibitor and a top coat finish of thermosetting polyester powdercoat that is ultra violet, chip and flake resistant. Metal components shall have a light gray or aluminum color.

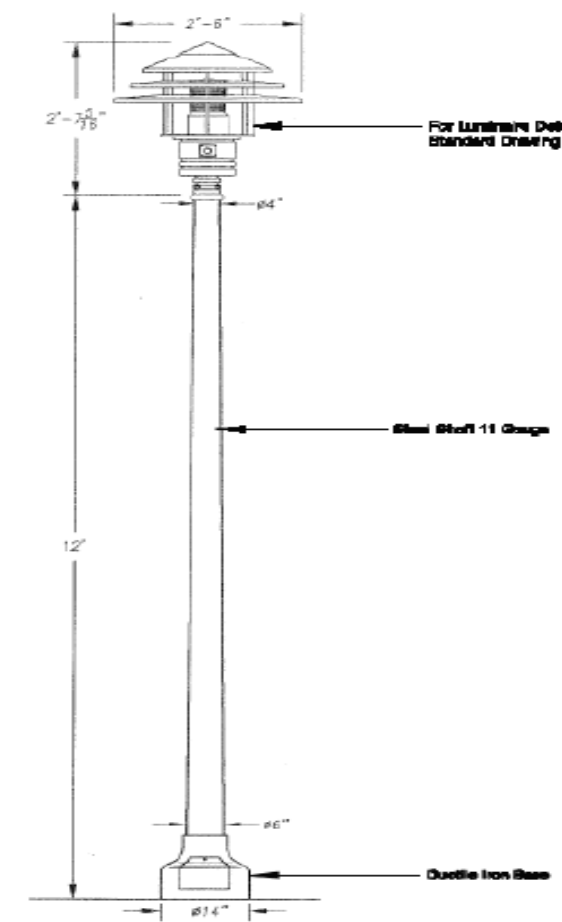
(3) Lighting

In addition to the provisions of Section 62-673, the required lighting along any public access area shall comply with Illustration C1 in this Section.

The requirements of Section 62-623 shall apply,

except that the illumination provisions of paragraph (a) shall be provided using lighting fixtures in compliance with Illustration C1 of this Section.

Illustration C1
(delete existing illustration)



- LIGHTPOST**
- All materials shall conform to the requirements of the latest edition of the "General Specifications for Street Lighting Facilities," City of New York Department of Transportation, Bureau of Traffic Lighting Division (NYCL).
 - The pole shall be 12 feet long tapered high-tenacity carbon steel tubing as shown on NYCL Standard Drawing I-830E.
 - The base shall be one piece round cast iron base with cast-in anchor plates as shown on NYCL Standard Drawing I-830E.
 - The electrostatically applied powder coat paint finish must meet the requirements set forth in NYCL Specification 844B.
 - Fixtures, pole and pole base shall be in matte sturteum or matching colors.

Illustration C1

(4) Planting and trees

The provisions of paragraph (e)(6)(Container planting) of Section 62-675 shall be inapplicable, unless a structural or environmental necessity is demonstrated at the time of certification.

(64) Paving

In addition to the provisions of Section 62-676 62-626, the paving for the required clear path within the #shore public walkway# shall be gray. At least 50 percent of all other paved areas within the #shore public walkway# and #supplemental public access areas# shall be paved in the same color range.

(ed) Special public access provisions by parcel

The provisions of Sections 62-41 (Applicability of Requirements for Waterfront Public Access Area Requirements) and 62-60 (GENERAL DESIGN STANDARDS AND MAINTENANCE OBLIGATIONS FOR WATERFRONT PUBLIC ACCESS AREAS DESIGN STANDARDS FOR THE WATERFRONT AREA) are modified at the following designated locations which are shown on Map BK-1b in paragraph (e)(f) of this Section:

(1) Parcels 1 and 2

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply to all new #development#.

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge of the #zoning lot# and the existing #building or other structure# but need not be wider than 40 feet. The #shore public walkway# shall have a minimum clear path of 10 feet. No seating, or planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-672 62-622 and 62-675 62-625. In addition to the lighting design requirements of

paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for a #supplemental public access area# shall be waived.

(2) Parcels 3 and 4

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within a flexible location along the #lot line# between Parcels 3 and 4. Whichever parcel is developed first shall provide an #upland connection# along the #lot line# between the two parcels. The width of the #upland connection# may be utilized by the developer of the remaining parcel in the computation necessary to comply with the requirements of a #visual corridor# along the #lot line# between the two parcels, according to the provisions of paragraph (e)(1) of this Section. If both parcels are developed concurrently, then the requirements may be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominantly# for public access area prior to or concurrent with #development# of Parcel 3, the #upland connection# requirement shall be waived. However, a publicly traversable way shall be provided within the flexible location zone indicated on Map BK-1b in paragraph (f) of this Section. The eastern boundary of such flexible location zone shall be the shared #lot line# of Parcel 2 and its western boundary shall be 115 feet from such #lot line#.

In addition, such publicly traversable way shall have a minimum width of 15 feet, and shall comply with the provisions of Section 62-452 (Design requirements for upland connections), as applicable for Type 2 #upland connections#. There shall be no more than two changes in direction over its entire length and no single turn shall be less than 90 degrees relative to the line of travel. Any change in direction with an angle of less than 135 degrees shall be posted with an entry sign pursuant to paragraph (b), Section 62-624, and shall also be accompanied by an arrow indicating the direction of travel toward the #shore public walkway#. At least 50 percent of the area of any walls bounding such publicly traversable way shall be glazed. In addition, 24 linear feet of seating shall be provided within such publicly traversable way and within 50 feet of its boundary with the #shore public walkway# and the public #street# it connects to.

(3) Parcel 5a

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within the flexible location zone indicated on Map BK-1b in paragraph (e)(f) of this Section.

The eastern boundary of such flexible location zone shall be 110 feet from the shared #lot

- line# of Parcel 4 and its western boundary shall be 200 feet from the shared #lot lines# of Parcels 5b and 6.
- (iii) #Supplemental public access area#
- The #supplemental public access area# shall abut the #shore public walkway# continuously along its longest side, and shall also abut the required #upland connection# where it meets the #shore public walkway#. The #upland connection#, however, may cut across the #supplemental public access area# provided that no resulting #supplemental public access area# shall be less than 5,000 square feet. All #supplemental public access areas# shall have a minimum width to depth ratio of 1.0 to 1.0 and a maximum width to depth ratio of 2.0 to 1.0. In no event shall the #supplemental public access area# be deeper than 100 feet. The requirements for a waterfront plaza described in paragraph (b)(3) of this Section shall apply.
- Alternatively, a portion of the required #supplemental public access area# that is a minimum of 5,000 square feet may abut the #shore public walkway# continuously along the longest side provided that it also abuts a publicly accessible private drive connecting the #shore public walkway# to Commercial Street. Such publicly accessible private drive shall be improved to the standards of an #upland connection# as required by Section 62-641-62-45, but shall not be counted towards satisfying the required amount of #waterfront public access area# on the site. The requirements for a waterfront park described in paragraph (b)(4) of this Section shall apply.
- (4) Parcel 5b
- (i) #Shore public walkway#
- The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.
- (54) Parcel 5c
- (i) #Shore public walkway#
- The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.
- (ii) #Upland connection#
- Two #upland connections# shall be provided between West Street and the #shore public walkway#, one each one located within the prolongation of the #street lines# of Eagle Street and Green Street, respectively.
- (iii) #Supplemental public access area#
- Two #supplemental public access areas# shall be provided on Parcel 5c. A #supplemental public access area# shall be bounded by the southern boundary of the required Green Street #upland connection#, the #shore public walkway#, the southern boundary of Parcel 5c and the northern prolongation of the eastern boundary of the #shore public walkway# required in Parcel 7. The requirements for a waterfront plaza described in paragraph (b)(3) of this Section shall apply.
- The remaining required #supplemental public access area# shall be provided either on the #pier# or distributed evenly as a widening of the pedestrian circulation zone of the #shore public walkway# located between the Eagle Street and Green Street #upland connections#. If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall
- more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 sq. ft. of shade element per tree.
- (iviii) #Pier# public access
- Public access shall be provided on the Green Street #pier# pursuant to the requirements of Section 62-412-62-431 and of paragraph (a)(1) of this Section.
- (65) Parcel 7
- (i) #Shore public walkway#
- The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply, except that any When a portion of the required #shore public walkway#, where the distance between the shoreline and the #zoning lot line# boundaries of Parcel 7 is less than 17 feet, such portion shall be improved entirely as clear circulation path.
- (ii) #Supplemental public access area#
- The requirement for a #supplemental public access area# on Parcel 7 is waived.
- (76) Parcels 9, 10 and 11
- (i) #Shore public walkway#
- The requirements for Prototype II described in paragraph (b)(2) of this Section shall apply.
- (ii) #Supplemental public access area#
- For each parcel, the #supplemental public access area# requirements shall be provided to widen the pedestrian circulation zone of the #shore public walkway#, evenly distributed along the entire length of such #shore public walkway#.
- (87) Parcel 13
- (i) #Shore public walkway#
- The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.
- (ii) #Upland connection#
- An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of Milton Street.
- (iii) #Supplemental public access area#
- A #supplemental public access area# shall be bounded by the southern #street line# of Greenpoint Avenue, the #shore public walkway# and the northern boundary of the required Milton Street #upland connection#. The requirements for a waterfront park described in paragraph (b)(4) of this Section shall apply.
- (98) Parcel 14
- (i) #Shore public walkway#
- The area between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# shall be improved pursuant to the requirements of Prototype II described in paragraph (b)(2) of this Section. The remaining required #shore public walkway# shall be improved pursuant to the requirements of Prototype I as described in paragraph (b)(1) of this Section.
- (ii) #Upland connection#
- An #upland connection# shall be provided between West Street and the #shore public walkway#. The southern boundary of such #upland connection# shall be defined by a line between the intersection
- of the prolongation of the southern #street line# of Calyer Street and the western #street line# of West Street, and a point on the easterly boundary of the #shore public walkway# 30 feet north of the northern #street line# of Quay Street.
- (iii) #Supplemental public access area#
- Two #supplemental public access areas# shall be provided. A #supplemental public access area# with a minimum of 9,000 square feet shall be provided between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# to widen the pedestrian circulation zone of the #shore public walkway#.
- The remaining requirements for #supplemental public access area# shall be located in the area bounded by the southern boundary of the required Calyer Street #upland connection#, the #shore public walkway# and the southern boundary line of the parcel. The requirements for a waterfront park described in paragraph (b)(4) of this Section shall apply.
- (409) Parcel 15
- An #upland connection# shall be provided within the prolongation of the #street lines# of West Street, connecting Quay Street to Parcel 20.
- (4110) Parcels 19, 20, 21 and 22
- Parcels 19, 20, 21 and 22 shall be designated as public parks as of May 11, 2005.
- (42) Parcel 24
- #Shore public walkway#
- The requirements for prototype I described in paragraph (b)(1) of this Section shall apply.
- (4311) Parcel 25
- (i) #Shore public walkway#
- The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.
- (ii) #Upland connection#
- An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of North 6th Street.
- (iii) #Supplemental public access area#
- Two #supplemental public access areas# shall be provided.
- One #supplemental public access area# shall be provided along the prolongation of the southern #street line# of North 7th Street and the #shore public walkway#. Such public access area shall be a minimum of 3,000 square feet in area and shall have a minimum depth of 90 feet measured from the #shore public walkway#. The entire #supplemental public access area#, excluding the required buffer, shall be developed as clear circulation path. A screening buffer shall be provided along the boundaries of the public access area and any private portion of the #zoning lot#. No other planting shall be required.
- A minimum of one linear foot of seating shall be required for every 40 65 square feet of #supplemental public access area#. pedestrian circulation zone and shall be located in the required buffer zone. Four trees shall be required, at least two of which are shade trees. Small or ornamental trees located within the buffer zone shall not be counted toward the minimum requirements.

The remaining required #supplemental public access area# shall be located either on the #pier# or abut the #shore public walkway# continuously along its longest side, and shall also abut the required #upland connection# where it meets the #shore public walkway#. At least 70 percent of the required #supplemental public access# shall have a width to depth ratio of 2:1. ~~The requirements for a waterfront plaza described in paragraph (b)(2) of this Section shall apply.~~ If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 sq. ft. of shade element per tree.

(iii) #Pier# public access

Public access shall be provided on a #pier# located at the western terminus of North 6th Street pursuant to the requirements of Section ~~62-412~~ 62-43 and of paragraph (a)(1) of this Section.

(4412) Parcel 26

(i) #Shore public walkway#

The requirements of Section ~~62-411~~ 62-42 (Requirements for shore public walkways) shall apply, except that the minimum required width of the #shore public walkway# shall be reduced to 34 feet between North 5th Street and the northern boundary of the required #upland connection# at the prolongation of North 4th Street. The quantity of public access eliminated from the #shore public walkway# as a result of this width reduction shall be located in the triangle formed between the #shore public walkway#, the southern #street line# of the North 4th Street #upland connection# and the bulkhead line. ~~The entirety of the #shore public walkway# shall be improved pursuant to the requirements for Prototype I described in paragraph (b)(1) of this Section.~~

(ii) #Upland connections#

An #upland connection# shall be provided between Kent Avenue and the #shore public walkway# located within the prolongation of the #street lines# of North 4th Street. However, if the #upland connection# is provided within a private drive pursuant to Section ~~62-622~~ 62-45, then a portion of the southern ~~pedestrian circulation zone public access area~~ beyond 15 feet from Kent Avenue may be located up to 15 feet outside the prolongation of the #street lines# of North 4th Street, provided that this ~~pedestrian circulation zone public access area~~ is not located entirely outside the prolongation of the #street lines# of North 4th Street at any point within 80 feet of Kent Avenue.

(4513) Parcel 27

(i) #Shore public walkway#

~~The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply to all new #development#.~~

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge and the existing #building or other structure#, but need not be wider than 40 feet.

Notwithstanding the

requirements of paragraph (c) of Section ~~62-62~~ 62-61 (General Requirements ~~for applying to Waterfront Public Access Areas~~), the #shore public walkway# may be located within the #building or other structure#, and the obstructions permitted by Section ~~62-626~~ 62-612, paragraph (a), shall include any supporting structural elements of the #building or other structure# and its related appurtenances. Additionally, the #shore public walkway# shall have a minimum clear path of 12 feet. No seating, planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections ~~62-672~~ 62-622 and ~~62-675~~ 62-625. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for #supplemental public access# shall be waived.

(fe) Special visual corridor provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan are shown on Map BK-1c in paragraph ~~(g)(f)~~ of this Section and shall be as follows:

(1) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 and 4 to the pierhead line within a flexible area along the #lot line# between them.

Whichever parcel develops second shall complete the required clearance to comply with the #visual corridor# requirements along the #upland connection# ~~already~~ provided in accordance with the requirements of paragraph ~~(e)(d)(2)(ii)~~ of this Section. If both parcels are developed concurrently, then the requirements can be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominantly# for public access area prior to or concurrent with #development# of Parcel 3, and a #visual corridor# is provided in Parcel 4, then the requirements for #visual corridor# on Parcel 3 shall be waived.

(2) Parcel 5a

A #visual corridor# shall be provided through Parcel 5a to the pierhead line within the flexible location zone indicated on Map BK-1c in paragraph ~~(g)(f)~~ of this Section. The eastern boundary of such flexible area shall be 110 feet from the shared #lot line# of Parcel 4 and its western boundary shall be 200 feet from the shared #lot line# of Parcels 5b and 6.

(3) Parcel 5b

Two #visual corridors# shall be provided through Parcel 5b to the pierhead line as the prolongation of the #street lines# of West Street and Dupont Street, respectively.

(4) Parcel 5c

(i) Three #visual corridors# shall be provided through Parcel 5c to the pierhead line as the prolongation of the #street lines# of West Street, Eagle Street and Green Street.

(ii) The permitted obstructions on #piers#, in Section ~~62-65~~ 62-431, paragraph (b), shall be permitted obstructions along the #visual corridor# along Green Street.

(5) Parcel 13

Two #visual corridors# shall be provided through Parcel 13 to the pierhead line as the prolongation of the #street lines# of Milton Street and Oak Street, respectively.

(6) Parcel 14

A #visual corridor# shall be provided through Parcel 14 as the prolongation of the #street lines# of Oak Street.

(7) Parcel 15

A #visual corridor# shall be provided through Parcel 15 as the prolongation of the #street lines# of West Street.

(8) Parcel 25

A #visual corridor# shall be provided through Parcel 25 as the prolongation of the #street lines# of North 6th Street.

(gf) Greenpoint-Williamsburg Waterfront Access Plan Maps

* * *

62-84 Borough of Manhattan

62-85 Borough of Queens

The following Waterfront Access Plans are hereby established within the Borough of Queens. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

Q-1: Northern Hunters Point, as set forth in Section 62-851

Q-2: Downtown Flushing, as set forth in Section 62-852.

62-851 Waterfront Access Plan Q-1: Northern Hunters Point

Maps Q-1a through Q-1c in paragraph (f) of this Section show the boundaries of the area comprising the Northern Hunters Point Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on October 14, 1997, as follows:

* * *

(a) Special #waterfront yard# requirements

The #yard# regulations of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall be applicable. In addition, for #developments# not required to provide a #waterfront yard# pursuant to Section 62-33, #yards# meeting the dimensional requirements of Section 62-33 shall be provided in connection with any #development#, in accordance with the provisions of paragraph (f) of Section 62-812 (Elements of a Waterfront Access Plan).

(b) Area wide modifications

The following provisions shall apply to #developments# required to provide #waterfront public access area#, pursuant to Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS):

(1) ~~Paragraph (a) of Section 62-415 62-46~~ (Requirements for supplemental public access areas) shall be inapplicable except where specifically stated otherwise in this Plan.

(2) ~~Paragraph (b) of Section 62-415 62-48~~ (Special regulations for water-dependent uses and other developments) shall be inapplicable. In lieu thereof, for #developments# listed in ~~62-40~~ 62-41, paragraph ~~(a)(b)~~, required #waterfront public access area# shall be provided in accordance with Sections ~~62-411~~ 62-42 (Requirements for shore public walkways), ~~62-412~~ 62-43 (Requirements for public access on piers), ~~62-413~~ 62-44 (Public access requirements for floating structures) and ~~62-414~~ 62-45 (Requirements for upland connections), as modified by this Plan.

However, for #developments# that include WD #uses# and would otherwise be permitted to provide public access pursuant to ~~paragraph (b) of Section 62-415 62-48~~, the location of the public access areas specified in this Plan may be moved upland from the #shoreline# for the minimum distance required to accommodate the upland water-dependent functions of such #developments#, provided the relocation allows for a continuous public walkway connecting to #shore public walkways# on ~~all~~ adjoining #zoning lots#.

(c) Special public access and #visual corridor# provisions applying on Anable Basin

The following provisions shall apply to certain #developments# on Parcels 8, 9, 10, 11 and 12:

(1) In the event that a #building or other structure#, existing at the time that a #waterfront public access area# is required, is located so that the minimum dimensional provisions of Sections ~~62-411~~ 62-42 and ~~62-412~~ 62-43 cannot be met without requiring the partial or complete demolition of such #building or other structure#, the required width of such a

#waterfront public access area# shall be reduced to the width between the seaward edge of the #waterfront yard# or #lot line# and the existing #building or other structure#.

- (2) In the event that a #building or other structure#, existing at the time a #waterfront public access area# is required, is located so that the minimum dimensional standards for public access pursuant to paragraph (c)(1) of this Section cannot be met without requiring the partial or complete demolition of such #building or other structure#, all #waterfront public access area# requirements for such #development# shall be waived.
(3) In addition to the Public Access Area Design Prototypes permitted pursuant to Notwithstanding the design requirements of Section 62-61 62-421 (Design requirements for shore public walkways Options and Methodology), a #shore public walkway# required in conjunction with a #development# involving existing #buildings or other structures#, or required on any #zoning lot# having a #shoreline# length of less than 150 feet, may be improved pursuant to Section 62-422 (Modifications for certain developments in lower density districts) 62-633 (Shore public walkway- Prototype III: Low intensity walkway).
(4) Within any portion of a #shore public walkway# having a width of less than ten feet, the minimum width of the circulation path shall be six feet and all planting requirements shall be waived.
(d) Special public access provisions by parcel

The provisions of Section 62-41 (Requirements for Applicability of waterfront public access area requirements) and Section 62-60 (GENERAL DESIGN STANDARDS AND MAINTENANCE OBLIGATIONS FOR THE WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map Q-1b in paragraph (f) of this Section:

- (1) Parcel 1
No #upland connection# shall be required within Parcel 1 and all provisions relating to #upland connections# shall be inapplicable; however, a direct connection shall be provided between the #shore public walkway# and Queensbridge Park.
* * *
(3) Parcel 3
No #upland connection# shall be required within Parcel 3 and all provisions relating to #upland connections# shall be inapplicable; however, a direct connection shall be provided between the #shore public walkway# and the public access area provided on Parcel 4.
(4) Parcel 4
(i) A continuous public access area shall be provided across the westerly termination of 43rd Avenue adjoining the East River and connecting without interruption to the #shore public walkways# on Parcels 3 and 5. Such public access area shall have a minimum width of 40 feet and be improved consistent with the design standards set forth in Section 62-632 62-421, paragraphs (a) and (c)(1), for a #shore public walkway# moderate intensity walkway. Landscaped s-A screening buffer shall be provided along any open or enclosed storage areas, maintenance vehicle parking or similar uses adjoining the #waterfront public access area#. Fencing may be provided to assure physical control of non-publicly accessible upland areas.
* * *

- (5) Parcel 5
(i) #Shore public walkway#
In addition to the Public Access Area Design Prototypes permitted pursuant to Section 62-61 (Design Options and

Methodology), a #shore public walkway# required in conjunction with a #development# that involves only an #enlargement#, #extension# or change of #use#, may be improved pursuant to Section 62-634 (Shore public walkway C- Prototype IV: Open-recreation walkway).

- (ii) #Upland connection#
A single #upland connection# shall be provided through Parcel 5 between Vernon Boulevard and the #shore public walkway#. The #upland connection# shall be located within either:

- (a) the flexible location zone indicated on Map Q-1b in paragraph (f) of this Section, having as its southerly boundary a line 500 feet south of 43rd Avenue and as its northerly boundary a line 200 feet north of such southerly boundary; or
(b) a raised pedestrian sidewalk immediately adjoining a #building# provided both the sidewalk and #building# were existing on October 14, 1997.

The requirements of Sections 62-414-62-451 (Minimum dimensions for upland connections) (Requirements for upland connections); paragraph (b), 62-622 (Upland connections) and 62-641 62-452 (Design requirements for upland connections) shall be inapplicable; however, any vehicular way traversing the pedestrian sidewalk shall be at the same level as such raised pedestrian sidewalk. interrupting the raised sidewalk shall be marked as a pedestrian crosswalk by paint striping or other visually distinctive method.

A direct connection shall be provided between the #shore public walkway# and the public access areas on Parcels 4 and 6.

- (iii) #Supplemental public access area#
Notwithstanding paragraph (b)(1) of this Section and the locational requirements of Section 62-63 (Specific Design Requirements for Public Access Area Prototypes), a #supplemental public access area# shall be provided pursuant to Section 62-415 62-46, paragraph (a), that, and shall be located within the flexible location zone described in paragraph (d)(5)(ii) of this Section, and immediately adjacent to the intersection of the #shore public walkway# and any #upland connection#, if the #upland connection# is located therein. The #supplemental public access area# shall be improved as a single #supplemental public access area#; however, residual public access area, not exceeding the quantity permitted by Section 62-61, may also be provided.

- (6) Parcel 6
Sections 62-40 and 62-60 shall be inapplicable if public access is provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as such may be modified pursuant to the terms of the declaration and in accordance with Section 62-12 (Applicability to Developments within the

Waterfront Area). If public access is not provided pursuant to the declaration, as such may be modified, then #waterfront public access area# shall be provided in accordance with Sections 62-40, as modified by paragraph (b) of this Section and 62-60.

- (7) Parcel 7
(i) #Shore public walkway#
The #shore public walkway# shall be located within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its westerly boundary the seaward edge of the #waterfront yard# and as its easterly boundary a line perpendicular to the northerly #street line# of 44th Drive, 600 feet westerly of Vernon Boulevard. The area between the seaward edge of the #waterfront yard# and the #shore public walkway# shall be subject to the provisions of Section 62-332 (Rear yards and waterfront yards).
For #developments# on a #zoning lot# having a #building or other structure#, existing on October 14, 1997, and which #developments# would retain the existing #building or other structure#, any portion of which is located within the #waterfront yard#, the #shore public walkway# may be improved pursuant to Section 62-633 62-422 (Modifications for certain #developments# in lower density districts) (Shore public walkway- Prototype III: Low intensity walkway). In addition, any portion of the #shore public walkway# located on a #platform# existing on October 14, 1997, shall be exempt from the planting requirements of such Section 62-63 (Specific Design Requirements for Public Access Design Prototypes), except that trees shall be required; however, such trees may be located off the #platform# anywhere within or immediately adjoining the #shore public walkway#.
(ii) #Upland connection#
No #upland connection# shall be required within Parcel 7 and all provisions relating to #upland connections# shall be inapplicable; however, a direct connection shall be provided between the #shore public walkway# and 44th Drive.
(8) Parcel 8
An #upland connection# shall be provided through Parcel 8 and shall be located within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its westerly boundary the westerly #street line# of 5th Street and as its easterly boundary a line 250 feet east of such #street line#. In the event that a #building or other structure#, existing at the time an #upland connection# is required, is located within the southerly prolongation of 5th Street, the #upland connection# may be located anywhere within the flexible location zone; otherwise, the #upland connection# shall be located within the southerly prolongation of 5th Street. In addition, a direct connection shall be provided between the #shore public walkway# and 44th Drive at the northwesterly termination of the #shore public walkway#.
(9) Parcels 9, 10 and 11
(i) #Shore public walkway#
Except as provided in paragraph (c) of this Section, a #shore public walkway# shall be required across each parcel; however, on any #zoning lot# existing on October 14, 1997, having a #shoreline# length of less than 150 feet, the width of the #shore public walkway# may be reduced to 16 feet, consisting of a ten foot wide pedestrian-circulation path zone and six foot wide screening buffer-zone. In addition, the width may be further reduced as permitted pursuant to

paragraph (c)(1) of this Section.

(ii) #Upland connection# Except as provided in paragraph (c) of this Section and on any #zoning lot# with a #shoreline# length less than 100 feet, an #upland connection# shall be provided between Vernon Boulevard and the #shore public walkway# within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its northerly boundary the westerly prolongation of the southerly #street line# of 45th Avenue and as its southerly boundary the westerly prolongation of the southerly #street line# of 45th Road. In the event that Parcels 10 and 11 are #developed# as a single #zoning lot# and the #upland connection# has not been provided prior to such #development# of Parcels 10 and 11, the #upland connection# shall be located within the westerly prolongation of 45th Road. Notwithstanding the requirements of Section ~~62-414 62-45~~ (Requirements for upland connections), on any #zoning lot# having a #shoreline# length of less than 150 feet, the required width of an #upland connection# may be reduced to 16 feet consisting of a ten foot wide ~~pedestrian circulation path and the remaining of the area shall be planted, zone and two three foot wide buffer zones.~~ In addition, the width may be further reduced, as permitted pursuant to paragraph (c)(1) of this Section.

(10) Parcel 12 No #upland connection# shall be required within Parcel 12 ~~and all provisions relating to #upland connections# shall be inapplicable~~; however, a direct connection shall be provided between the #shore public walkway# and 5th Street.

(e) Special visual corridor provisions by parcel The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-1c in paragraph (f) of this Section:

* * * (5) Parcel 6 Sections ~~62-42 62-49~~(Requirements for Visual Corridors) and ~~62-642 62-493~~ (Permitted obstructions in visual corridors)(~~Design requirements for visual corridors~~) shall be inapplicable if a visual corridor is provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as may subsequently be modified pursuant to the terms of the declaration and in accordance with Section 62-12 (Applicability to Developments within the Waterfront Area). If the visual corridor is not provided pursuant to the declaration, as such may be modified, then a #visual corridor# shall be provided in accordance with Sections ~~62-40 and 62-60 62-49~~.

* * * (8) Parcels 9, 10 and 11 A #visual corridor#, if required pursuant to Section ~~62-40 62-49~~, shall be located through Parcel 9, 10 or 11 from Vernon Boulevard using the locational criteria for, and coincident with, the #upland connection# required pursuant to paragraph (d)(9)(ii) of this Section.

* * * (f) Northern Hunters Point Waterfront Access Plan Maps

62-852 Waterfront Access Plan Q-2; Downtown Flushing

Maps Q-2a through Q-2c in paragraph (e) of this Section show the boundaries of the area comprising the Downtown Flushing Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on September 17, 1998, as follows:

* * * (a) Area wide modifications The following provisions shall apply to all #developments# required to provide public access, pursuant to Section 62-40:

(1) ~~Paragraph (a) of Section 62-415 62-46~~

(Requirements for supplemental public access areas) shall be inapplicable.

(2) ~~Paragraph (b) of Section 62-415 62-48 (Special regulations for water-dependant uses and other developments)~~ shall be inapplicable. In lieu thereof, required #waterfront public access area# shall be provided by means of a #shore public walkway#, #upland connection# and other public access areas in accordance with this Plan.

However, for WD #use developments# which would otherwise be permitted to provide public access pursuant to Section ~~62-48 62-415, paragraph (b)~~, the location of the #waterfront public access areas# specified in this Plan may be moved upland of the #shoreline# for the minimum distance required to accommodate the upland water-dependent functions of such #developments# and still result in a continuous public walkway connecting #shore public walkways# on all adjoining #zoning lots#.

(b) Special public access provisions by parcel

The ~~provisions requirements for #waterfront public access areas# of Sections 62-42 through 62-46, inclusive, 62-41 (Requirements for Waterfront Public Access)~~ and Section 62-60 (GENERAL DESIGN STANDARDS AND MAINTENANCE OBLIGATIONS FOR THE WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map Q-2b in paragraphs (e) of this Section:

(1) Parcel 1

(i) #Shore public walkway# The requirements of Section ~~62-411 62-42~~(Requirements for shore public walkways) are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. In addition, no #shore public walkway# shall be required north of the prolongation of the northerly #street line# of 36th Road. The quantity of public access area eliminated from the #shore public walkway# as a result of this width and length reduction shall be provided at the northerly termination of the #shore public walkway# and shall be improved pursuant to the design standards for #supplemental public access areas# or Section 62-46. ~~a waterview park, as set forth in Section 62-636 (Supplemental public access area - Prototype II- Waterview park).~~ If Parcel 1 is #developed# in conjunction with one or more adjoining parcels, or portions thereof, the area on Parcel 1 required to be improved pursuant to the design standards for a ~~waterview park #supplemental public access area#~~ may be provided on Parcel 2.

* * *

(2) Parcel 2

(i) #Shore public walkway# The requirements of Section ~~62-411 62-42~~ are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. The quantity of public access area eliminated from the #shore public walkway# as a result of this width reduction shall be provided adjoining the intersection of the required #upland connection# and the #shore public walkway# and shall be improved pursuant to the design standards for a ~~waterview park #supplemental public access area#~~, as set forth in Section ~~62-46 62-636~~.

* * *

(3) Parcel 3:

(i) #Shore public walkway# The requirements of Section ~~62-411 62-42~~ are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. The quantity of public access area eliminated from the #shore

public walkway# as a result of this width reduction shall be provided adjoining the intersection of the required #upland connection# and the #shore public walkway# and shall be improved pursuant to the design standards for a ~~waterview park #supplemental public access area#~~, as set forth in Section ~~62-636 62-46~~. If Parcel 3 is #developed# in conjunction with Parcel 4, or a portion thereof, the area of Parcel 3 required to be improved pursuant to the design standards for a ~~Waterview park #supplemental public access area#~~ may be provided on Parcel 4.

(ii) #Upland connection#

An #upland connection# shall be located between 39th Avenue and the #shore public walkway# within the flexible location zone indicated on the Map Q-2b in paragraph (e) of this Section, having as its southerly boundary the prolongation of the southerly #street line# of 39th Avenue and as its northerly boundary a line drawn parallel and 75 feet north of such southern boundary.

In the event #buildings or other structures# existing within Parcel 3 on September 17, 1998, obstruct any portion of the flexible location zone at the time any #development# commences the minimum requirements of Sections ~~62-622 62-451~~ (Minimum dimensions of upland connections) (Upland connections) and the design requirements for #upland connections# of Section 62-452 ~~62-641 (Design requirements for upland connections)~~ shall be modified, as follows:

- (a) the required #upland connection# if located within a private drive shall, for a distance not to exceed 200 feet measured westerly of the #street line# of Janet Place, consist of a single ~~pedestrian circulation path zone~~ having a minimum clear width of six feet ~~improved entirely as a circulation path~~ without planting or seating required; or
- (b) if the required #upland connection# is not within a private drive, its minimum width shall be reduced along its entire length to 25 feet, ~~consisting of a 16 foot wide pedestrian circulation zone and two buffer zones which are 4 feet, 6 inches wide.~~

If Parcel 3 is #developed# in conjunction with any portion of Parcel 4 and there are no existing #buildings or other structures# blocking 50 percent or more of the width of the prolongation of 39th Avenue at the time any #development# commences, the modifications of the foregoing paragraph shall not apply and the #upland connection# shall be located within the prolongation of 39th Avenue.

(4) Parcel 4

(i) #Shore public walkway# The requirements of Section ~~62-411 62-42~~ are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. However, within the portion of the parcel between the northerly #street line# of Roosevelt Avenue and a point 50 feet northerly as measured along the #shoreline#, the minimum width shall be 40 feet, ~~consisting of a pedestrian circulation zone and buffer zone as provided in Section 62-621 (Shore public walkways).~~

Throughout the southernmost 30 foot length of this widened portion of the #shore public walkway#, the seaward edge of the circulation path shall be located a minimum of 15 feet from the #shoreline#.

The quantity of public access area eliminated from the #shore public walkway# as a result of its width reduction shall be provided adjoining the #shore public walkway# and the boundary between Parcels 3 and 4. Such area shall be improved pursuant to the design standards for a ~~waterfront park~~ #supplemental public access area#, as set forth in Section ~~62-636~~ 62-46.

(ii) #Upland connection#

No #upland connection# shall be required within Parcel 4 ~~and all provisions relating to #upland connections# shall be inapplicable~~; however, a direct connection shall be provided between the required #shore public walkway# and the public access area on Parcel 5. In the event that any portion of Parcel 4 is #developed# with Parcel 3, an #upland connection# shall be provided, pursuant to paragraph (b)(3)(ii) of this Section.

(5) Parcel 5

* * *

(iii) If other improvements compatible with the ~~waterfront~~ public access area are provided, ~~including, but not limited to, a waterfront sitting area~~, they should adjoin the boundary of Parcel 4.

Section 62-60 shall be inapplicable; its provisions are recommended as a guide to the design of the required public access areas.

(6) Parcel 6

(i) #Shore public walkway#

The requirements of Section ~~62-621~~ 62-42 are modified to require a minimum distance of 15 feet between the seaward edge of the pedestrian circulation path and the #shoreline#.

(ii) #Upland connection#

An #upland connection# shall be provided within the flexible location zone indicated on Map Q-2b in paragraph (e) of this Section, having boundaries coincident with those of Parcel 6. The #upland connection# shall be located, either:

(a) along the southerly boundary of Parcel 6 between the termination of 40th Road and the #shore public walkway#; or

(b) between College Point Boulevard and the #shore public walkway# connecting to the latter at a location within 150 feet of the parcel's southerly boundary, as measured along the upland edge of the #shore public walkway#.

Notwithstanding the requirements of paragraph (c) of Section ~~62-62~~ 62-61 (General Requirements for applying to Waterfront Public Access Areas), the #upland connection# may be located, wholly or in part, within a #building or other structure#. Any covered portion of the #upland connection# shall comply with the requirements of paragraph (d)(7) of this Section.

(7) Parcel 7

(i) #Shore public walkway#

Notwithstanding the requirements of Section ~~62-62~~ 62-61, paragraph (c), the #shore public walkway# may be covered by the elevated roadway of the Van Wyck Expressway and the obstructions permitted by Section ~~62-626~~ 62-612, paragraph (a), shall include any

supporting structural elements of the elevated roadway and its related appurtenances. ~~Additionally, the locational requirements of Section 62-63 (Specific Design Requirements for Public Access Prototypes) for pedestrian circulation and buffer zones shall be modified as necessary to accommodate the required clear pedestrian path.~~ The #shore public walkway# shall be connected directly to that on Parcel 6.

(c) Special visual corridor provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-2c in paragraph (e) of this Section:

* * *

(3) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 or 4 to the pierhead line using the locational criteria for an #upland connection# in paragraph (b)(3)(ii) of this Section. Notwithstanding the requirements of Section 62-42 (Requirements for Visual Corridors), any #building or other structure# existing on September 17, 1998, shall be a permitted obstruction; however, no such #building or other structure#, or portion thereof, demolished after September 17, 1998, shall be rebuilt as a permitted obstruction and no new #building or other structure# shall be permitted except pursuant to Section ~~62-642~~ 62-493 (Permitted obstructions in visual corridors) ~~(Design requirements for visual corridors)~~.

* * *

(d) Special design standards

Required public access areas shall comply with Sections 62-40 and 62-60, except as modified in this and the preceding paragraphs of this Section.

(1) ~~Any required #shore public walkway# may be improved pursuant Section 62-422 (Modifications for certain #developments# in lower density districts).~~ Notwithstanding the requirements of Section 62-61 (Design Options and Methodology), a required #shore public walkway# ~~may be improved pursuant to Section 62-623 (Shore public walkway - Prototype III: Low intensity walkway).~~

(2) The minimum required width of a pedestrian circulation path within a #shore public walkway# shall be 10 feet and, notwithstanding Section ~~62-621~~ 62-421, the path need not adjoin the #shoreline# at any location except as necessary to connect to an adjoining #shore public walkway#. ~~The entire width of any #shore public walkway# having a width of 20 feet or less shall be improved as a pedestrian circulation zone.~~ #Shore public walkways# having a width of 20 feet or less shall not be required to provide a screening buffer.

(3) ~~No public access area located on a #pier or #platform# existing on September 17, 1998 shall require any planting area in order to satisfy the requirements of Section 62-421~~

The locational requirements for planting of #waterfront public access areas#, provided pursuant to Section ~~62-63~~ 62-421, shall be modified for any required public access area which is located on a #pier# or #platform# existing on September 17, 1998, such that any required planting may be provided in an alternative location on the #zoning lot# adjoining the required #waterfront public access area#.

(4) ~~In lieu of the planting and tree requirements of Section 62-63, the #shore public walkway# on Parcel 6 shall be planted with one small, screening or evergreen tree, selected from Group 2, 3 or 6 of Appendix A (Waterfront Plant List), for every 750 square feet of its area, and the required pedestrian circulation zone planting shall include plants from Groups 3, 7 and 8 of Appendix A.~~

(64) In addition to the obstructions permitted by Section ~~62-626~~ 62-612, paragraph (a), the existing loading crane and adjoining tower on Parcel 4 shall be permitted within the #shore public walkway#, provided such structures are restored and a minimum clear pedestrian circulation path of 10 feet is provided.

(65) The area of a #shore public walkway# located under an elevated roadway may be subtracted from the total area of #shore public walkway# calculated for the purposes of complying with the seating and tree planting requirements of Section ~~62-63~~ 62-421.

(76) Any portion of an #upland connection#

located within a #building# pursuant to this Plan shall comply with the following design standards:

(i) ~~the entire width of the #upland connection# shall be considered a pedestrian circulation zone~~ and its circulation path shall have a minimum width of ~~16~~ 12 feet which shall adjoin and connect directly to the building's main lobby via transparently-glazed openings with an aggregate width equal to or exceeding that of any other entrances to the lobby;

(ii) the minimum clear height shall be 16 feet except for permitted obstructions which, in addition to those permitted by Section ~~62-626~~ 62-612, paragraph (a)(1), shall include structural elements such as beams and joists, provided a minimum clear height of 12 feet is maintained throughout;

(iii) WE #uses# permitted by the underlying district regulations shall continuously adjoin the perimeter of the #upland connection#, except that lobby space or exterior, open areas to which a view is provided shall also be permitted;

(iv) at least 50 percent of the area of any walls bounding an #upland connection# shall be glazed with a clear, untinted transparent material.

For the purposes of this requirement the area of the bounding walls shall be measured from the floor to a height of 16 feet. In no case shall any bounding wall have a continuous length without openings greater than 100 feet;

(v) there shall be no more than three changes in direction over its entire length and no single turn shall be less than 90 degrees relative to the line of travel. Any change in direction with an angle of less than 135 degrees shall be posted with an entry ~~plaque sign~~ pursuant to Section ~~62-674~~ 62-624, paragraph (b), ~~excluding the information required in paragraph (b)(4)~~, and shall also be accompanied by an arrow indicating the direction of travel toward the #shore public walkway#;

(vi) in addition to the general requirements of Section ~~62-674~~ 62-624 (Signage), each principal entrance to an #upland connection# within a #building# shall be posted with an entry ~~plaque sign~~ pursuant to Section ~~62-674~~ 62-624, paragraph (b). However, the information required in paragraph (b)(4) of this Section shall be required at only one such entrance;

(vii) access to the public shall be provided during business hours or from 8:00 a.m. to dusk seven days a week, whichever is greater; and

(viii) the planting and lighting requirements of Section 62-60 shall not apply.

(e) Downtown Flushing Waterfront Access Plan Maps

* * *

62-86 Borough of Staten Island

62-87 Multi-Borough Plans Appendix A Waterfront Plant List (delete entire Appendix A)

* * *

Article X - Special Purpose Districts

Chapter 7 Special South Richmond Development District

* * *

107-09 Applicability of Article VI Chapter 2

The Chairperson of the City planning Commission may, by certification, modify or waive a required visual corridor with respect to #developments#, including minor modifications thereto, 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#, provided that at least one required visual corridor continues to be provided pursuant to the restrictive declaration.

* * *

Article XI - Special Purpose Districts

Chapter 2
Special City Island District

* * *

112-14
Special Requirements for Waterfront Access

Except in R1 and R2 Districts, for residential developments on waterfront zoning lots of 65,000 square feet or more, a publicly-accessible waterfront sitting area shall be provided. Such sitting area shall abut the shoreline, have a minimum area of 2,500 square feet, a minimum depth of 50 feet measured from the shoreline and contain at least 25 one linear feet of seating for every 100 sq. ft. of public access area. Building entrances may not front upon such sitting area.

Such sitting area shall be accessible by means of either a direct connection to a public sidewalk or a publicly traversable way through the zoning lot directly connecting the sitting area with a public sidewalk. Such publicly traversable way shall be comprised of a planting strip of at least four feet in width containing one tree of at least three-inch caliper for every 25 feet of length of such traversable way, and a paved sidewalk of at least six feet in width or, for developments with private roads, sidewalks provided in accordance with the requirements for private roads as set forth in Article II, Chapter 6.

Such public access areas shall comply with the provisions of Sections 62-14-62-634 (Requirements for Recordation), 62-624 (Maintenance and operation of waterfront public access areas) 62-632 (Performance and maintenance obligations), 62-671-62-621 (Guardrails, gates and other protective barriers), 62-672-62-622 (Seating) and 62-674-62-624 (Signage).

The Chairperson of the City Planning Commission shall certify to the Department of Buildings or Department of Business Services, as applicable, that a site plan has been submitted showing compliance with the provisions of this Section.

* * *

Article XI - Special Purpose Districts

Chapter 6
Special Stapleton Waterfront District

* * *

116-35
Screening and Tree Planting Requirements for Parking Facilities

The provisions of this Section shall apply to any new or enlarged open off-street parking facility with ten spaces or more, except where the provisions of Section 37-90 (PARKING LOTS), inclusive, apply.

(a) Screening

Such off-street parking facilities shall be screened, in accordance with the provisions of this Section, from all adjoining zoning lots, including such zoning lots situated across a street, and from any designated open space accessible to the public situated on the same zoning lot, including the Esplanade.

Such screening shall consist of a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.

Accessory parking spaces that front upon a street shall be screened by a strip at least four feet wide and densely planted with evergreen shrubs to be maintained at all times at a height not less than two and one-half feet and not more than four feet.

In addition, a wall or barrier or uniformly-painted fence of fire-resistant material at least four feet high but not more than eight feet above finished grade may be provided. Such wall, barrier, or fence must be 100 percent opaque up to a height of four feet above the finished grade of the parking facility and not more than 35 percent opaque above four feet. No chain link fences shall be permitted. All permitted fences shall be located behind landscaped areas when viewed from the street. Such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto other than those permitted in Sections 32-60, inclusive, or 62-674-62-624.

* * *

116-40
UPLAND CONNECTIONS AND VISUAL CORRIDORS

116-41
Upland Connections

In the locations shown on Map 5 (Upland Connections and Visual Corridors) in the Appendix to this Chapter, upland connections shall be provided. An upland connection traversing a zoning lot shall consist of a single pedestrian circulation zone path bordered continuously along both sides by planting areas and buffer zones.

(a) Required dimensions

The minimum width of the upland connection shall be 30 feet, within which the pedestrian circulation zone shall have a minimum width of 16 feet and each buffer zone shall have a minimum width of seven feet. When an upland connection, or a portion thereof, is located within a private driveway, no buffer zone is required.

(b) Buffer zone

The provisions of paragraph (b)(2) of Section 62-62 (General Requirements for Public Access Areas) shall apply.

The buffer zone is a landscaped area running along the boundary of the upland connection with the non-public portions of the zoning lot, and each buffer zone shall have a minimum width of seven feet. The buffer zone shall be improved entirely as planting area except:

- (1) at locations occupied by permitted obstructions; or
(2) at locations where there is ground floor commercial use frontage on the upland connection, in which case that portion of the buffer zone may be paved.

(c) Permitted obstructions

The provisions of Section 62-626 62-612 (Permitted obstructions) shall apply to upland connections within the Special Stapleton Waterfront District. Certain permitted obstructions listed in paragraph (a)(2)(iii) (b)(1) of Section 62-626 62-612 are further subject to the tree and planting requirements of Section 62-675 62-625. WD (Water-dependent) uses referenced in paragraph (e) (e) of Section 62-626 62-612 shall be as listed in Section 62-211.

* * *

116-51
Design Requirements for Upland Connections and Visual Corridors

116-511
Design requirements for upland connections

(a) Circulation and access

(1) Where an upland connection is located within a private driveway, a circulation path with a minimum clear width of six feet shall be provided along both sides of the driveway in each pedestrian circulation zone. The remaining area shall be planted pursuant to the provisions of paragraph (c) of this Section.

(2) All other upland connections through zoning lots shall have a circulation path with a minimum clear width of 16 feet, equal to the minimum required width of the pedestrian circulation zone.

(b) Seating

For upland connections 100 feet in length or greater, a minimum of 24 linear feet of seating shall be provided.

(c) Planting

Where a upland connection is located within a private driveway, a single row of shade trees shall be planted adjoining a required circulation path in accordance with the standards of Section 62-675 62-625 (Planting and trees). Within all upland connections, any unpaved area shall be planting area.

116-512
Design requirements for visual corridors

The requirements of this Section shall apply to all visual corridors. When a visual corridor coincides with an upland connection, the provisions of Section 116-521 (Design requirements for upland connections) shall also apply.

No building or other structure shall be erected within the width of a visual corridor, except as provided in this Section. Visual corridors shall be the width of the street but shall not be less than 50 feet wide.

Permitted obstructions within visual corridors shall be limited to:

- (a) boats, ships or other vessels, and floating structures permitted as-of-right by paragraph (a) of Section 62-25 (Uses on Floating Structures);
(b) any moving or parked vehicles or street furniture, including, but not limited to, benches, seats, kiosks, carts and open display booths, lighting fixtures, flagpoles, trash receptacles, drinking fountains and public telephones;
(c) guardrails and fences, provided they comply with the design standards of Section 62-671 62-621 (Guardrails, gates and other protective barriers), except that fences may be eight feet high;

(d) sculpture;

(e) planting areas, provided that no shade trees are planted within a 15 foot wide area along both sides of the center line of the visual corridor; and

(f) those obstructions permitted in rear yards as listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), except walls exceeding four feet in height shall not be permitted.

* * *

Article XII - Special Purpose Districts
Chapter 3
Special Mixed Use District

* * *

123-60
SPECIAL BULK REGULATIONS

123-61
General Provisions

All buildings or other structures on zoning lots within the Special Mixed Use District shall comply with the bulk regulations of this Chapter.

In Special Mixed Use Districts, the bulk regulations set forth in Article II, Chapter 3, shall apply to all residential uses in a building or other structure, and the bulk regulations set forth in Article IV, Chapter 3, shall apply to all manufacturing, commercial and community facility uses in a building or other structure, except as set forth in Sections 123-60 through 123-66, inclusive.

However, developments on zoning lots located on waterfront blocks shall comply with the bulk regulations of Article VI, Chapter 2.

When two or more buildings on a single zoning lot are used in any combination for uses which, if located in a single building, would make it a mixed use building, the regulations set forth in this Section shall apply as if such buildings were a single mixed use building.

* * *

BOROUGH OF BROOKLYN
Nos. 2 & 3
CONEY ISLAND COMMONS
No. 2

CD 13 C 090250 ZMK
IN THE MATTER OF an application submitted by Department of Housing Preservation & Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, by changing from an R6 District to an R7-2 District property bounded by a line 460 feet southerly of Mermaid Avenue, West 29th Street, Surf Avenue, and West 30th Street, as shown on a diagram (for illustrative purposes only) dated January 5, 2009, and subject to the conditions of CEQR Declaration E-226.

No. 3

CD 13 C 090251 HAK
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Article 16 of the General Municipal Law of New York State for:

a) the designation of property located at:

Table with 3 columns: BLOCK, LOT, ADDRESS. Lists addresses from 2958 West 29th Street to 2908I West 29th Street.

- as an Urban Development Action Area; and
b) an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate a mixed use development, tentatively known as Coney Island Commons, with community facility space and approximately 188 residential units, to be developed under the Department of Housing Preservation and Development's Multi-Family Program.

No. 4 OCEANA-BRIGHTON BY THE SEA COMMERCIAL OVERLAY

CD 13 C 090179 ZMK IN THE MATTER OF an application submitted by the Brighton Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, by establishing within an existing R7-1 District a C2-4 District bounded by a line 100 feet southerly of Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line perpendicular to the easterly street line of Coney Island Avenue distant 340 southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Brighton Beach Avenue, and Coney Island Avenue, as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

BOROUGH OF STATEN ISLAND No. 5 BLUE HERON PARK

CD 3 C 000120 MMR IN THE MATTER OF an application, submitted by the New York City Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment of park additions to Blue Heron Park, in an area generally bounded by Barclay Avenue, Amboy Road, Poillon Avenue, and Tallman Street (a record street);
the extinguishment of several record streets;
and any acquisition or disposition of real property related thereto,

in accordance with Map No. 4188 dated February 16, 2007, and signed by the Borough President.

BOROUGH OF MANHATTAN No. 6 17 HUBERT STREET

CD 1 C 080249 ZSM IN THE MATTER OF an application submitted by Charles Ahearn and Jane Dickson pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 111-50 of the Zoning Resolution to permit the modification of use provisions of Sections 111-101 (Location of Permitted Uses in Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists) and Section 111-102(b) (Ground Floor Use Restrictions) to allow a loft dwelling use to be located on the ground floor and 2nd floor level of an existing 5-story building designed for non-residential use and erected prior to December 15, 1961, on property located 17 Hubert Street (Block 214, Lot 10), in an M1-5 District (Area B2), within the Special Tribeca Mixed Use District.

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

Nos. 7, 8, 9, 10 & 11 FORDHAM UNIVERSITY LINCOLN CENTER CAMPUS No. 7

NOTE: This hearing is not likely to begin before 10:00 A.M.

CD 7 C 050260 ZSM IN THE MATTER OF an application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify:

- a. the height and setback requirements of Section 23-632 (Front setbacks in districts where front yards are not required);
b. the inner and outer court regulations of Section 23-841 (Narrow outer courts), Section 23-843 (Outer court recesses), Section 23-851 (Minimum dimensions of inner courts), Section 23-852 (Inner court recesses), Section 24-632 (Wide outer courts), Section 24-633 (Outer court recesses), Section 24-652 (Minimum distance between required windows and certain walls), and Section 23-863 (Minimum distance between legally required windows and any wall in an inner court);
c. the minimum distance between buildings on a zoning lot requirements of Section 23-711 (Standard minimum distance between buildings); and
d. the minimum distance between legally required windows and zoning lot lines requirements of Section 23-861 (General Provisions);

in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

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

No. 8

CD 7 C 050269 ZSM IN THE MATTER OF an application submitted by Fordham

University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 68 spaces on portions of the ground floor, cellar, and sub-cellar levels of a proposed mixed use building (Site 4, Garage A) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

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

No. 9

CD 7 C 050271 ZSM IN THE MATTER OF an application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 137 spaces on portions of the ground floor, cellar, subcellar and 2nd subcellar level of a proposed mixed use building (Site 3a/3, Garage C) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

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

No. 10

CD 7 C 090173 ZSM IN THE MATTER OF an application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 265 spaces on portions of the ground floor and cellar of a proposed mixed use building (Site 5a/5, Garage B) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

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

No. 11

CD7 N 090170 ZRM IN THE MATTER OF an application submitted by Fordham University pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, Article VIII, Chapter 2, concerning Section 82-50 (Off-Street Parking and Off-Street Loading Regulations), to modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District, Borough of Manhattan, Community District 7.

Matter underlined is new, to be added;
Matter within # # is defined in Section 12-10;
Matter in ~~strikeout~~ is text to be deleted;
*** indicates where unchanged text appears in the zoning resolution

Article VIII – Special Purpose Districts

Chapter 2 Special Lincoln Square District

82-50 OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section. In addition, the entrances and exits to all off-street loading berths shall not be located on a #wide street# except by authorization as set forth in this Section.

- a) #Accessory# off-street parking spaces
#Accessory# off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-561 (Accessory off-street parking spaces).
b) Curb cuts
The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets# where such curb cuts are needed exclusively for required off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-553 and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.
c) Waiver of loading berth requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (1) be hazardous to traffic safety;
(2) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; or
(3) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

NOTICE

On Wednesday, March 4, 2009, at 9:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning a zoning text amendment and special permits to facilitate a proposed expansion of Fordham University.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 05DCP020M.

BOROUGH OF BROOKLYN Nos. 12, 13 & 14 DOCK STREET-DUMBO DEVELOPMENT

NOTE: This hearing is not likely to begin before 12:30 P.M.

No. 12

CD 2 C 090181 ZMK IN THE MATTER OF an application submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

- 1. changing from an M1-2 District to an M1-2/R8 District property bounded by Water Street, a line 230' westerly of Main Street, Front Street, and Dock Street; and
2. establishing a Special Mixed Use District (MX-2) bounded by Water Street, a line 230' westerly of Main Street, Front Street and Dock Street;

as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

No. 13

CD 2 C 090183 ZSK IN THE MATTER OF an application submitted by Two Trees Management 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 a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) in connection with a proposed mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 49, 52 & 53), in an M1-2/R8 (MX-2) District*, within a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52, & 53, and Block 26, Lots 33 & 38), in M1-2/R8 (MX-2)*, M1-2/R8A (MX-2), and M3-1 Districts.

*Note: The site is proposed to be rezoned from an M1-2 District to an M1-2/R8 (MX-2) District under a related application (C 080181 ZMK).

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

No. 14

CD 2 C 090184 ZSK IN THE MATTER OF an application submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743** of the Zoning Resolution to modify the regulations of Section 23-851 (Minimum dimension of inner courts), Section 23-86 (Minimum Distance Between Legally Required Windows and Lot Lines), Section 25-533 (Required rear yard equivalents), Section 43-28 (Special Provisions for Through Lots) and Section 123-66 (Height and Setback Regulations) to facilitate a mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 49, 52 & 53), in an M1-2/R8 (MX-2) District*, within a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52, & 53, and Block 26, Lots 33 & 38), in M1-2/R8 (MX-2)*, M1-2/R8A (MX-2), and M3-1 Districts, Borough of Brooklyn, Community District 2.

*Note: The site is proposed to be rezoned from an M1-2 District to an M1-2/R8B (MX-2) District under a related application (C 080181 ZMK).

**Note: A zoning text change for amendment to Section 74-743 (Special provisions for bulk modification) of the Zoning Resolution is proposed under a concurrent related application (N 090182 ZRK).

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

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

COMMUNITY BOARDS**PUBLIC HEARINGS**

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 12 - Thursday, February 26, 2009, 7:00 P.M., Town Hall, 4101 White Plains Road, Bronx, NY

Community Board 12, The Bronx will hold a Public Hearing on the Preliminary Capital and Expense Budget for FY 2010.

f20-26

BOROUGH OF BRONX

Community Board #7 - Public Hearing on Capital and Expense Budget for FY 2010 will take place on Tuesday, March 3, 2009 at 6:30 P.M. at the office of Community Board 7, 229A E. 204th Street, Bronx, New York 10458.

f24-m2

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 4 - Tuesday, March 3, 2009 at 7:00 P.M., VFW Post 150, 51-11 108th Street, Corona, NY

BSA #296-08-A

45-02 111th Street

The proposal consists of a new four-story six family dwelling with a community facility (Health Care Treatment U.G. 4) on the ground floor in the bed of a mapped street, which is contrary to Article 3, Section 35 of the General Law.

f25-m3

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 13 - Tuesday, March 3, 2009 at 7:00 P.M., Abraham Lincoln High School, 2800 Ocean Parkway - Auditorium, Brooklyn, NY

C 090107MMK

IN THE MATTER OF an application submitted by the NYC Department of City Planning, NYC Economic Development Corporation and NYC Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment of the city map involving the establishment of new streets, parks and park additions; the modification and adjustment of grades of existing streets.

C 090272ZMK

IN THE MATTER OF an application submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the zoning map eliminating from within an existing R5 district and changing from a C7 district to an R5 district property.

C 090274PQK

IN THE MATTER OF an application submitted by the Department of Citywide Administration Services and the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property.

C 090275PQK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 2926 and 2930 West 19th Street; and 2929A West 20th Street to facilitate residential and commercial development within Coney Island.

C 090276HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, UDAAP designation, project approval and disposition of property; to facilitate the residential and commercial development within Coney Island.

C 090277PPK

IN THE MATTER OF an application submitted by the Department of Citywide Administration Services and the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property pursuant to zoning.

f25-m3

BOROUGH OF MANHATTAN

Community Board #12 - Public Hearing on Capital and Expense Budget for FY 2010 will take place on Thursday, February 26, 2009 at 7:00 P.M. at 711 W. 168th Street, 1st Floor, New York, NY 10032.

f20-26

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 1 - Thursday, February 26, 2009, 6:30 P.M., 3024 Third Avenue, Bronx, NY

#C 090166MMX

IN THE MATTER OF an application submitted by the Department of City Planning and the Department of Parks and Recreation, 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 waterfront Park and any acquisition of disposition of real property related thereto.

f20-26

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, March 2, 2009 at 7:30 P.M., M.S. 158, 16-35 Oceania Street, Bayside, NY

A request by the Douglaston/Little Neck Historical Society and the Douglaston Hill Committee to change the official City Map, returning numbered streets to their original name status on seven streets in the Douglaston Hill area.

f25-m2

DEFERRED COMPENSATION PLAN BOARD**MEETING**

The New York City Deferred Compensation Plan Board will hold its monthly meeting on Thursday, February 19, 2009 from 10:00 A.M. to 1:00 P.M. The meeting will be held at 40 Rector Street, 3rd Floor, NYC.

f20-26

EDUCATIONAL CONSTRUCTION FUND**MEETING**

The Trustees and Executive Director of the New York City Educational Construction Fund hereby provide notice of its Meeting to be held on Friday, February 27, 2009. This meeting will take place at the offices of the New York City Office of Management and Budget, 75 Park Place, New York, NY, in Conference Room 6M-4. The meeting time is 10:30 A.M.

f20-27

ENVIRONMENTAL PROTECTION**BUREAU OF WATER SUPPLY****PUBLIC HEARINGS****THIS PUBLIC HEARING HAS BEEN CANCELLED**

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on February 27, 2009 commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and Town of Wawarsing, 108 Canal Street, Ellenville, New York 12428 for DEL-364: The Town of Wawaring Agreement. The Contract term shall be 2 years from the date of the written notice to proceed. The Contract amount shall be \$250,000.00-Location: NYC Watershed Region: PIN #82609WS00032.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from February 17, 2009 to February 27, 2009 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. -4:00 P.M.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by February 20, 2009, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Written notice should be sent to Ms. Debra Butlien, NYCDEP, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 or via email to dbutlien@dep.nyc.gov.

Note: Individuals requesting Sign Language Interpreters should contact Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

f26

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 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **March 03, 2009**, at 9:30 A.M. in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-6165 - Block 43, lot 26-72 Hudson Avenue - Vinegar Hill Historic District
An Italianate style rowhouse built circa 1869-1876.
Application is to construct a rooftop bulkhead.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-5337 - Block 1929, lot 7

315 Vanderbilt Avenue - Clinton Hill Historic District
A commercial building built in the 1940's. Application is to create new window openings, install windows, and a fence.

BINDING REPORT

BOROUGH OF BROOKLYN 09-6498 - Block 7777, lot 7777-Grand Army Plaza - Prospect Park - Scenic Landmark
A naturalistic style park designed in 1865 by Frederick Law Olmsted and Calvert Vaux. Application is to install an automated pay toilet.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-6023 - Block 5180, lot 84-451 East 16th Street - Ditmas Park Historic District
A free-standing Colonial Revival style house designed by A. White Pierce and built in 1903. Application is to alter rear window openings and porch. Zoned R6.

ADVISORY REPORT

BOROUGH OF MANHATTAN 09-6824 - Block various, lot various- Wall Street and Broad Street - Street Plan of New Amsterdam and Colonial New York-Individual Landmark
The street pattern of 17th century New Amsterdam and Colonial New York. Application is to amend Binding Commission Reports 04-5342 and O8-8272 for a master plan governing the future installation of security devices and streetscape improvements on Wall Street, Exchange Place, New Street and Broad Street.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5617 - Block 149, lot 2-77 Chambers Street - Tribeca South Historic District
A building originally built in 1847, altered in the Italianate style by Samuel A. Warner in 1857, and again in 1926.
Application is to replace storefront infill.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5916 - Block 214, lot 3, 4-401 and 403 Greenwich Street - Tribeca West Historic District

A building designed by Gertler and Wentz and built in 2003-04, and a mid-twentieth century commercial style building designed by Moore and Landsiedel and built in 1947.
Application is to demolish both buildings and construct a new building. Zoned M1-5C.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6646 - Block 228, lot 30-27 Wooster Street, aka 61-69 Grand Street - SoHo-Cast Iron Historic District
A vacant lot. Application is to amend Certificate of Appropriateness 06-8018 for the construction of a new building. Zoned M1-5A/B.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 08-6877 - Block 497, lot 33-83 Spring Street - SoHo-Cast Iron Historic District
A 19th century building redesigned by Richard Berger as a store and loft building in 1886. Application is to install a new storefront infill.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6614 - Block 511, lot 16-600-602 Broadway, aka 134-136 Crosby Street - SoHo-Cast Iron Historic District
A store building designed by Samuel A. Warner and built in 1883-84. Application is to paint the building, install a painted wall sign and reclad an elevator shaft. Zoned M15B.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-4535 - Block 530, lot 132-57 Great Jones Street - NoHo Historic District Extension
An altered Romanesque Revival style stable building, built c. 1860-1868. Application is to install new storefront infill and alter a barrier-free access ramp.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5771 - Block 644, lot 38-833 Washington Street - Gansevoort Market Historic District
A Utilitarian style market building originally built in 1880 and altered in 1940. Application is to install signs.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5761 - Block 644, lot 38-833 Washington Street - Gansevoort Historic District
A Utilitarian style market building originally built in 1880 and altered in 1940. Application is to install roll-down security gates, doors and install signage.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6536 - Block 618, lot 53-227 West 13th Street - Greenwich Village Historic District
A commercial building designed by James S. Herman and built in 1895. Application is to install signage.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6385 - Block 623, lot 15-576 Hudson Street - Greenwich Village Historic District
An apartment building designed by Charles B. Meyers and built in 1926. Application is to alter the storefronts and install a bracket sign.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-2534 - Block 610, lot 16-115-125 7th Avenue South - Greenwich Village Historic District
A building designed by the Liebman Melting Partnership and Terry Van Dyne and built in 1990-1994. Application is to alter the façade and construct a rooftop addition. Zoned CA-5.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5852 - Block 857, lots 1, 6-233 Fifth Avenue and 1 East 27th Street - Madison Square North Historic District
A converted dwelling built c. 1850, altered as a clubhouse with an addition by R. H. Robertson in 1890-91. Application is to install storefront infill, signage and lighting, and a new fire escape.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5976 - Block 1208, lot 15-

49 West 94th Street - Upper West Side/Central Park West Historic District
A Renaissance/Romanesque Revival style rowhouse designed by Charles M. Youngs and built in 1890-91. Application is to legalize altering the areaway and painting the facade and windows in non-compliance with PMW 07-7301.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6808 - Block 1378, lot 115-712 Madison Avenue - Upper East Side Historic District
An Italianate/neo-Grec style residential building, designed by Gage Inslee and built in 1871, and altered in 1920 to accommodate storefronts at the first and second floors. Application is to install a new storefront and construct a rear yard addition.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-5885 - Block 1503, lot 44-62 East 92nd Street - Carnegie Hill Historic District
A neo-Renaissance style townhouse designed by Laurence F. Peck and built in 1924. Application is to construct a rooftop addition and install mechanical equipment. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-5841 - Block 1505, lot 33-75 East 93rd Street - (former) George F. Baker House-Individual Landmark
A modified Federal style residence designed by Delano & Aldrich and built in 1917-18. Application is to construct a rooftop addition and modify the courtyard. Zoned R10.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-4201 - Block 2067, lot 10-469 West 152nd Street - Hamilton Heights/Sugar Hill Northwest Historic District
A Renaissance Revival style apartment house designed by John P. Leo and built in 1895. Application is to legalize the installation of windows, a door and transom, and areaway fences, and alterations at the parapet, all without Landmarks Preservation Commission permits.

f18-m3

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARINGS

MARCH 17, 2009, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 17, 2009, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

316-73-BZ
APPLICANT - Vassalotti Associates Architects, for 31-02 68th Realty Corporation, owner.
SUBJECT - Application February 9, 2009 - Extension of Term for the continued operation of a (UG16) Gasoline Service Station (Husky) in an R4 zoning district which expired on January 8, 2009.
PREMISES AFFECTED - 31-02 68th Street, south west corner of 68th Street and 31st Avenue, Block 1138, Lot 27, Borough of Queens.
COMMUNITY BOARD #3BX

1038-80-BZ
APPLICANT - Davidoff Malito & Hutcher, LLP, for Feinrose Downing LLC, owner; Expressway Arcade Corporation, lessee.
SUBJECT - Application February 5, 2009 - Extension of Term of a Special Permit for the continued operation of a UG15 Amusement Arcade (Smile Arcade) in an M2-1 zoning district which expired on January 6, 2009.
PREMISES AFFECTED - 31-07/09/11 Downing Street, Whitestone Expressway, Block 4327, Lot 1, Borough of Queens.
COMMUNITY BOARD #7Q

336-98-BZ & 337-98-BZ
APPLICANT - Rothkrug, Rothkrug & Spector LLP for 312 Flatbush Avenue LLC, owner; AGT Crunch, lessee.
SUBJECT - Application December 31, 2008 - Application filed pursuant to §73-11 to Extend the term of a special permit granted pursuant to §73-36 authorizing a physical culture establishment (PCE) (Crunch Fitness), extend the PCE to include additional area in the cellar and on the first floor, permit a change in operator and extend the time to obtain a certificate of occupancy. The subject site is located in a C2-4 zoning district.
PREMISES AFFECTED - 312/18 & 324/34 Flatbush Avenue, 157' west of the northwest corner of the intersection of Flatbush Avenue and Sterling Place, Block 1057, Lot 14, Borough of Brooklyn.
COMMUNITY BOARD # 6BK

APPEALS CALENDAR

252-08-A
APPLICANT - Gary D. Lenhart, for The Breezy Point Cooperative, Inc., owner; Mary Claire & James Ryan, owners.
SUBJECT - Application October 14, 2009 - Reconstruction and enlargement of an existing single family home located within the bed of a mapped street contrary to General City Law Section 35. R4 zoning District.
PREMISES AFFECTED - 11 Clinton Walk, west side Clinton Walk at intersection of 12th Avenue and Beach 214th Street, Block 16350, Lot p/o 300, Borough of Queens.
COMMUNITY BOARD #14Q

292-08-A
APPLICANT - Robert Cunningham, for Robert Cunningham, lessee.
SUBJECT - Application March 17, 2009 - An Appeal Challenging Department of Buildings interpretation that Section 23-49-(a) Special Provisions for Party or Side Lot lines Walls is not applicable to this site. R3-1 Zoning District.

PREMISES AFFECTED - 123 87th Street, north side of 87th Street, 480' west from northwest corner of 87th Street and Ridge Boulevard, Block 6042, Lot 67, Borough of Brooklyn.
COMMUNITY BOARD #10BK

2-09-A
APPLICANT - Gary D. Lenhart, for The Breezy Point Cooperative, Inc., owner; Eileen Witschger, lessee.
SUBJECT - Application January 5, 2009 - Proposed reconstruction and enlargement of a single family dwelling not fronting on a legally mapped street contrary to General City Law Section 36. R4 Zoning District.
PREMISES AFFECTED - 936 Bayside, south side Bayside east side of the mapped Beach 210th Street, Block 16350, Lot 300, Borough of Queens.
COMMUNITY BOARD #14Q

MARCH 17, 2009, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 17, 2009, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

287-06-BZ
APPLICANT - Sheldon Lobel, P.C., for BK Corporation, owner.
SUBJECT - Application October 27, 2006 - Variance (§ 72-21) to allow a residential/community facility building contrary to yard regulations. R5 zoning district.
PREMISES AFFECTED - 32-12 23rd Street, 33rd Avenue and Broadway, Block 555, Lot 36, Borough of Queens.
COMMUNITY BOARD #1Q

265-08-BZ
APPLICANT - Mark A. Levine for 70 Wyckoff Avenue LLC, owner.
SUBJECT - Application October 28, 2008 - Variance pursuant to §72-21 to allow for the legalization of residential units located in a manufacturing building, contrary to §42-00; M1-1 District.
PREMISES AFFECTED - 70 Wyckoff Avenue, South east corner of Wyckoff Avenue and Suydam Street, Block 3221, Lot 31, Borough of Brooklyn.
COMMUNITY BOARD #4BK

312-08-BZ
APPLICANT - Law Office of Fredrick A. Becker, for Leah Friedman and Michael Friedman, owners.
SUBJECT - Application December 18, 2008 - Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary floor area and open space (23-141), side yard (23-461) and less than the minimum required rear yard (23-47) in an R2 zoning district.
PREMISES AFFECTED - 1134 East 23rd Street, west side of East 23rd between Avenue K and Avenue L, Block 7622, Lot 60, Borough of Brooklyn.
COMMUNITY BOARD #14BK

316-08-BZ
APPLICANT - Bryan Cave LLP/Robert S. Davis, for The Simons Foundation, Inc., owner.
SUBJECT - Application December 23, 2008 - Variance (§72-21) to permit the development of a three- and eight-story school building. The proposal is contrary to ZR Section 35-24c (minimum base height). R9A with a C1-5 district overlay.
PREMISES AFFECTED - 345-349 Second Avenue, a/k/a 247-249 East 20th Street, northwest corner of East 20th Street and Second Avenue, Block 901, Lots 26, 27 & 28, Borough of Manhattan.
COMMUNITY BOARD #6M

3-09-BZ
APPLICANT - Duane Morris LLP, by Jon Popin, for Lutheran Social Services of Metropolitan New York, Inc., owner.
SUBJECT - Application January 8, 2009 - Special Permit (§73-19) to allow the conversion of an existing two-story warehouse into a high school with sleeping accommodations. The proposal is contrary to the use requirements of the underlying M1-1 district.
PREMISES AFFECTED - 831 Eagle Avenue, East Avenue, Eagle 159th Street, St. Anns Avenue, East 161st Street, Block 2619, Lot 27, Borough of Bronx.
COMMUNITY BOARD #1BX

Jeff Mulligan, Executive Director

f25-26

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 40 Worth Street, Room 814 commencing at 2:00 P.M. on Wednesday, March 4, 2009. Interested Parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 40 Worth Street, 9th Floor South, New York, NY 10013, or by calling (212) 442-8040.

#1 In the matter of a proposed revocable consent authorizing 1056 Fifth Avenue Corp. to construct, maintain and use planted areas on the east sidewalk of Fifth Avenue, south of East 87th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2019 - \$1,106/annum

the maintenance of a security deposit in the sum of \$1,800, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing Turner Homeowners Association, Inc. to construct maintain and use a force main, together with a manhole, under and across Turner Street and under and along Crabtree Avenue, north of Turner Street, in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the date of approval to June 30, 2009 - \$3,522/annum
For the period July 1, 2009 to June 30, 2010 - \$3,628
For the period July 1, 2010 to June 30, 2011 - \$3,734
For the period July 1, 2011 to June 30, 2012 - \$3,840
For the period July 1, 2012 to June 30, 2013 - \$3,946
For the period July 1, 2013 to June 30, 2014 - \$4,052
For the period July 1, 2014 to June 30, 2015 - \$4,158
For the period July 1, 2015 to June 30, 2016 - \$4,264
For the period July 1, 2016 to June 30, 2017 - \$4,370
For the period July 1, 2017 to June 30, 2018 - \$4,476
For the period July 1, 2018 to June 30, 2019 - \$4,582

the maintenance of a security deposit in the sum of \$10,000, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing Stella D'Oro Biscuit Company, Inc. to continue to maintain and use a pipe under and across West 237th Street, east of Broadway, in the Borough of the Bronx. The proposed revocable consent is for a term from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$1,885
For the period July 1, 2010 to June 30, 2011 - \$1,940
For the period July 1, 2011 to June 30, 2012 - \$1,995
For the period July 1, 2012 to June 30, 2013 - \$2,050
For the period July 1, 2013 to June 30, 2014 - \$2,105
For the period July 1, 2014 to June 30, 2015 - \$2,160
For the period July 1, 2015 to June 30, 2016 - \$2,215
For the period July 1, 2016 to June 30, 2017 - \$2,270
For the period July 1, 2017 to June 30, 2018 - \$2,325
For the period July 1, 2018 to June 30, 2019 - \$2,380

the maintenance of a security deposit in the sum of \$4,000, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing Brian R. Zipp to continue to maintain and use a fenced-in area on the north sidewalk of East 92nd Street, between Park Avenue and Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2008 to June 30, 2018 - \$100/annum
the maintenance of a security deposit in the sum of \$2,000, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing El Dorado LP to maintain and use an accessibility ramp, together with steps, on the south sidewalk of Pacific Street, west of Ralph Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2019 - \$25/annum

the maintenance of a security deposit in the sum of \$5,000, and the filing of an insurance policy in the minimum amount of \$500,000/ \$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

#6 In the matter of a proposed revocable consent authorizing The Cooper Union for the Advancement of Science and Art to continue to maintain and use a conduit under and across Third Avenue at East 7th Street, in the Borough of Manhattan. The proposed revocable consent is for a term from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$4,058
For the period July 1, 2010 to June 30, 2011 - \$4,181
For the period July 1, 2011 to June 30, 2012 - \$4,303
For the period July 1, 2012 to June 30, 2013 - \$4,425
For the period July 1, 2013 to June 30, 2014 - \$4,547
For the period July 1, 2014 to June 30, 2015 - \$4,669
For the period July 1, 2015 to June 30, 2016 - \$4,791
For the period July 1, 2016 to June 30, 2017 - \$4,913
For the period July 1, 2017 to June 30, 2018 - \$5,035
For the period July 1, 2018 to June 30, 2019 - \$5,157

the maintenance of a security deposit in the sum of \$5,200, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#7 In the matter of a proposed revocable consent authorizing Trinity Episcopal Schools Corporation to continue to maintain and use a planted area, together with surrounding fence, on the north sidewalk of West 91st Street, west of Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2009 to June 30, 2019 - \$824/annum
the maintenance of a security deposit in the sum of \$7,000, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#8 In the matter of a proposed revocable consent authorizing Growth Through Art and Museum Experience, Inc. (The Children's Museum of Manhattan) to continue to maintain and use a ramp, stair and banner post on the south sidewalk of West 83rd Street, between Amsterdam Avenue and Broadway, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2009 to June 30, 2019- \$175/annum the maintenance of a security deposit in the sum of \$5,000, and the filing of an insurance policy in the minimum amount of \$500,000/ \$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

#9 In the matter of a proposed revocable consent authorizing Kostas Alexiou to maintain and use retaining walls and planted-in areas on the south sidewalk of 28th Avenue and on the west sidewalk of 215th Street, at 28-08 215th Street in the Borough of Queens. The proposed revocable consent is for a term from the Date of Approval by the Mayor to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2019 - \$100/annum

the maintenance of a security deposit in the sum of \$2,000, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#10 In the matter of a proposed revocable consent authorizing Visiting Nurse Association of Staten Island Inc. to continue to maintain and use a pipe under and across Lake Avenue, north of Forest Avenue, in the Borough of Staten Island. The proposed revocable consent is for a term from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$1,885
For the period July 1, 2010 to June 30, 2011 - \$1,940
For the period July 1, 2011 to June 30, 2012 - \$1,995
For the period July 1, 2012 to June 30, 2013 - \$2,050
For the period July 1, 2013 to June 30, 2014 - \$2,105
For the period July 1, 2014 to June 30, 2015 - \$2,160
For the period July 1, 2015 to June 30, 2016 - \$2,215
For the period July 1, 2016 to June 30, 2017 - \$2,270
For the period July 1, 2017 to June 30, 2018 - \$2,325
For the period July 1, 2018 to June 30, 2019 - \$2,380

the maintenance of a security deposit in the sum of \$2,400, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#11 In the matter of a proposed revocable consent authorizing The Brookdale Hospital Medical Center to continue to maintain and use a pipe under and across East 98th Street, between Hegeman Avenue and Strauss Street, in the Borough of Brooklyn. The proposed revocable consent is for a term from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$1,775
For the period July 1, 2010 to June 30, 2011 - \$1,827
For the period July 1, 2011 to June 30, 2012 - \$1,879
For the period July 1, 2012 to June 30, 2013 - \$1,931
For the period July 1, 2013 to June 30, 2014 - \$1,983
For the period July 1, 2014 to June 30, 2015 - \$2,035
For the period July 1, 2015 to June 30, 2016 - \$2,087
For the period July 1, 2016 to June 30, 2017 - \$2,139
For the period July 1, 2017 to June 30, 2018 - \$2,191
For the period July 1, 2018 to June 30, 2019 - \$2,243

the maintenance of a security deposit in the sum of \$2,300, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#12 In the matter of a proposed revocable consent authorizing Carlton Mews LLC to construct, maintain and use a fenced-in area, together with stoops, on the east sidewalk of Carlton Avenue, south of Willoughby Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the date of the approval to June 30, 2009 - \$1,500/annum
For the period July 1, 2009 to June 30, 2010 - \$1,545
For the period July 1, 2010 to June 30, 2011 - \$1,590
For the period July 1, 2011 to June 30, 2012 - \$1,635
For the period July 1, 2012 to June 30, 2013 - \$1,680
For the period July 1, 2013 to June 30, 2014 - \$1,725
For the period July 1, 2014 to June 30, 2015 - \$1,770
For the period July 1, 2015 to June 30, 2016 - \$1,815
For the period July 1, 2016 to June 30, 2017 - \$1,860
For the period July 1, 2017 to June 30, 2018 - \$1,905
For the period July 1, 2018 to June 30, 2019 - \$1,950

the maintenance of a security deposit in the sum of \$7,500, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#13 In the matter of a proposed revocable consent authorizing The Jewish Community Center in Manhattan, Inc. to maintain and use bollards on the north sidewalk of Amsterdam Avenue west of West 76th Street and on the west sidewalk of West 76th Street north of Amsterdam Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2019 - N/A

the maintenance of a security deposit in the sum of \$25,000, and the filing of an insurance policy in the minimum amount of \$250,000/ \$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

f11-m4

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 40 Worth Street, Room 814 commencing at 2:00 P.M. on Wednesday, March

18, 2009. Interested Parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 40 Worth Street, 9th Floor South, New York, NY 10013, or by calling (212) 442-8040.

#1 In the matter of a proposed revocable consent authorizing Jeremy Lechtzin and Amy B. Klein to construct, maintain and use a stoop on the north sidewalk of Hicks Street, east of Cranberry Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2019 - \$25/per annum

the maintenance of a security deposit in the sum of \$8,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing Watchtower Bible and Tract Society of New York, Inc. to continue to maintain and use a tunnel under and across Columbia Heights, south of Orange Street, in the Borough of Brooklyn. The proposed revocable consent is for a term from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$25,278
For the period July 1, 2010 to June 30, 2011 - \$26,014
For the period July 1, 2011 to June 30, 2012 - \$26,750
For the period July 1, 2012 to June 30, 2013 - \$27,486
For the period July 1, 2013 to June 30, 2014 - \$28,222
For the period July 1, 2014 to June 30, 2015 - \$28,958
For the period July 1, 2015 to June 30, 2016 - \$29,694
For the period July 1, 2016 to June 30, 2017 - \$30,430
For the period July 1, 2017 to June 30, 2018 - \$31,166
For the period July 1, 2018 to June 30, 2019 - \$31,902

the maintenance of a security deposit in the sum of \$32,000, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#3 In the matter of a proposed revocable consent authorizing Watchtower Bible and Tract Society of New York to continue to maintain and use a tunnel under and across Columbia Heights at Pineapple Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$ 9,351
For the period July 1, 2010 to June 30, 2011 - \$ 9,623
For the period July 1, 2011 to June 30, 2012 - \$ 9,895
For the period July 1, 2012 to June 30, 2013 - \$10,167
For the period July 1, 2013 to June 30, 2014 - \$10,439
For the period July 1, 2014 to June 30, 2015 - \$10,711
For the period July 1, 2015 to June 30, 2016 - \$10,983
For the period July 1, 2016 to June 30, 2017 - \$11,255
For the period July 1, 2017 to June 30, 2018 - \$11,527
For the period July 1, 2018 to June 30, 2019 - \$11,799

the maintenance of a security deposit in the sum of \$11,800, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#4 In the matter of a proposed revocable consent authorizing Watchtower Bible and Tract Society of New York, Inc. to continue to maintain and use a tunnel under and across Orange Street, east of Columbia Heights, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$7,306
For the period July 1, 2010 to June 30, 2011 - \$7,519
For the period July 1, 2011 to June 30, 2012 - \$7,732
For the period July 1, 2012 to June 30, 2013 - \$7,945
For the period July 1, 2013 to June 30, 2014 - \$8,158
For the period July 1, 2014 to June 30, 2015 - \$8,371
For the period July 1, 2015 to June 30, 2016 - \$8,584
For the period July 1, 2016 to June 30, 2017 - \$8,797
For the period July 1, 2017 to June 30, 2018 - \$9,010
For the period July 1, 2018 to June 30, 2019 - \$9,223

the maintenance of a security deposit in the sum of \$10,600, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#5 In the matter of a proposed revocable consent authorizing Montefiore Medical Center to maintain and use conduits under and across East 233rd Street, east of Bronx Boulevard, in the Borough of the Bronx. The proposed revocable consent is for a term from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2008 to June 30, 2009 - \$3,873
For the period July 1, 2009 to June 30, 2010 - \$3,986
For the period July 1, 2010 to June 30, 2011 - \$4,099
For the period July 1, 2011 to June 30, 2012 - \$4,212
For the period July 1, 2012 to June 30, 2013 - \$4,325
For the period July 1, 2013 to June 30, 2014 - \$4,438
For the period July 1, 2014 to June 30, 2015 - \$4,551
For the period July 1, 2015 to June 30, 2016 - \$4,664
For the period July 1, 2016 to June 30, 2017 - \$4,777
For the period July 1, 2017 to June 30, 2018 - \$4,890

the maintenance of a security deposit in the sum of \$4,900, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

f26-m17

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 09001 - Q AND R

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, March 4, 2009 (SALE NUMBER 09001-R). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

NOTE: The auction scheduled for Wednesday, February 18, 2009 (SALE NUMBER 09001-Q) has been cancelled.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets). A listing of vehicles to be offered for sale in the next auction can be viewed on our web site, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>. Terms and Conditions of Sale can also be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

f5-m4

■ SALE BY SEALED BID

SALE OF: TWO YEAR CITYWIDE CONTRACT TO REMOVE AND/OR RECEIPT, AS REQUIRED, AND THE COMPLETE DESTRUCTION (OR RECYCLING TO PREVENT ILLICIT USE) OF USED BULLET AND/OR STAB-SLASH RESISTANT VESTS FROM APRIL 1, 2009 TO MARCH 31, 2011.

S.P.#: 09015

DUE: March 5, 2009

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.
DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007.
For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

f20-m5

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES

(All Boroughs):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- * Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- * Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- * Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- * Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

■ AUCTION

PUBLIC AUCTION SALE NUMBER 1153

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is March 9, 2009 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on March 10, 2009 at approximately 9:30 A.M.

Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

f25-m10

PROCUREMENT

"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."

AGING

AWARDS

SERVICES FOR SENIOR CITIZENS - BP/City Council Discretionary - Per Scholas Incorporated 1231 Lafayette Avenue, Bronx, NY 10474

Visions Services for the Blind and Visually Impaired, Inc. 500 Greenwich Street, 3rd Floor, New York, NY 10013

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CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

SOLICITATIONS

Goods & Services

TYPEWRITER MAINTENANCE SERVICES - Competitive Sealed Bids - PIN# 8570800754 - DUE 03-23-09 AT 10:30 A.M.

COARSE AGGREGATES (HWYS) - Competitive Sealed Bids - PIN# 8570900575 - DUE 03-24-09 AT 10:30 A.M.

PADLOCKS - Competitive Sealed Bids - PIN# 8570900752 - DUE 03-24-09 AT 10:30 A.M.

SHEETING, VINYL NON-REFLECTIVE FOR TRAFFIC SIGNS - Competitive Sealed Bids - PIN# 8570900756 - DUE 03-16-09 AT 10:30 A.M.

GEN. REPAIR PARTS FOR GOULDS PUMP - Competitive Sealed Bids - PIN# 8570900846 - DUE 03-24-09 AT 10:30 A.M.

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

Department of Citywide Administrative Services 1 Centre Street, Room 1800, New York, NY 10007. Jeanette Megna (212) 669-8610.

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AWARDS

Goods

MICROSCOPES FOR NYPD - Intergovernmental Purchase - PIN# 8570900850 - AMT: \$169,492.50 - TO: Leeds Instruments, 8150 Springwood Dr., Suite 125, Irving, TX 75063. State of Texas CPA Term Contract 490-N1.

Suppliers wishing to be considered for a contract with the State of Texas are advised to contact: Yvette Marietta, Purchaser, at (512) 463-6988 or email: Purchaser.C@cpa.state.tx.us

f26

HAZARDOUS INCIDENT RESPONSE EQUIPMENT - FDNY - Intergovernmental Purchase - PIN# 8570900822 - AMT: \$315,120.00 - TO: Aramsco Inc., 1480 Grandview Ave., Thorofare, NJ 08086. NYS Contract #PC61962.

HONDA CIVIC CNG - DPR - Intergovernmental Purchase - PIN# 8570900763 - AMT: \$456,020.00 - TO: Delmar Auto Plaza Ltd Lia Honda, 1258 Central Ave., Albany, NY 12205. NYS Contract #PC62744.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

f26

VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST - In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

- 1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93

- 16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

j4-1jy17

EQUIPMENT FOR DEPARTMENT OF SANITATION

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
B. Collection Truck Cab Chassis
C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

j4-1jy17

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE

In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

j4-1jy17

COMPTROLLER

BUREAU OF ASSET MANAGEMENT

SOLICITATIONS

Services (Other Than Human Services)

NON-U.S. EQUITY PASSIVE INDEX MANAGEMENT SERVICES - CP/2 - PIN# 015-09812600 QI - DUE 04-13-09 AT 4:00 P.M. - The Comptroller of the City of New York (the "Comptroller"), acting on behalf of the New York City Retirement Systems and Related Funds ("NYCRS") has prepared and is distributing this Request for Proposals ("RFP") to identify investment management firms to create and manage one or more non-U.S. equity passive index portfolios for the Systems. The Systems' current non-U.S. equity passive index management contracts expire December 31, 2009. Current managers must submit a proposal if they wish to be considered for award of a new contract pursuant to this RFP.

Approximately \$1.6 billion of the Systems' assets are currently managed through passive non-U.S. equity index strategies. Each portfolio is expected to exceed approximately \$125 million, but may be as much as \$1 billion or more. Each of the Systems may select one or more proposers through this RFP. It is anticipated that the contracts resulting from this RFP will be for an initial term of three (3) years with renewal options up to an additional six (6) years.

A. Minimum Requirements

The proposer must demonstrate that it meets these minimum requirements in its response to this RFP.

1. Investment Approach

Proposers must offer to manage a non-U.S. equity passive index portfolio using a full replication or an optimization or stratified sampling strategy with an expected tracking error not to exceed 30 basis points annually for MSCI EAFE, MSCI ACWI ex U.S., or FTSE All World ex U.S. benchmarked products.

2. Organization

Proposer firms must, at a minimum, as of December 31, 2008:

a. Have at least five years continuous experience in the management of non-U.S. equity index products based on the MSCI EAFE, MSCI ACWI ex U.S., or FTSE All World ex U.S. indices.

b. Be a registered investment adviser under the Investment Advisors Act of 1940 or must be a bank or insurance company.

3. Assets Under Management

At a minimum as of December 31, 2008, the proposer must have:

a. At least \$3 billion under management in non-U.S. equity index products, and

b. Proven ability in managing institutional-sized portfolios, including having at least one non-affiliated client for whom the proposer manages \$500 million or more in the proposed product.

4. Performance Record

a. Proposers must have, at a minimum, live continuous five-year track record managing a non-U.S. equity index product based on the MSCI EAFE, MSCI ACWI ex US, or FTSE All World ex US indexes for the period ending December 31, 2008. It is preferred that the track record is GIPS compliant.

b. Only proposers who demonstrate a track record for one of the above index products managed for the entire period will be considered.

Proposers will be considered based on the performance record achieved at a predecessor firm by key senior staff of the proposer, provided the linked performance record is for a product that exhibits continuity of investment philosophy and portfolio management processes from one firm to the other. Additionally, the proposer must:

a. Answer all performance questions.

b. Provide a thorough explanation of the performance composites and linking methodology, including whether or not the composites and linking are consistent with CFA Institute standards, and if not consistent, why they should be considered.

5. Ethics and Compliance

Proposers should refer to the NYCERS Ethics and Compliance Policy (the "Policy"), Exhibit 3 to this RFP, and then indicate your firm's ability and willingness to comply with the Policy by signing the NYCERS Ethics Policy Certification (the "Certification") which appears as Exhibit 3-A to this RFP. Certification must be appended to the Proposer's Cover Sheet.

The RFP will be available for download from the Comptroller's Web site at www.comptroller.nyc.gov on or about February 26, 2009. To register and download the RFP, select "RFPs", then "Investment Management and Related RFPs", then link to "RFP for Non-U.S. Equity Passive Index" and click on link provided to "Register for RFP". Questions about the RFP should be transmitted by e-mail to Eric Wollman, Deputy Director of Asset Management Contracting, at bamcontracts@comptroller.nyc.gov by March 12, 2009 noon (ET). Proposals are due April 13, 2009 by 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Comptroller's Office, 1 Centre Street, Room 650 New York, NY 10007. Eric Wollman (212) 669-4766 bamcontracts@comptroller.nyc.gov

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OFFICE OF EMERGENCY MANAGEMENT

INTENT TO AWARD

Goods & Services

VIRTUAL REALITY SIMULATOR - Negotiated Acquisition - PIN# 017CIMS07001 - DUE 03-12-09 AT 12:00 P.M. - The New York City Office of Emergency Management (OEM) intends to enter into a negotiated acquisition extension contract with Environmental Tectonics Corporation in order to complete the original scope of services. OEM has determined that there is a compelling need to extend a contract beyond the cumulative 12-month limit. There is no additional funding. The contract term will be from 10/1/08 thru 9/30/09.

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. Office of Emergency Management, 165 Cadman Plaza East Brooklyn, NY 11201. Erika Yan (718) 422-4845 eyan@oem.nyc.gov

f24-m2

ENVIRONMENTAL PROTECTION

SOLICITATIONS

Services (Other Than Human Services)

PRINTING, HANDLING AND MAILING OF WATER SEWER INVOICES IN NEW YORK CITY AND UPSTATE - Competitive Sealed Bids - PIN# 826090MAIL09 - DUE 03-18-09 AT 11:30 A.M. - CONTRACT MAIL-09: Document Fee \$80.00. There will be a mandatory pre-bid conference on 03/05/09 at 59-17 Junction Boulevard, 6th Floor Training Room at 11:00 A.M. The project manager for this job is Alexis Smith. If you have a technical question about this job, please call at (718) 595-7389. Vendor Source ID#: 58280.

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

Department of Environmental Protection 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373. Greg Hall (718) 595-3236, ghall@dep.nyc.gov

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BUREAU OF WASTEWATER TREATMENT

SOLICITATIONS

Services (Other Than Human Services)

RENTAL OF (2) 2.0 MEGA WATTS 4160 VOLT GENERATORS AT RED HOOK WPCP - Negotiated Acquisition - PIN# 826091218GEN - DUE 03-16-09 AT 4:00 P.M. - DEP intends to enter into a Negotiated Acquisition with Eaton Corporation for Project 1218-GEN: Rental of (2) 2.0 Mega Watts 4160 Volt Generators at Red Hook WPCP. A compelling reason exists to extend a contract one or more times beyond the permissible cumulative 12-month limit, and the ACCO has determined that the proposed term of the extension is the minimum time necessary to meet the need. Under DEP contract 1144-GEN Eaton Corporation was responsible for the installation and rental of the two emergency generators since 2005. The two (2) Emergency Generators are connected to the Plant's power distribution Switchgear and underground Fuel Tanks. Removal of these Emergency Generators would leave the Plant without emergency generator power for at least ten (10) months before similar equipment could be installed. This would be in violation of SPEDES permit compliance. The service provided by the existing rental of the two (2) Generators must continue without disruption. Presently, NYPA is installing two (2) permanent emergency diesel Generators and soon as this work is completed, the rental of these Generators will be terminated. Any firm which believes it can also provide the required service in the future is invited to so, indicated by letter which must be received no later than March 16, 2009 at 4:00 P.M. at: Department of Environmental Protection, Agency Chief Contracting Officer, 59-17 Junction Blvd., 17th Floor, Flushing, New York 11373, Attn: Ms. Debra Butlien, (718) 595-3423, DButlien@dep.nyc.gov.

f25-m3

FINANCIAL INFORMATION SERVICES AGENCY

CONTRACTS UNIT

INTENT TO AWARD

Services (Other Than Human Services)

PERPETUAL LICENSE AND SOFTWARE MAINTENANCE AGREEMENT - Sole Source - Available only from a single source - PIN# 12710EX00001 -

DUE 03-02-09 AT 10:00 A.M. – Perpetual License and Software Maintenance Agreement with BMC Software, Inc., 2101 Citywest Boulevard, Houston, TX 77042. Software is proprietary to the vendor. Any other vendor that can provide this software maintenance is encouraged to reply to this notice on intent to award.

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.
Financial Information Services Agency, 450 West 33rd Street, 4th Floor, New York, NY 10001-2603.
Robert Aboulaflia (212) 857-1516, raboulaflia@fisa.nyc.gov

f23-27

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.

j1-d31

CONTRACT SECTION

■ SOLICITATIONS

Construction / Construction Services

NCB - ELEVATORS MODERNIZATION PROJECT (RE-BID) – Competitive Sealed Bids – PIN# 24200701 – DUE 03-19-09 AT 1:30 P.M. – North Central Bronx, Bronx, New York, Elevator Modernization (Re-Bid). Bid Document Fee \$25.00 per set (company check or money order), non-refundable. A pre-bid meeting/site tours are scheduled for Tuesday, March 10, 2009 and Wednesday, March 11 at 11:00 A.M. at 3434 Kossuth Ave., Bronx, NY 10457, Room #15B25 Conference Room.

Technical questions must be submitted in writing, by mail or fax, no later than five (5) calendar days before bid opening to Clifton McLaughlin, fax (212) 442-3851. For bid results, please call after 4:00 P.M. at (212) 442-3771. Requires Trade Licenses (where applicable). Under Article 15A of the State of New York. The following M/WBE goals apply to this contract MBE 10 percent and WBE 10 percent. These goals apply to any bid submitted of \$100,000 or more. Bidders not complying with these terms will have their bids declared non-responsive.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Hospitals Corporation, 346 Broadway 12th Floor West, New York, NY 10013.
Clifton McLaughlin (212) 442-3658, mclaughc@nychhc.org

f26

MATERIALS MANAGEMENT

■ SOLICITATIONS

Goods & Services

AUTOMOTIVE PREVENTIVE MAINTENANCE REPAIR AND AUTO BODY SERVICE – Competitive Sealed Bids – PIN# 029-0036 – DUE 03-09-09 AT 10:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Hospitals Corporation, 346 Broadway, 5th Floor, Room 516, New York, NY 10013.
Jeannette Torres (212) 442-3867, jeannette.torres@nychhc.org

f26

HOMELESS SERVICES

■ AWARDS

Human / Client Service

VARIOUS INSTALLATIONS – Competitive Sealed Bids – PIN# 071-09S-01-1350 – AMT: \$25,000.00 – TO: Rashal Construction Corp., 524 McDonald Avenue, Brooklyn, NY 11218.

- **SIDEWALK CURB REPAIRS** – Competitive Sealed Bids – PIN# 071-08S-02-1210 – AMT: \$819,400.00 – TO: T. Pericic, 73-21 71st Street, Glendale, NY 11358.
- **SNOW REMOVAL** – Competitive Sealed Bids – PIN# 071-08S-02-1304 – AMT: \$474,000.00 – TO: Atlas Concrete Batching Corp., 95-11 147th Place, Jamaica, NY 11435.

f26

OFFICE OF CONTRACTS AND PROCUREMENT

■ SOLICITATIONS

Human / Client Service

TRANSITIONAL RESIDENCES FOR HOMELESS/DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004.
Marta Zmoira (212) 361-0888, mzmzmoira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

■ SOLICITATIONS

Goods & Services

STENOGRAPHIC/TRANSCRIPTION SERVICES – Request for Proposals – PIN# NYCHA2 – DUE 03-20-09 AT 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 250 Broadway, 9th Floor, New York, NY 10007. David Littman (212) 776-5226, dave.littman@nycha.nyc.gov

f23-27

PURCHASING DIVISION

■ SOLICITATIONS

Goods

BOTTLE WATER – Competitive Sealed Bids – RFQ #6373 – DUE 03-12-09 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Bid documents available via internet ONLY: http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml Atul Shah (718) 707-5450.

f26

FURNISH THOMPSON ELEVATOR PARTS –

Competitive Sealed Bids – RFQ #6378 – DUE 03-12-09 AT 10:35 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Bid documents available via internet ONLY: http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml Atul Shah (718) 707-5450.

f26

PARKS AND RECREATION

CAPITAL PROJECTS DIVISION

■ INTENT TO AWARD

Construction Related Services

RECONSTRUCTION OF THE MULTI-PURPOSE ATHLETIC FIELD AT ASPHALT GREEN – Sole Source – Available only from a single source - PIN# 8462008M286C01 – DUE 03-04-09 AT 4:00 P.M. – Department of Parks and Recreation, Capital Projects Division intends to enter into sole source negotiations with Asphalt Green, a not-for-profit organization, to provide construction services for the reconstruction of the multi-purpose athletic field and track at Asphalt Green, located on East 90th Street between York Avenue and the F.D.R. Drive, Borough of Manhattan.

Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing to the address listed here and received by March 4, 2009. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available on-line at "NYC.gov/selltonyc" and in hard copy by calling the Vendor Enrollment Center at (212) 857-1680.

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, Limited Center, Room 61 Flushing Meadows-Corona Park, Flushing, NY 11368. Grace Fields-Mitchell (718) 760-6687, grace.fields-mitchell@parks.nyc.gov Olmsted Center, Room 61, Flushing Meadows-Corona Park, Flushing, NY 11368.

f23-27

SANITATION

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATIONS

Construction / Construction Services

REQUIREMENTS CONTRACT FOR ROOF REPAIR AND REPLACEMENT AT VARIOUS FACILITIES IN ALL FIVE BOROUGHS – Competitive Sealed Bids – PIN# 82707RR00072R – DUE 04-02-09 AT 11:00 A.M. Bid Estimate \$3,000,000. There is a \$80.00 fee for this bid document, certified check or money order, please make payable to "Comptroller, City of New York."

Last day for questions is 03/12/09 at 3:00 P.M., please contact Frank Mitchell at (917) 237-5542, or e-mail at fmitchell@dny.nyc.gov. In accordance with Schedule "A" of the bid document, if your bid is over \$500,000, you must submit a certified check or money order equal to 5 percent of the Bid amount or Bid Bond with Penal Sum equal to 10 percent of the Bid amount. "This Procurement is subject to Local Law 129." This Procurement is subject to apprenticeship program requirements as describe in solicitation materials. VSID#: 58306.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/

blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Sanitation, 51 Chambers Street, Room 806, New York, NY 10007. ACCO (917) 237-5357, (917) 237-5358.

f26

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction / Construction Services

PLAYGROUND REDEVELOPMENT – Competitive Sealed Bids – PIN# SCA09-12425D-1 – DUE 03-16-09 AT 11:00 A.M. – Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA, (718) 472-8360.

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.
School Construction Authority, 30-30 Thomson Avenue, Plans Room Window, Room #1046, Long Island City, NY 11101. Kevantae Idlett (718) 472-8360, kidlett@nycsca.org

f24-m2

CONTRACT SECTION

■ SOLICITATIONS

Construction Related Services

EXTERIOR MASONRY AND ROOF REPLACEMENT – Competitive Sealed Bids – PIN# SCA09-12150D-1 – DUE 03-09-09 AT 11:00 A.M. – PS 119 (Bronx). Project Range: \$3,460,000.00 to \$3,643,000.00. Non-refundable bid document charge: \$100.00.

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.
School Construction Authority, 30-30 Thomson Avenue, First Floor, Long Island City, NY 11101. Ricardo Forde (718) 752-5288, rforde@nycsca.org

f20-26

AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

"These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv" **NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.**

HEALTH AND MENTAL HYGIENE

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, March 5, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Health and Mental Hygiene and the Contractor listed below, to encourage and support HIV rapid testing, prevention education and anti-stigma effort primarily to African-American constituents throughout the Borough of Brooklyn. The contractor will also collaborate with other faith communities funded through this initiative and other organizations and entities for program coordination and support. The contract term shall be from July 1, 2008 to June 30, 2009.

Contractor/Address	PIN #	Amount
Black Veterans for Social Justice, Inc. 665 Willoughby Avenue Brooklyn, NY 11206	09AE098501R0X00	\$225,000

The proposed contractor is being funded through City Council Discretionary Funds Appropriation, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, NY 10013, from February 26, 2009 to March 5, 2009, excluding Weekends and Holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after the publication of this notice. Written requests to speak should be sent to Celloy Williams, Associate Contract Specialist, 93 Worth Street, Room 812, New York, NY 10013, or cwillia1@health.nyc.gov. If DOHMH does not receive any written requests to speak within the prescribed time, DOHMH reserve the right not to conduct the public hearing.

f26

AGENCY RULES

HEALTH AND MENTAL HYGIENE

■ NOTICE

The following resolution was adopted by the Board of Health on April 18, 2000. This resolution was utilized by the Department of Health and Mental Hygiene every year since 2000. The Department suspends its use on October 31st of each year because the threat of mosquito breeding during cold weather subsides. From March 15, 2009 through October 31, 2009, the Resolution will again be in full force and effect. The Department intends to again fully exercise the authority granted by the Board of Health Resolution, including the immediate abatement of standing water conditions, to prevent the breeding and proliferation of mosquitoes during the 2009 mosquito season. Therefore, in order to ensure proper public notification, the Department of Health and Mental Hygiene is republishing the Resolution in accordance with §17-148 of the Administrative Code of the City of New York.

Resolution of the Board of
Health of the
Department of Health and Mental Hygiene
of the City of New York

At a meeting of the Board of Health of the Department of Health and Mental Hygiene held April 18, 2000, the following resolution was adopted:

Whereas, the Board of Health has taken and filed among its records reports that in areas throughout the City of New York there are sunken lots, property below grade, or other places which are insufficiently drained and where water may accumulate and stagnant water may collect; and

Whereas, upon these and other properties, there are household and other items including, but not limited to, tires, flower pots, household or other containers such as, trash, garbage and recycling containers without drainage holes, roof gutters clogged with leaves or other debris, swimming and wading pools, bird baths, swimming pool covers, outdoor plumbing fixtures and hose bibs dripping water to the ground and other materials, appurtenances and fixtures which allow the accumulation of water; and

Whereas, such accumulations of water create conditions conducive to insect life in general, and to the breeding and nurturing of mosquitoes in particular; and

Whereas, certain mosquitoes have been found to harbor viral diseases, including West Nile Virus/encephalitis, which are transmissible to and may be fatal to humans; and

Whereas, mosquitoes breed rapidly, and the potential presence of West Nile Virus is immediately dangerous to life and health; and

Whereas, the Board of Health regards the aforesaid reports as sufficient proof to authorize the declaration that any accumulations of water in which mosquitoes may breed are in a condition and in effect immediately dangerous to human life and health and constitute a public nuisance; and

Whereas, immediate abatement of such nuisances is necessary to prevent the breeding and proliferation of infectious mosquitoes; and

Whereas, personal service or service pursuant to subdivisions (a) or (b) of §17-148 of the Administrative Code of the City of New York of orders requiring the abatement of such nuisances and conditions in effect dangerous to life and health upon each of the persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York, has a duty or liability to abate such nuisances and conditions, would result in a delay prejudicial to the public health, welfare, and safety; now, therefore, be it

Resolved, that the Board of Health hereby declares that such places having an accumulation of water capable of breeding mosquitoes are in a condition and in effect immediately dangerous to life and health and constitute a public nuisance; and be it further

Resolved, that the Board of Health hereby declares that such nuisances are widespread throughout the City; and be it further

Resolved, that all persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York and such other chapters, titles, sections, laws or rules as are applicable thereto, have the duty or liability to abate such nuisances and conditions in effect dangerous to life and health, are hereby ordered to forthwith abate such nuisances and conditions in effect dangerous to life and health by eliminating such accumulations of water and the conditions conducive to further accumulation, or by otherwise eliminating the capacity of accumulated water to support mosquito breeding; and be it further

Resolved, that in the event that such persons or any of them shall fail to comply with this order within five days after service thereof pursuant to §17-148 of the Administrative Code of the City of New York, the Department of Health and Mental Hygiene is hereby authorized and directed to take all necessary steps to forthwith secure the abatement of said nuisances and conditions in effect dangerous to life and health.

Resolved further, that this resolution shall take effect immediately.

(As adopted by the Board of Health on April 18, 2000)

A TRUE COPY
Rena S. Bryant
Secretary to the Board of Health

F24-26

HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

Notice of Opportunity to Comment On Proposed Rules
Governing Tax Exemption under §421-a of the Real Property
Tax Law

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Housing Preservation and Development by §1802 (6) (c) and in accordance with the requirements of §1043 of the New York City Charter that the Department of Housing Preservation and Development intends to modify the rules governing tax exemption under §421-a of the Real Property Tax Law of the State of New York. Additions to the rules are underlined and proposed deletions are [bracketed].

Written comments regarding these rules may be sent to the Department of Housing Preservation and Development, Attention: Elaine Toribio, Director of Policy Analysis and Operations, 100 Gold Street, Room 9-S9, New York, New York 10038, on or before March 30, 2009. A public hearing will be held from 1:00 P.M. to 4:00 P.M. on March 30, 2009, at 100 Gold Street, 9th floor, Room 9P-10, New York, New York. Persons seeking to testify are requested to notify the Director of Policy Analysis and Operations at the foregoing address. Written comments and an audiotape of oral comments received at the hearing will be available for public inspection within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the Office of the Director of Policy Analysis and Operations.

The proposed rule amendments were included in HPD's 2008-09 Regulatory Agenda.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are requested to notify the Director of Policy Analysis and Operations by March 20, 2009.

Section one. Subparagraph (ii) of paragraph (1) of subdivision (g) of section 6-08 of chapter 6 of Title 28 of the Rules of the City of New York is amended to read as follows:

(ii) [If] For multiple dwellings that commence construction before December 28, 2007, such affordable units must be located in the same building and must contain the same average square footage and bedroom mix of all residential units contained in such multiple dwelling. For multiple dwellings that commence construction on or after December 28, 2007, if the affordable units are created in accordance with § 6-08(b)(1) and unless preempted by federal requirements, (A) all affordable units must have a comparable number of bedrooms and a unit mix proportional to the market rate units contained in such multiple dwelling, or (B) at least fifty percent (50%) of the affordable units must have two or more bedrooms and not more than fifty percent (50%) of the remaining affordable units can be smaller than one bedroom, or (C) the floor area of the affordable units must be no less than twenty percent of the total floor area of all dwelling units in such multiple dwelling.

§ 2. The title of section 6-09 of Chapter 6 of Title 28 of the Rules of the City of New York is amended to read as follows:

Section 6-09. New Eligibility Requirements [On or After July 1, 2008].

§ 3. The definition of "commence" contained in section 6-09 of Chapter 6 of Title 28 of the Rules of the City of New York is amended by adding a new paragraph (c) thereto to read as follows:

(c) Where it is determined in accordance with this definition of "commence" that a multiple dwelling commenced construction on or after December 28, 2007 with respect to paragraph five of subdivision (b) of this section or July 1, 2008 with respect to paragraphs one, three or six of subdivision (b) of this section, respectively, this definition of "commence" shall supersede the definition of "commencement of construction" contained in § 6-01 of this chapter.

§ 4. Chapter 6 of Title 28 of the Rules of the City of New York is amended by adding a new section 6-10 to read as follows:

Section 6-10. Applicability of Certain Provisions. Except as otherwise specifically provided therein, the amendments to this chapter six that became effective on June 19, 2008, shall only apply to multiple dwellings that commence construction on or after July 1, 2008. For purposes of determining when any such multiple dwelling has commenced construction, the definition of "commence" in such amendments shall apply and, where it is determined that such multiple dwelling commenced construction on or after July 1, 2008, the definition of "commence" in such amendments shall supersede the definition of "commencement of construction" contained in § 6-01 of this chapter.

Statement of Basis and Purpose. These proposed rule amendments provide that the new construction requirements for affordable units created in accordance with 28 RCNY § 6-08(b)(1) adopted by amendments that took effect on June 19, 2008 ("June 19 Amendments") apply to multiple dwellings that commence construction on or after December 28, 2007. They also clarify the title of Section 6-09, also added by the June 19th Amendments, because such amendments also relate to certain changes to the 421-a requirements pursuant to Local Law 58 of 2006, which took effect on December 28, 2007. The proposed rule amendments revise the definition of "commence" in the June 19th Amendments by adding a provision that specifies that, under certain circumstances, such definition supersedes the definition of "commencement of construction" in § 6-01 of the 421-a rules. Finally, the proposed rule amendments add a new applicability provision to Chapter 6 that relates specifically to the June 19 Amendments. Unless the June 19 Amendments specifically provide otherwise, they will only be applicable to multiple dwellings that commence construction on or after July 1, 2008 and the definition of "commence" in such amendments would then supersede the definition of "commencement of construction" in § 6-01 of the 421-a rules."

On July 1, 2008, many major revisions to the Real Property Tax Law § 421-a tax exemption program took effect. The new applicability provision would accomplish a more judicious implementation of the new requirements for benefits.

Acting Commissioner Marc Jahr
February 26, 2009

TAXI AND LIMOUSINE COMMISSION

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing taxicab brokers.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC's regulatory agenda for Fiscal Year 2009 because the need for such rules was not anticipated at the time the regulatory agenda was published.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on April 3, 2009 at 2:30 P.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than March 27, 2009.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than March 30, 2009 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1117
Fax: 212-676-1102
TTY/TDD: 212-341-9596
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 12 thereto, to read as follows:

New Material is underlined.

Chapter 12 TAXICAB BROKERS

Contents

§12-01	Scope of this Chapter
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§12-07	Licensing - Rules for Business Entity Applicants
§12-08	Licensing - Term of License
§12-09	Licensing - Cause for Denial
§12-10	Provisions in the Event of Licensee's Death
§12-11	Requirements & Prohibitions - No Unlicensed Activity
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§12-22	Comply with Laws - Conduct Rules

§12-01 Scope of this Chapter

- To establish procedures for the licensing and supervision of an individual or Business Entity acting as a Taxicab Broker.
- To establish the qualifications, requirements, prohibitions, and procedures for getting and maintaining a Taxicab Broker's License.
- To establish operating rules to protect the customers and the public.
- To establish appropriate penalties for the violation of these Rules.

§12-02 Penalties

- Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- General Penalty. Fines are due within 30 days of the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the hearing recording under §18-14(e) of this title, the time for payment of fines is extended to 21 days from the date of the issuance of the recording. If a timely appeal has been filed, fines are stayed until a decision is made in the appeal. If the fine is not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.

§12-03 Definitions Specific to this Chapter

- Administrator means the duly appointed administrator, executor, executrix or personal representative of an estate.

(b) Broker or Taxicab Broker is an individual or Business Entity licensed by the Commission to act as an agent for another person or Business Entity in negotiating either of the following:

- (1) The transfer of any interest in a Medallion
- (2) A loan to be secured by a Medallion or a Taxicab

(c) Brokerage is the term for the business of being a Broker.
 (d) De-licensed means an individual or Business Entity whose License is suspended or revoked.
 (e) Exclusive Listing means that the Broker has been given the right to be the only Broker for a particular transaction. Usually the right will be limited to a specific period of time.

§12-04 Licensing – General Information Required

(a) Identification. An Applicant for an original License must provide the following two forms of identification:
 (1) A Valid government-issued photo ID
 (2) A Valid, original Social Security card
 (b) Proof of Age. An individual Applicant and each Business Entity Person of an Applicant must be at least twenty-one (21) years of age.
 (c) Good Moral Character. The Applicant must be of good moral character. Moral character will be determined in part through fingerprinting and background investigations, as follows:

- (1) Fingerprinting Applicants. An individual and all Business Entity Persons applying for a Broker's license must be fingerprinted.
- (2) Fingerprinting New Business Entity Persons. Fingerprinting is also required when a Business Entity Licensee adds new Business Entity Persons. A Business Entity Licensee must notify the Commission of any new Business Entity Persons within five working days of their addition. The Commission can permit continued use of the Broker's License during completion of the background investigation.
- (3) Fingerprinting Financiers. An individual or the Business Entity Person who provides funds for Brokers must be fingerprinted unless the provider is a licensed bank or loan company.
- (4) Waiver of Fingerprinting. The Commission can waive fingerprinting requirements at its discretion.
- (d) Proficiency in the English Language. The Applicant must be able to understand, speak, read and write the English language.
- (e) Experience. The Applicant must have at least one of the following types of experience:

- (1) Active participation in the Taxicab Brokerage business under the supervision of a licensed Taxicab Broker for not less than one (1) year
- (2) Equivalent experience in the general Taxicab business for a period of at least two (2) years

The Applicant must provide a sworn affidavit regarding the required experience. The Commission may allow or require the Applicant to provide other proof of the required experience, or waive the requirement entirely.

(f) Waivers for Attorneys. An attorney who is a member in good standing of the Bar of the State of New York, does not need to submit proof as otherwise required in §12-04.

§12-05 Licensing – Specific Information Required

(a) Location of Business Premises. The Applicant must provide the physical address of the location where the Applicant will conduct business.
 (b) Prior Business or Occupation of Applicant. The Applicant must provide information on the prior business or occupation of the individual Applicant or, if a Business Entity, information on the Applicant's Business Entity Persons during the two years immediately before the date of the application. The information must specify the place or places of the business or occupation and the name or names of employers.
 (c) Potential Conflicts of Interest. The Applicant must disclose all information about Applicant's interest if the Applicant or any principal of the Applicant also:
 (1) Acts as a lender, insurance broker, or automobile dealer or
 (2) Has a financial interest in a lender, insurance Broker, or automobile dealership
 (d) Additional Information as Required by the Commission. The Applicant must provide any additional information the Commission may require to determine if the Applicant is qualified to assume the duties and obligations of a Taxicab Broker.

§12-06 Licensing – Bond Required

(a) Amount of Bond. An Applicant for a Broker's License or a license renewal must deposit with the Commission a bond in the sum of fifty thousand dollars (\$50,000) payable to the City of New York. The bond must be furnished by one or more sureties approved by the Commission.
 (b) Bond Guarantees. The bond must guarantee that the Applicant or Licensee will comply with the provisions of the Administrative Code of the City of New York, observe all applicable rules or

regulations of the Commission, pay all fines imposed by the Commission, and pay all judgments or settlements arising from any action connected in any way with the Broker's License.

(c) Fines and Judgments. The Broker is immediately liable for any fine or judgment when the amount is determined or, in case of an appeal, when the final determination is issued.

§12-07 Licensing – Rules for Business Entity Applicants

(a) Partnerships. If the Applicant is a partnership, its application must include a certificate from the clerk of the county where the principal place of business is located.
 (b) Corporations.
 (1) The Commission will not accept any corporate or trade name similar to a name already in use by another Taxicab Broker.
 (2) A corporation must file with its license application the following:
 (i) A certified copy of its certificate of incorporation
 (ii) A list of its officers and shareholders
 (iii) A certified copy of the minutes of the meeting at which the current officers were elected

§12-08 Licensing – Term of License

Term of License. Taxicab Broker's Licenses will be issued as of January 1st and will expire on the next December 31st unless suspended or revoked before then by the Commission.

§12-09 Licensing – Cause for Denial

(a) Failure to Meet Requirements. If the Commission determines that the Applicant has failed to meet the requirements for a Taxicab Broker's license, the Commission will notify the Applicant in writing the reason for the denial within a reasonable period of time.
 (b) Material Falsifications. The Commission will deny a license application or revoke or suspend a license for any of the following reasons:
 (1) The Applicant or Broker provided materially false information in an original or renewal application for a license.
 (2) The Applicant or Broker failed to notify the Commission of a material change in the information contained in the application.
 (3) The Applicant or Broker attempted to conceal the identity of a party who has an interest, direct or indirect, in his or her business as a Broker.
 (c) No Longer Meets Requirements. Whenever the Commission determines that a licensed Broker no longer meets the requirements to hold a Broker's License, the Commission will deny the renewal application or suspend or revoke the License in the manner provided in Chapter 18 of these Rules.

§12-10 Provisions in the Event of Licensee's Death

(a) When an individual Broker dies, the Administrator of his or her estate may complete any unfinished Brokerage business.
 (b) The Administrator must be authorized for this purpose under the provisions of §215-a of the Surrogate's Court Act.
 (c) The Administrator's authority cannot extend beyond 120 days from the date of the Broker's death unless the Commission extends this time period for good cause.

§12-11 Requirements & Prohibitions – No Unlicensed Activity

(a) Must Have Valid License. An individual or Business Entity must possess a valid Taxicab Broker's License in order to act as a Taxicab Broker or hold himself or herself out as a Taxicab Broker.
 §12-11(a) Fine: \$500-\$1,500 Appearance REQUIRED
 (b) Must Display License. A Broker must conspicuously and continuously display a copy of his or her Broker's License in every place of business maintained by the Broker.
 §12-11(b) Fine: \$100 Appearance NOT REQUIRED
 (c) Must Not Display Invalid License. A Broker must not display a Taxicab Broker's License that is expired, suspended, or revoked and must surrender such a license immediately to the Commission.
 §12-11(c) Fine: \$500 - \$1,500 Appearance REQUIRED
 (d) Must Renew Before Expiration. A Broker must submit an application for renewal of the License no later than the expiration date of the License unless the Commission grants an extension.
 §12-11(d) Fine: \$25 Appearance NOT REQUIRED
 (e) Must Not Employ Certain De-Licensed Persons. A Broker must not employ or use the services of any individual whose License as a Taxicab Broker has been revoked or is suspended or who was the chief executive officer of a partnership or corporation whose License has been revoked or is suspended without the prior written consent of the Commission.
 §12-11(e) Fine: \$2,500 and suspension Appearance REQUIRED
 (f) Must Not Act on Behalf of De-Licensed Broker. A Broker must not act on behalf of any Broker whose

License has been suspended or revoked without the prior written consent of the Commission.

§12-11(f) Fine: \$2,500 and suspension Appearance REQUIRED

§12-12 Requirements & Prohibitions – Broker as Fiduciary Agent of Owner

(a) Owner Authorization Required
 (1) A Broker must not offer a Taxicab for transfer unless the Broker is authorized to do so by the owner.
 §12-12(a)(1) Fine: \$500-\$1,000 Appearance REQUIRED
 (2) A Broker must not operate or cause to be operated any Medallion delivered to the Broker without the owner's written consent.
 §12-12(a)(2) Fine: \$250-\$1,000 Appearance REQUIRED

(b) Withdrawal of Authorization. An owner can withdraw his or her authorization by giving written notice to the Broker except where an Exclusive Listing has been given for a fixed period.
 §12-12(b) Fine: \$500-\$1,000 Appearance REQUIRED

(c) Storage with Commission. A Broker holding a Medallion and Rate Card for purposes of sale must deliver them to the Commission for storage within 48 hours of their receipt, not including holidays or weekends.
 §12-12(c) Fine: \$250-\$1,000 Appearance REQUIRED

(d) Broker Compensation. A Broker must not accept any commission, rebate, or profit on expenditures that the Broker makes for the owner unless the owner provides written consent. The Broker must retain the written consent for three years.
 §12-12(d) Fine: \$250-\$2,000 Appearance REQUIRED

§12-13 Requirements & Prohibitions – Intentional Interference with Contract

A Broker must not encourage any party to break a contract for the transfer of a Taxicab Medallion in order to substitute a new contract with another owner.

§12-13 Fine: \$100-\$750 Appearance REQUIRED

§12-14 Requirements & Prohibitions – Self-Dealing

(a) A Broker must not directly or indirectly buy for himself or herself any interest in a Medallion listed with the Broker without first disclosing that fact in writing to the owner.
 §12-14(a) Fine: \$500-\$2,000 Appearance REQUIRED

(b) A Broker must not sell a Medallion in which he or she owns an interest without disclosing that interest in writing to the purchaser.
 §12-14(b) Fine: \$250-\$750 Appearance REQUIRED

(c) The Broker must disclose any financial interests in writing to the owners in any transaction where the Broker acts as a lender, insurance broker, or automobile dealer or has a financial interest in the lender, insurance brokerage firm, or automobile dealership.
 §12-14(c) Fine: \$250-\$2,000 Appearance REQUIRED

§12-15 Business Procedures – Mailing Address

(a) Required Mailing Address. A Broker must provide to the Commission the street address of his or her primary business location for the mailing of all notices and correspondence, as well as for the service of summonses.
 (b) Additional Mailing Address. A Broker may also designate a post office box number as a mailing address.
 (c) Report of Changes in Mailing Address. A Broker must report to the Commission any change in his or her mailing address and in the address of any other office where the Taxicab Brokerage business is conducted. The report must be filed in person or by registered or certified mail, with return receipt requested, within seventy-two (72) hours of the change, not including weekends and holidays.
 §12-15(a)-(c) Fine: \$50-\$500 and/or suspension Appearance REQUIRED

§12-16 Business Procedures – Exclusive Agreements

(a) Specific Disclosure. The Broker must include the following explanation in type size of not less than six point in all agreements that provide for an Exclusive Listing of a Taxicab Medallion:
An "Exclusive Right to Sell" listing with a Broker is one where the owner has surrendered his or her own right to sell. This means that if you, the Taxicab Medallion owner, find a buyer for your Taxicab, or if another Broker finds a buyer, you must nonetheless pay the agreed commission to the Broker who has the Exclusive Right to Sell.
 This explanation must be signed or initialed by the owner and attached to the listing, printed in boldface type on the listing, or printed on the reverse side of the listing.
 §12-16(a) Fine: \$100-\$500 Appearance REQUIRED

No Automatic Continuation. A Broker must not be a party to an Exclusive Listing contract that contains an automatic

continuation of the period for the listing beyond the end date specified in the contract.

§12-16(b) Fine: \$100-\$750 Appearance NOT REQUIRED

§12-17 Business Procedures – Net Listings

Net Listings. A Broker must not enter into a net listing contract for the transfer of a Medallion or any interest in it unless the contract is part of a bulk transfer of 10 or more Medallions owned by a fleet or minifleet and is completed within six months of the listing.

§12-17 Fine: \$100-\$1,000 Appearance REQUIRED

§12-18 Business Procedures – Documents, Transactions, and Closing Procedures

(a) Interested Parties.

(1) A Broker must not request, accept or permit a party to provide a Power of Attorney or any other legal document that has not been completed and signed.

(2) If a Broker requests a party to sign a document and return it to the Broker, the Broker must give the party a duplicate copy for the party's own records. If any party attends a closing and is presented with a document for signature, the Broker must furnish that party with a copy of the signed document at that closing.

(3) All other documents prepared by the Broker for an interested party must be delivered to that party within 10 business days after the completion of a closing or other transaction.

(4) The Broker must request written acknowledgement that the party received the papers.

§12-18(a)(1)-(4) Fine: \$400-\$2,000 and/or suspension Appearance REQUIRED

(5) A Broker must give written notice to all sellers and buyers involved in a Medallion transfer of their right to be represented by an attorney or an accountant of their own choosing.

§12-18(a)(5) Fine: \$500-\$1,000 Appearance REQUIRED

(b) Principals.

(1) A Broker who arranges a loan for his or her principal must give that principal a copy of the lender's commitment and of all other documents provided by the lender to the Broker.

§12-18(b)(1) Fine: \$400-\$2,000 and/or suspension Appearance REQUIRED

(2) Within 10 business days after the completion of a closing (including the financial closing), a Broker must give his or her principal(s) and the Commission a written closing statement including the following:

(i) Names and addresses of seller(s) and purchaser(s)

(ii) Medallion(s) being sold

(iii) Sales price

(iv) Vehicle cost (if any)

(v) Amount of personal funds furnished by purchaser

(vi) Names and addresses of lenders together with amount(s) of loan(s)

(vii) Broker's commission

(viii) List of all disbursements or payments made on behalf of the principal(s) including an explanation of the purpose for the individual payments

§12-18(b)(2)(i)-(viii) Fine: \$500-\$2,000 Appearance REQUIRED

(3) Within 10 business days after completion of the financial closing, a Broker must forward all monies due to his or her principal(s).

§12-18(b)(3) Fine: \$1,000-\$2,500 and/or suspension or revocation Appearance REQUIRED

§12-19 Business Procedures – Record Keeping

(a) Retention of Records. A Broker must keep and maintain the following records for three years:

(1) The names and addresses of transferor(s), transferee(s), mortgagee(s), or other lien holder(s), if any

(2) The purchase price

(3) Amount of deposit paid on contract

(4) Amount of commission paid to Broker

(5) Expenses of procuring the mortgage loan, if any

(6) Closing statements

(7) Listing placed with the Broker

§12-19(a)(1)-(7) Fine: \$250-\$1,000 Appearance NOT Required

(b) Inspection of Records. Upon demand, a Broker must furnish all records and documents listed above to the Commission or its representatives for inspection.

19(b) Fine: \$500-\$1,500 and/or suspension Appearance REQUIRED

§12-20 Business Procedures – Handling of Funds

(a) A Broker must not pay any part of funds advanced by the transferee to the transferor or any other person without the written approval of the transferee.

§12-20(a) Fine: \$1,000-\$2,500 Appearance REQUIRED

(b) The Broker must not commingle funds advanced from a transferee with his or her own funds. He or she must deposit advanced funds promptly in a separate, federally insured, special account.

§12-20(b) Fine: \$1,000-\$2,500 Appearance REQUIRED

(c) The Broker must provide written notification to the person who advanced the funds, giving the name and address of the bank in which the money was deposited and the amount of the deposit.

§12-20(c) Fine: \$100-\$500 Appearance REQUIRED

(d) The Broker must not retain any of the interest earned from the deposited funds unless he or she has written permission from the principal.

§12-20(d) Fine: \$100-\$500 Appearance REQUIRED

§12-21 Business Procedures – Advertising

(a) A Broker must indicate in any advertisement placed by the Broker that he or she is a licensed Broker.

§12-21(a) Fine: \$100-\$750 Appearance REQUIRED

(b) A Broker must not use deceptive or misleading advertising.

§12-21(b) Fine: \$500-\$2,000 Appearance NOT REQUIRED

§12-22 Comply with Laws – Conduct Rules

(a) *Bribery.* A Licensee or anyone acting on behalf of the Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission, or any other public servant.

§12-22(a) \$2,000 and/or suspension Appearance REQUIRED or revocation

(b) *Failure to Report Bribery.* A Licensee must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission, or any other public servant.

§12-22(b) \$500-\$1,000 and/or suspension Appearance REQUIRED or revocation

(c) *Fraud, Theft.* A Licensee must not commit or attempt to commit any act of fraud, misrepresentation or theft while performing the duties and responsibilities of a Licensee.

§12-22(c) \$100-\$2,500 and/or suspension Appearance REQUIRED or revocation

(d) *Willful Acts of Omission.* A Licensee must not perform any willful act of omission that is against the best interests of the public while performing the duties and responsibilities as a Licensee.

§12-22(d) \$100-\$2,500 and/or suspension Appearance REQUIRED or revocation

(e) *Willful Acts of Commission.* A Licensee must not perform any willful act of commission that is against the best interests of the public while performing the duties and responsibilities as a Licensee.

§12-22(e) \$100-\$2,500 and/or suspension Appearance REQUIRED or revocation

(f) *Threats, Harassment, Abuse.* A Licensee, his or her representatives, and his or her employees must not threaten, harass, or abuse any governmental or Commission representative, public servant, or other person while performing the duties and responsibilities of a Licensee.

§12-22(f) \$1,000-\$2,500 Appearance REQUIRED

(g) *Use or Threat of Physical Force.* A Licensee, his or her representatives, and his or her employees must not use or attempt to use any physical force against a Commission representative, public servant, or other person while performing the duties and responsibilities of a Licensee.

§12-22(g) \$2,000-\$5,000 and/or suspension Appearance REQUIRED or revocation

(h) *Notice of Criminal Conviction.*

(1) A Licensee must immediately notify the Commission when he or she is convicted of a crime. The Licensee must also report any criminal convictions of any of the Licensee's Business Entity Persons or employees.

(2) The notification must be in writing and accompanied by a certified copy of the certificate of disposition issued by the Clerk of the Court.

§12-22(h) \$500-\$1,000 Appearance REQUIRED

(i) *Failure to Cooperate with Law Enforcement.* A Licensee must cooperate with all law enforcement officers and all authorized representatives of the Commission, and comply with all their reasonable requests.

§12-22(i) \$500-\$1,500 and/or suspension Appearance REQUIRED

(j) *Failure to Cooperate with the Commission.*

(1) A Licensee must answer or comply with all questions, communications, or directives received from the Commission or its representatives within 72 hours. An emergency communication must be answered immediately.

§12-22(j)(1) \$250-\$750 and/or suspension Appearance NOT REQUIRED

(2) A Broker must answer all summonses from the Commission on the scheduled date.

§12-22(j)(2) \$250-\$750 and/or suspension Appearance NOT REQUIRED

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
Chapter 5, Taxicab Brokers	Chapter 12, Taxicab Brokers

The proposed rule makes one substantive change. To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed pending decision of a timely-filed appeal.

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SPECIAL MATERIALS

CITY PLANNING

NOTICE

NEGATIVE DECLARATION

Project Identification
Inclusionary Housing Text Amendment
 CEQR No. 09DCP046Y
 ULURP No. N090316ZRY
 SEQRA Classification: Type I

Lead Agency
 City Planning Commission
 22 Reade Street
 New York, NY 10007
 Contact: Robert Dobruskin
 (212) 720-3423

Name, Description and Location of Proposal:

Inclusionary Housing Text Amendment

The New York City Department of City Planning (DCP) proposes to amend the Zoning Resolution to revise regulations governing the Inclusionary Housing program (specifically to ZR Sections 23-90, 12-10, 23-144, 23-15, 24-161, 35-31, 62-352, 93-23, 93-231, 93-232, 97-42, 97-421, 98-26, 93-262, 115-21, 117-631, 123-64, 125-22), which applies in designated areas in Manhattan, Brooklyn, Queens, and the Bronx. Specifically, the text amendment would apply to the existing areas that permit Inclusionary Housing in Manhattan Community Boards 1 through 11, Bronx Community Board 4, Queens Community Boards 1, 2, 8, and 12, and Brooklyn Community Boards 1, 2, 3, and 7. The proposed modifications include the creation of a homeownership option for affordable units; the application to the R10 program of certain provisions created as part of the expanded Inclusionary Housing program, and procedural refinements intended to improve the administration of the Inclusionary Housing programs.

The proposed text amendments are intended to facilitate the continued and improved implementation of the Inclusionary Housing program, which has evolved into an important component of the city's affordable housing policy. The

amendment of outdated provisions would ensure that the City is able to pursue this goal effectively. The text amendments would 1) establish an option for affordable units to be created as homeownership units; 2) clarify existing regulations to facilitate the continued administration of the program; 3) modify certain provisions relating to the requirements for affordable units – targeting broader income ranges, update and add flexibility to unit size and distribution requirements; 4) modify certain provisions of the R10 Inclusionary Housing program, including adjusting and simplifying the bonus ratio for all options; and 5) provide greater clarity to users of the zoning maps and text about where Inclusionary Housing regulations are applicable. The build year for the proposed action is 2009.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated February 12, 2009, prepared in connection with the ULURP Application (N090316ZRY). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Celeste Evans at (212) 720-3321.

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

THE CITY OF NEW YORK DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO LOCAL LAW 19 OF 1983

DATE OF NOTICE: February 24, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address Application # Inquiry Period

201 West 87th Street, Manhattan 6/09 January 30, 2006 to Present
517 West 158th Street, Manhattan 12/09 February 5, 2006 to Present

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

f24-m3

THE CITY OF NEW YORK DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO THE SPECIAL CLINTON DISTRICT PROVISIONS OF THE ZONING RESOLUTION

DATE OF NOTICE: February 24, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address Application # Inquiry Period

573 9th Avenue, Manhattan 5/09 September 5, 1973 to Present

Prior to the issuance of a permit by the Department of Buildings for the alteration or demolition of residential buildings in certain areas of the Special Clinton District, the Department of Housing Preservation and Development is required to certify that: 1) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration or demolition, the owner shall have notified HPD of the owner's intention to alter or demolish the building and 2) the eviction and relocation practices followed by the owner of the building satisfy all applicable legal requirements and that no harassment has occurred.

The owner of the building located at the above-referenced address seeks the issuance of an HPD Certification. The owner has represented and certified to HPD of the owner's intention to alter or demolish the building and that the eviction and relocation practices followed by the owner satisfy all applicable legal requirements and that no harassment has occurred. For your information HPD considers harassment to include, but not be limited to, the threatened or actual use of physical force, deprivation of essential services such as heat, water, gas or electric, or any other conduct intended to cause

persons to vacate the premises or waive rights related to their occupancy.

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

f24-m3

LABOR RELATIONS

NOTICE



THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

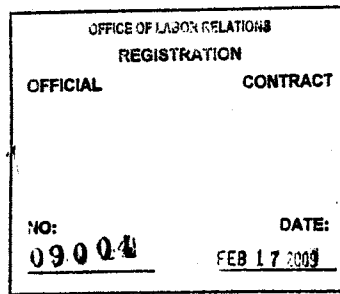
JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

TO: HEADS OF CONCERNED CITY DEPARTMENTS AND AGENCIES
FROM: JAMES F. HANLEY, COMMISSIONER
SUBJECT: EXECUTED CONTRACT: ATTORNEYS
TERM: FEBRUARY 18, 2008 TO FEBRUARY 17, 2010

Attached for your information and guidance is a copy of the executed contract entered into by the Commissioner of Labor Relations behalf of the City of New York and Local 237, International Brotherhood of Teamsters, AFL-CIO and its affiliate, the Civil Service Bar Association on behalf of the incumbents of positions listed in Article I of said contract.

The contract incorporates terms of an agreement reached through collective bargaining negotiations and related procedures.

DATED: FEB 17 2009



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Appendix B - Recurring Increment Payment Rules

AGREEMENT entered into this 17th day of February, 2009 by and between the City of New York and related public employers pursuant to and limited to their respective elections or statutory requirement to be covered by the New York City Collective Bargaining Law and their respective authorizations to the City to bargain on their behalf (hereinafter referred to jointly as the "Employer"), and Local 237, International Brotherhood of Teamsters, AFL-CIO and its affiliate, the Civil Service Bar Association (hereinafter referred to jointly as the "Union"), for the period from February 18, 2008 to February 17, 2010.

WITNESSETH:

WHEREAS, the parties hereto have entered into collective bargaining and desire to reduce the results thereof to writing,

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION

Section 1.

The Employer recognizes the Union as the sole and exclusive collective bargaining representative for the bargaining unit set forth below, consisting of employees of the Employer, wherever employed, whether full-time, part-time per annum, hourly or per diem, in the below listed title(s), and in any successor title(s) that may be certified by the Board of Certification of the Office of Collective Bargaining to be part of the unit herein for which the Union is the exclusive collective bargaining representative and in any positions in Restored Rule X titles of the Classified Service the duties of which are or shall be equated by the City Personnel Director and the Director of the Budget for salary purposes to any of the below listed title(s):

TC# or TTC#	TITLE
30087	Agency Attorney

30086	Agency Attorney Interne
30091,30110	Assistant Attorney *
30126	Associate Attorney **
30097	Associate Attorney (Taxes) **
30085	Attorney at Law *
30115	Attorney **
30101	Attorney Trainee ***
30092	Attorney (Taxes) **
30113	Attorney (Law Librarian) **
30109	Law Clerk ***
30125	Senior Attorney *
30083	Senior Attorney (Taxes) *
06517	Senior Student Legal Specialist (Law Department)
06044	Student Legal Assistant (Sanitation)
05072	Student Legal Specialist
05073,30105	Student Legal Assistant

* For present incumbents only
** Permanent incumbents shall be reclassified to Attorney at Law; provisional incumbents shall be reclassified to Agency Attorney; all new appointments shall be to Agency Attorney.
*** Incumbents to be reclassified to Agency Attorney Interne.

Section 2.

The terms "employee" and "employees" as used in this Agreement shall mean only those persons in the unit described in Section 1 of this Article.

ARTICLE II - DUES CHECKOFF

Section 1.

a. The Union shall have the exclusive right to the checkoff and transmittal of dues on behalf of each employee in accordance with the Mayor's Executive Order No. 98, dated May 15, 1969, entitled "Regulations Relating to the Checkoff of Union Dues" and in accordance with the Mayor's Executive Order No. 107, dated December 29, 1986, entitled "Procedures for Orderly Payroll Check-Off of Union Dues and Agency Shop Fees."

b. Any employee may consent in writing to the authorization of the deduction of dues from the employee's wages and to the designation of the Union as the recipient thereof. Such consent, if given, shall be in a proper form acceptable to the City, which bears the signature of the employee.

Section 2.

The parties agree to an agency shop to the extent permitted by applicable law, as described in a supplemental agreement hereby incorporated by reference into this Agreement.

ARTICLE III - SALARIES

Section 1.

a. This Article III is subject to the provisions, terms and conditions of the Alternative Career and Salary Pay Plan Regulations, dated March 15, 1967 as amended to date, except that the specific terms and conditions of this Article shall supersede any provisions of such Regulations inconsistent with this Agreement subject to the limitations of applicable provisions of law.

b. Unless otherwise specified, all salary provisions of this Agreement, including minimum and maximum salaries, advancement increases, general increases, education differentials and any other salary adjustments, are based upon a normal work week of 35 hours. In accordance with Article IX, Section 24 of the 1995 - 2001 Citywide Agreement, an Employee who works on a full-time per diem basis shall receive their base salary (including salary increment schedules) and/or additions-to-gross payment in the same manner as a full-time per annum employee. An employee who works on a part-time per annum basis and who is eligible for any salary adjustments provided in this Agreement shall receive the appropriate pro-rata portion of such salary adjustment computed on the relationship between the number of hours regularly worked each week by such employee and the number of hours in the said normal work week, unless otherwise specified.

c. Employees who work on a part-time per diem or hourly basis and who are eligible for any salary adjustment provided in this Agreement shall receive the appropriate pro-rata portion of such salary adjustment computed as follows, unless otherwise specified:

Per diem rate	-	1/261 of the appropriate minimum basic salary.
Hourly Rate	-	35 hour week basis - 1/1827 of the appropriate minimum basic salary.

d. The maximum salary for a title shall not constitute a bar to the payment of any salary adjustment or pay differentials provided for in this Agreement but the said increase above the maximum shall not be deemed a promotion.

Section 2.

Employees in the following title(s) shall be subject to the following specified salary(ies), salary adjustment(s), and/or salary range(s):

	a. Effective February 18, 2008		
	i. Minimum *	ii. Maximum	
	(1) Hiring	(2) Incumbent	
Agency Attorney Interne	\$50,463	\$58,033	\$61,271
Agency Attorney Level I (See: Note)	\$51,136	\$58,806	\$78,066
Agency Attorney Level II (See: Note)	\$57,763	\$66,428	\$86,564
Agency Attorney Level III (See: Note)	\$64,394	\$74,053	\$95,062
Agency Attorney Level IV (See: Note)	\$67,256	\$77,344	\$101,646
Assistant Attorney (incl. Spec) **	\$53,895	\$61,979	\$74,542
Associate Attorney (incl. Spec) **	\$68,530	\$78,810	\$101,997
Attorney (incl. spec) **	\$53,895	\$61,979	\$83,237
Attorney at Law Level I (See: Note)	\$51,136	\$58,806	\$78,066

Attorney at Law Level II (See: Note)	\$57,763	\$66,428	\$86,564
Attorney at Law Level III (See: Note)	\$64,394	\$74,053	\$95,062
Attorney at Law Level IV (See: Note)	\$67,256	\$77,344	\$101,646
Attorney Trainee **	\$50,463	\$58,033	Flat Rate
Law Clerk **	\$53,279	\$61,271	Flat Rate
Senior Attorney (incl. spec.) **	\$68,530	\$78,810	\$92,661
Senior Student Legal Specialist (incl. spec.)	\$41,048	\$47,205	Flat Rate
Student Legal Assistant	\$26,037	\$29,942	\$37,137
Student Legal Specialist	\$31,587	\$36,325	Flat Rate

Note: Article III, Section 2.a. reflects the hiring rates, incumbent rates and maximums effective February 18, 2008 for full-time employees in the titles Agency Attorney and Attorney-at-Law. Only full-time per annum and/or full-time per diem employees in the titles Agency Attorney and Attorney-at-Law shall receive the applicable amount referenced in Article III, Section 11 – Recurring Increment Payment.

	b. Effective February 18, 2008		
	i. Minimum * (1) Hiring	ii. Maximum (2) Incumbent	
Agency Attorney Interne	\$52,482	\$60,354	\$63,722
Agency Attorney Level I (See: Note)	\$53,181	\$61,158	\$81,189
Agency Attorney Level II (See: Note)	\$60,074	\$69,085	\$90,027
Agency Attorney Level III (See: Note)	\$66,970	\$77,015	\$98,864
Agency Attorney Level IV (See: Note)	\$69,946	\$80,438	\$105,712
Assistant Attorney (incl. Spec) **	\$56,050	\$64,458	\$77,524
Associate Attorney (incl. Spec) **	\$71,271	\$81,962	\$106,077
Attorney (incl. spec) **	\$56,050	\$64,458	\$86,566
Attorney at Law Level I (See: Note)	\$53,181	\$61,158	\$81,189
Attorney at Law Level II (See: Note)	\$60,074	\$69,085	\$90,027
Attorney at Law Level III (See: Note)	\$66,970	\$77,015	\$98,864
Attorney at Law Level IV (See: Note)	\$69,946	\$80,438	\$105,712
Attorney Trainee **	\$52,482	\$60,354	Flat Rate
Law Clerk **	\$55,410	\$63,722	Flat Rate
Senior Attorney (incl. spec.) **	\$71,271	\$81,962	\$96,367
Senior Student Legal Specialist (incl. spec.)	\$42,690	\$49,093	Flat Rate
Student Legal Assistant	\$27,078	\$31,140	\$38,622
Student Legal Specialist	\$32,850	\$37,778	Flat Rate

Note: Article III, Section 2.b. reflects the hiring rates, incumbent rates and maximums effective February 18, 2009 for full-time employees in the titles Agency Attorney and Attorney-at-Law. Only full-time per annum and/or full-time per diem employees in the titles Agency Attorney and Attorney-at-Law shall receive the applicable amount referenced in Article III, Section 11 – Recurring Increment Payment.

Section 3. Wage Increases.

A. General Wage Increase

- a. The general increases, effective as indicated, shall be:
- Effective February 18, 2008, Employees shall receive a general increase of 4 percent.
 - Effective February 18, 2009, Employees shall receive an additional general increase of 4 percent.
 - Part-time per annum, part-time per diem Employees (including seasonal appointees), per session and hourly paid Employees and Employees whose normal work year is less than a full calendar year shall receive the increases provided in subsections 3A(a)(i) and 3A(ii) on the basis of computations heretofore utilized by the parties for all such Employees.
- b. The increases provided for in Section 3A(a) above shall be calculated as follows:
- The general increase in Section 3A(a)(i) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on February 17, 2008;
 - The general increase in Section 3A(a)(ii) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on February 17, 2009;
- c.
- The general increases provided for in this Section 3 shall be applied to the base rates, incremental salary levels and the minimum "hiring rates," minimum "incumbent rates" and maximum rates (including levels), if any, fixed for the applicable titles.
 - The general increases provided for in this Section 3A(a)(i) and (a)(ii), respectively, shall not be applied to the following "additions to gross": uniform allowances, equipment allowances, transportation allowances, uniform maintenance allowances, assignment differentials, service increments, longevity differentials, advancement increases, assignment (level) increases, and experience, certification, educational, license, evening, or night shift differentials. The general increases

provided for in this Section 3A(a)(i) and (a)(ii) shall be applied to the recurring increment payments when effective.

Section 4. New Hires.

- a. For the purposes of Sections 4(c) and 4(d), employees 1) who were in active pay status before February 18, 2008, and 2) who are affected by the following personnel actions after said date shall not be treated as "newly hired" employees and shall be entitled to receive the indicated minimum "incumbent rate" set forth in subsections 2(a)(i)(2) and 2(b)(i)(2) of this Article III:
- Employees who return to active status from an approved leave of absence.
 - Employees in active status (whether full or part-time) appointed to permanent status from a civil service list, or to a new title (regardless of jurisdictional class or civil service status) without a break in service of more than 31 days.
 - Employees who were laid off or terminated for economic reasons who are appointed from a recall/preferred list or who were subject to involuntary redeployment.
 - Provisional employees who were terminated due to a civil service list who are appointed from a civil service list within one year of such termination.
 - Permanent employees who resign and are reinstated or who are appointed from a civil service list within one year of such resignation.
 - Employees (regardless of jurisdictional class or civil service status) who resign and return within 31 days of such resignation.
 - A provisional employee who is appointed directly from one provisional appointment to another.
 - For employees whose circumstances were not anticipated by the parties, the First Deputy Commissioner of Labor Relations is empowered to issue, on a case-by-case basis, interpretations concerning application of this Section 4. Such case-by-case interpretations shall not be subject to the dispute resolution procedures set forth in Article VI of this Agreement.
- b. Any employee hired prior to February 18, 2008 and appointed at a reduced hiring rate pursuant to Section 4 of the 2005-2008 Attorneys Agreement, shall be paid the applicable minimum "hiring rate" set forth in subsection 2(a)(i)(1). On the two year anniversary of the employee's original date of appointment, such employee shall be paid the indicated minimum "incumbent rate" for the applicable title that is in effect on such two year anniversary as set forth in subsection 2(a)(i)(2) and 2(b)(i)(2) of this Article III.
- c.
- For a title subject to an incremental pay plan, the employee shall be paid the appropriate increment based upon the employee's length of service. Section 2 of this Article III reflects the correct amounts and has been adjusted in accordance with the provisions of Section 3(c)(i) of this Article
 - Employees who change titles or levels before attaining two years of service will be treated in the new title or level as if they had been originally appointed to said title or level on their original hiring date.
- d. The following provisions shall apply to Employees newly hired on or after February 18, 2008:
- During the first two (2) years of service, the "appointment rate" for a newly hired employee shall be fifteen percent (15%) less than the applicable "incumbent minimum" for said title that is in effect on the date of such appointment as set forth in this Agreement. The general increases provided for in subsections 3A(a)(i) and 3A(a)(ii) shall be applied to the "appointment rate."
- Upon completion of two (2) years of service such employees shall be paid the indicated "incumbent minimum" for the applicable title that is in effect on the two (2) year anniversary of their original date of appointment as set forth in this Agreement.
- e. Employees 1) who were in active pay status before February 18, 2008, and 2) who are affected by the following personnel actions after said date shall not be treated as "newly hired" employees and shall be entitled to receive the indicated minimum "incumbent rate" set forth in subsections 2(a)(i)(2) and 2(b)(i)(2) of this Article III:
- Employees who return to active status from an approved leave of absence.
 - Employees in active status (whether full or part-time) appointed to permanent status from a civil service list, or to a new title (regardless of jurisdictional class or civil service status) without a break in service of more than 31 days.
 - Employees who were laid off or terminated for economic reasons who are appointed from a recall/preferred list or who were subject to involuntary redeployment.
 - Provisional employees who were terminated due to a civil service list who are appointed from a civil service list within one year of such termination.
 - Permanent employees who resign and are reinstated or who are appointed from a civil service list within one year of such resignation.

- Employees (regardless of jurisdictional class or civil service status) who resign and return within 31 days of such resignation.
 - A provisional employee who is appointed directly from one provisional appointment to another.
 - For employees whose circumstances were not anticipated by the parties, the First Deputy Commissioner of Labor Relations is empowered to issue, on a case-by-case basis, interpretations concerning application of this Section 4. Such case-by-case interpretations shall not be subject to the dispute resolution procedures set forth in Article VI of this Agreement.
- f.
- For a title subject to an incremental pay plan, the employee shall be paid the appropriate increment based upon the employee's length of service.
 - Employees who change titles or levels before attaining two years of service will be treated in the new title or level as if they had been originally appointed to said title or level on their original hiring date.
- g. The First Deputy Commissioner of Labor Relations may, after notification to the affected union(s), exempt certain hard to recruit titles from the provisions of subsections 4(c) and 4(e).

Section 5.

Each general increase provided herein, effective as of each indicated date, shall be applied to the rate in effect on the date as specified in Section 3 of this Article. In the case of a promotion or other advancement to the indicated title on the effective date of the general increase specified in Section 3 of this Article, such general increase shall not be applied, but the general increase, if any, for the title formerly occupied, effective on the date indicated shall be applied.

Section 6.

In the case of an Employee on leave of absence without pay the salary rate of such Employee shall be changed to reflect the salary adjustments specified in Article III.

Section 7.

A person permanently employed by the Employer who is appointed or promoted on a permanent, provisional, or temporary basis in accordance with the Personnel Rules and Regulations of the City of New York or, where the Personnel Rules and Regulations of the City of New York is inapplicable to a public employer, such other Rules or Regulations as are applicable to the public employer, without a break in service to any of the following title(s) from another title in the direct line of promotion or from another title in the Career and Salary Plan, the minimum rate of which is exceeded by at least 8 percent by the minimum rate of the title to which appointed or promoted, shall receive upon the date of such appointment or promotion either the minimum basic salary for the title to which such appointment or promotion is made, or the salary received or receivable in the lower title plus the specified advancement increase, whichever is greater:

ADVANCEMENT INCREASES

Title	Effective 2/18/08
Associate Attorney	\$1,733

Section 8.

An employee when assigned to a higher level within a class of positions listed in this subsection shall receive for the period of such higher level assignment either the minimum basic salary of the assigned level or the rate received in the former assignment level plus the level increase specified below, whichever is greater. Assignments to a higher level shall not be considered a promotion

LEVEL INCREASES

Assignment Level	Effective 2/18/08
Agency Attorney Level II	\$1,733
Agency Attorney Level III	\$1,733
Agency Attorney Level IV	\$1,733
Attorney at Law Level II	\$1,733
Attorney at Law Level III	\$1,733
Attorney at Law Level IV	\$1,733

Section 9. Longevity Differential

Effective February 18, 2008, all employees serving in the class of positions of Agency Attorney, Attorney at Law, Attorney (including specialties), Associate Attorney (including specialties) shall continue to receive the longevity differential in the per annum amounts set forth below upon completion of the required years of service in any class of positions contained in the Attorneys Occupational Group. Said longevity differential for employees qualifying subsequent to February 18, 2008, shall be effective on the January 1st, April 1st, July 1st, or October 1st subsequent to the employee's anniversary date of entry into the Attorneys Occupational Group. The differential shall not be part of the employee's basic salary and shall not be pensionable during the first two (2) years of payment.

Years of Service	Longevity Differential	Total Differential
after 5 years	\$389	\$389
after 10 years	\$1,215	\$1,604
after 15 years	\$2,581	\$4,185
after 17 years	\$2,307	\$6,492

Section 10. Longevity Increment

- a. Employees with 15 years or more of "City" service in pay status (except those serving in a title eligible for a longevity differential pursuant to Section 9 above) shall receive a longevity increment of \$500 per annum.
- b. The rules for eligibility for the longevity increment described above in Section 10(a), shall be set forth in Appendix A of this Agreement and are incorporated by reference herein. Additional rules for eligibility for the longevity increment described above in subsection 10(a) may be established.

Section 11. Recurring Increment Payment

a. Effective February 18, 2008, only full-time per annum and full-time per diem employees in the titles Agency Attorney and Attorney-at-Law covered by this Agreement shall be eligible to receive the Recurring Increment Payments ("RIP") set forth below:

Years of Service in Eligible Title(s) *	Increment
After 1 year of service	\$1,710
After 2 years of service	\$2,300 (an additional \$590)
After 3 years of service	\$2,791 (an additional \$491)
After 4 years of service	\$3,227 (an additional \$436)
After 5 years of service	\$3,503 (an additional \$276)
After 6 years of service	\$4,027 (an additional \$524)
After 7 years of service	\$4,507 (an additional \$480)
After 8 years of service	\$4,822 (an additional \$315)
After 9 years of service	\$5,219 (an additional \$397)
After 10 years of service	\$5,892 (an additional \$673)
After 11 years of service	\$6,057 (an additional \$165)
After 12 years of service	\$6,195 (an additional \$138)
After 13 years of service	\$6,333 (an additional \$138)
After 14 years of service	\$6,471 (an additional \$138)
After 16 years of service	\$6,636 (an additional \$165)

b. Effective February 18, 2009, the Recurring Increment Payment schedule set forth in Section 11. a. shall be superseded by the following schedule:

Years of Service in Eligible Title(s) *	Increment
After 1 year of service	\$1,778
After 2 years of service	\$2,392 (an additional \$614)
After 3 years of service	\$2,903 (an additional \$511)
After 4 years of service	\$3,356 (an additional \$453)
After 5 years of service	\$3,643 (an additional \$287)
After 6 years of service	\$4,188 (an additional \$545)
After 7 years of service	\$4,687 (an additional \$499)
After 8 years of service	\$5,015 (an additional \$328)
After 9 years of service	\$5,428 (an additional \$413)
After 10 years of service	\$6,128 (an additional \$700)
After 11 years of service	\$6,300 (an additional \$172)
After 12 years of service	\$6,444 (an additional \$144)
After 13 years of service	\$6,588 (an additional \$144)
After 14 years of service	\$6,732 (an additional \$144)
After 16 years of service	\$6,904 (an additional \$172)

* For the purposes of determining eligibility for the Recurring Increment Payment, only service in any of the titles listed in Article I, Section 1 of this Agreement shall be deemed eligible service.

d. The RIPs shall be based upon years of eligible service and shall be paid in addition to the Longevity Differential set forth in Section 9 and the Longevity Increment set forth in Section 10. RIPs shall be payable on the January 1, April 1, July 1, or October 1 subsequent to the qualifying employee's anniversary date, subject to the rules for eligibility set forth in Appendix B of this Agreement.

Section 12. Annuity Fund

a. Effective February 18, 2008, contributions on behalf of covered employees shall continue to be remitted by the employer to a mutually agreed upon annuity fund subject to the terms of a signed supplemental agreement approved by the Corporation Counsel.

i. The employer shall pay into the fund on behalf of covered full-time per annum and full time per diem employees, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each paid working day which amount shall not exceed \$522 per annum for each employee in full pay status in the prescribed twelve (12) month period.

ii. For covered employees who work a compressed work week, the employer shall pay into the fund, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each set of paid working hours which equate to the daily number of hours that title is regularly scheduled to work, which amount shall not exceed \$522 per annum for each employee in full pay status in the prescribed twelve (12) month period.

iii. For covered employees who work less than the number of hours for their full-time equivalent title, the employer shall pay into the fund, on a twenty-eight (28) day cycle basis a pro-rata daily contribution calculated against the number of hours associated with their full-time equivalent title, which amount shall not exceed \$522 per annum for each employee in full pay status in the prescribed twelve (12) month period.

iv. For those covered employees who are appointed on a seasonal basis, the employer shall pay into the fund, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each paid working day, which amount shall not exceed \$522 per annum for each employee in full pay status in the prescribed twelve (12) month period.

b. For the purpose of Sections 12(a) and 12(b), excluded from paid working days are all scheduled days off, all days in non-pay status, and all paid overtime. "All days in non-pay status" as used in this Section 12(b) shall be defined as including, but not limited to, the following:

- i. time on preferred or recall lists;
- ii. time on the following approved unpaid leaves:
 - (1) maternity/childcare leave;
 - (2) military leave;
 - (3) unpaid time while on jury duty;
 - (4) unpaid leave for union business pursuant to Executive Order 75;
 - (5) unpaid leave pending workers'

compensation determination;

- (6) unpaid leave while on workers' compensation option 2;
- (7) approved unpaid time off due to illness or exhaustion of paid sick leave;
- (8) approved unpaid time off due to family illness; and
- (9) other pre-approved leaves without pay;
- iii. time while on absence without leave;
- iv. time while on unapproved leave without pay; or
- v. time while on unpaid suspensions.

c. Scheduled days off shall mean an employee's regular days off ("RDOs"). For example, Saturday and Sunday would be the scheduled days off for a full-time per annum employee working a Monday through Friday schedule.

ARTICLE IV - WELFARE FUND

Section 1.

a. In accordance with the election by the Union pursuant to the provisions of Article XIII of the Citywide Agreement, the Welfare Fund provisions of the 1995 - 2001 Citywide Agreement, as amended or any successor agreement(s) thereto, shall apply to Employees covered by this Agreement.

b. When an election is made by the Union pursuant to the provisions of Article XIII, Section 1b, of the Citywide Agreement, the provisions of Article XIII, Section 1(b) of the 1995 - 2001 Citywide Agreement, as amended or any successor agreement(s) thereto, shall apply to Employees covered by this Agreement, and when such election is made, the Union hereby waives its right to training, education and/or legal services contributions provided in this Agreement, if any. In no case shall the single contribution provided in Article XIII, Section 1(b) of the 1995 - 2001 Citywide Agreement, as amended or any successor agreement(s) thereto, exceed the total amount that the Union would have been entitled to receive if the separate contributions had continued.

c. Contributions remitted to the Union pursuant to this Article IV and Article XIII of the Citywide Agreement are contingent upon a signed separate trusted fund agreement between the Employer and the Union.

Section 2.

The Union agrees to provide welfare fund benefits to domestic partners of covered employees in the same manner as those benefits are provided to spouses of married covered employees.

Section 3.

In accordance with the Health Benefits Agreement dated January 11, 2001, each welfare fund shall provide welfare fund benefits equal to the benefits provided on behalf of an active employee to widow(er)s, domestic partners and/or children of any employee who dies in the line of duty as that term is referenced in Section 12-126(b)(2) of the New York City Administrative Code. The cost of providing this benefit shall be funded by the Stabilization Fund.

ARTICLE V - PRODUCTIVITY AND PERFORMANCE

Introduction

Delivery of municipal services in the most efficient, effective and courteous manner is of paramount importance to the Employer and the Union. Such achievement is recognized to be a mutual obligation of both parties within their respective roles and responsibilities. To achieve and maintain a high level of effectiveness, the parties hereby agree to the following terms:

Section 1. Performance Levels

(a) The Union recognizes the Employer's right under the New York City Collective Bargaining Law to establish and/or revise performance levels, norms, or standards. Such standards, developed by usual work measurement procedures, may be used to determine acceptable performance levels, to prepare work schedules and to measure the performance of each employee or group of employees. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on employees are within the scope of collective bargaining. The Employer will give the Union prior notice of the establishment and/or revision of performance standards or norms hereunder.

(b) Employees who work at less than acceptable levels of performance may be subject to disciplinary measures in accordance with applicable law.

Section 2. Supervisory Responsibility

(a) The Union recognizes the Employer's right under the New York City Collective Bargaining Law to establish and/or revise standards for supervisory responsibility in achieving and maintaining performance levels of supervised employees for employees in supervisory positions listed in Article I, Section 1, of this Agreement. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on employees are within the scope of collective bargaining. The Employer will give the Union prior notice of the establishment and/or revision of standards for supervisory responsibility hereunder.

(b) Employees who fail to meet such standards may be subject to disciplinary measures in accordance with applicable law.

Section 3. - Performance Compensation

The Union acknowledges the Employer's right to pay additional compensation for outstanding performance.

The Employer agrees to notify the Union of its intent to pay such additional compensation.

ARTICLE VI - GRIEVANCE PROCEDURE

Section 1. - Definition:

The term "Grievance" shall mean:

- a. A dispute concerning the application or interpretation of the terms of this Agreement;
- b. A claimed violation, misinterpretation or misapplication of the written rules or written regulations, existing written policy or written orders of the Employer applicable to the agency which employs the grievant affecting terms and conditions of employment; provided, disputes involving the Personnel Rules and Regulations of the City of New York (shall not be subject to the grievance procedure or arbitration);
- c. A claimed assignment of employees to duties substantially different from those stated in their job specifications;
- d. A claimed improper holding of an open-competitive rather than a promotional examination;
- e. A claimed wrongful disciplinary action taken against a permanent employee covered by Section 75(1) of the Civil Service Law upon whom the agency head has served written charges of incompetence or misconduct while the employee is serving in the employee's permanent title or which affects the employee's permanent status.
- f. A claimed wrongful disciplinary action taken against a provisional full-time employee who has served for two years in the same or similar title or related occupational group in the same agency.
- g. A claimed wrongful disciplinary action taken against a full-time non-competitive class employee with one year of service in title, except for employees during the period of a mutually-agreed upon extension of probation. This provision shall **not** be applicable to employees with rights pursuant to Section 75(1) of the Civil Service Law who are covered by Section 1(e) above.

Section 2.

The Grievance Procedure, except for grievances as defined in Sections 1(d), 1(e), 1(f) and 1(g) of this Article, shall be as follows:

Employees may at any time informally discuss with their supervisors a matter which may become a grievance. If the results of such a discussion are unsatisfactory, the employees may present the grievance at **Step I**.

All grievances must be presented in writing at all steps in the grievance procedure. For all grievances as defined in Section 1(c), no monetary award shall in any event cover any period prior to the date of the filing of the **STEP I** grievance unless such grievance has been filed within thirty (30) days of the assignment to alleged out-of-title work.

STEP I The employee and/or the Union shall present the grievance in the form of a memorandum to the person designated for such purpose by the agency head no later than 120 days after the date on which the grievance arose. The employee may also request an appointment to discuss the grievance. The person designated by the Employer to hear the grievance shall take any steps necessary to a proper disposition of the grievance and shall issue a determination in writing by the end of the third work day following the date of submission.

STEP II An appeal from an unsatisfactory determination at **STEP I**, where applicable, shall be presented in writing to the agency head or the agency head's designated representative who shall not be the same person designated in **STEP I**. The appeal must be made within five (5) work days of the receipt of the **STEP I** determination. The agency head or designated representative, if any, shall meet with the employee and/or the Union for review of the grievance and shall issue a determination in writing by the end of the tenth work day following the date on which the appeal was filed.

STEP III An appeal from an unsatisfactory determination at **STEP II** shall be presented by the employee and/or the Union to the Commissioner of Labor Relations in writing within ten (10) work days of the receipt of the **STEP II** determination. The grievant or the Union should submit copies of the **STEP I** and **STEP II** grievance filings and any agency responses thereto. Copies of such appeal shall be sent to the agency head. The Commissioner of Labor Relations or the Commissioner's designee shall review all appeals from **STEP II** determinations and shall issue a determination on such appeals within fifteen (15) work days following the date on which the appeal was filed.

STEP IV An appeal from an unsatisfactory determination at **STEP III** may be brought solely by the Union to the Office of Collective Bargaining for impartial arbitration within fifteen (15) work days of receipt of the **STEP III** determination. In addition, the Employer shall have the right to bring directly to arbitration any dispute between the parties concerning any matter defined herein as a "grievance". The Employer shall commence such arbitration by submitting a written request therefor to the Office of Collective Bargaining. A copy of the notice requesting impartial arbitration shall be forwarded to the opposing party. The arbitration shall be conducted in accordance with Title 61 of the Rules of the City of New York. The costs and fees of such arbitration shall be borne equally by the Union and the Employer.

The assigned arbitrator shall hold a hearing at a time and place convenient to the parties and shall issue an award within 30 days after the completion of the hearing.

The arbitrator's decision, order or award (if any) shall be limited to the application and interpretation of the Agreement, and the arbitrator shall not add to, subtract from or modify the Agreement or any rule, regulation, written policy or order mentioned in Section 1 of this Article. The arbitrator's award shall be final and binding and enforceable in any appropriate tribunal in accordance with Article 75 of the Civil Practice Law and Rules. The arbitrator may provide for and

direct such relief as the arbitrator deems necessary and proper, subject to the limitations set forth above and any applicable limitations of law.

Section 3.

As a condition to the right of the Union to invoke impartial arbitration set forth in this Article, including the arbitration of a grievance involving a claimed improper holding of an open-competitive rather than a promotional examination, the employee or employees and the Union shall be required to file with the Director of the Office of Collective Bargaining a written waiver of the right, if any, of the employee and the Union to submit the underlying dispute to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award.

Section 4.

- a.** Any grievance under Section 1(d) relating to a claimed improper holding of an open-competitive rather than a promotional examination shall be presented in writing by the employee or the Union representative to the Commissioner of Labor Relations not later than thirty (30) days after the notice of the intention to conduct such open-competitive examination, or copy of the appointing officer's request for such open-competitive examination, as the case may be, has been posted in accordance with Section 51 of the Civil Service Law. The grievance shall be considered and passed upon within ten (10) days after its presentation. The determination shall be in writing, copies of which shall be transmitted to both parties to the grievance upon issuance.
- b.** A grievance relating to the use of an open-competitive rather than a promotional examination which is unresolved by the Commissioner of Labor Relations may be brought to impartial arbitration as provided in Sections 2 and 3 above. Such a grievance shall be presented by the Union, in writing, for arbitration within 15 days of the presentation of such grievance to the Commissioner of Labor Relations, and the arbitrator shall decide such grievance within 75 days of its presentation to the arbitrator. The party requesting such arbitration shall send a copy of such request to the other party. The costs and fees of such arbitration shall be borne equally by the Employer and the Union.

Section 5. Disciplinary Procedure for Employees Covered by §75(1) of the Civil Service Law

In any case involving a grievance under Section 1(e) of this Article, the following procedure shall govern upon service of written charges of incompetence or misconduct:

STEP A Following the service of written charges, a conference with such employee shall be held with respect to such charges by the person designated by the agency head to review a grievance at **STEP I** of the Grievance Procedure set forth in this Agreement. The employee may be represented at such conference by a representative of the Union. At the conference the person designated by the agency head to review the charges shall: (1) verbally communicate to the employee any information reasonably necessary for the employee to understand the nature of the charges; (2) furnish to the employee copies of documentary evidence necessary to support the charges; and (3) furnish to the employee the names of potential witnesses except under unusual circumstances. The employee shall have the right to make any statement or explanation as to the charges. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference.

If the employee is satisfied with the determination in **STEP A** above, the employee may choose to accept such determination as an alternative to and in lieu of a determination made pursuant to the procedures provided for in Section 75 of the Civil Service Law. As a condition of accepting such determination, the employee shall sign a waiver of the employee's right to the procedures available to him or her under Sections 75 and 76 of the Civil Service Law.

STEP B(i) If the employee is not satisfied with the determination at **STEP A** above then the Employer shall proceed in accordance with the disciplinary procedures set forth in Section 75 of the Civil Service Law. As an alternative, the Union with the consent of the employee may choose to proceed in accordance with the Grievance Procedure set forth in this Agreement, including the right to proceed to binding arbitration pursuant to **STEP IV** of such Grievance Procedure. As a condition for submitting the matter to the Grievance Procedure the employee and the Union shall file a written waiver of the right to utilize the procedures available to the employee pursuant to Sections 75 and 76 of the Civil Service Law or any other administrative or judicial tribunal, except for the purpose of enforcing an arbitrator's award, if any. Notwithstanding such waiver, the period of an employee's suspension without pay pending hearing and determination of charges shall not exceed thirty (30) days.

STEP B(ii) If the election is made to proceed pursuant to the Grievance Procedure, an appeal from the determination of **STEP A** above, shall be made to the agency head or designated representative. The appeal must be made in writing within five (5) work days of the receipt of the determination. The agency head or designated representative shall meet with the employee and the Union for review of the grievance and shall issue a determination to the employee and the Union by the end of the tenth work day following the day on which the appeal was filed. The agency head or designated representative shall have the power to impose the discipline, if any, decided upon, up to and including termination of the accused employee's employment. In the event of such termination or suspension without pay totaling more than thirty (30) days, the Union with the consent of the grievant may elect to skip **STEP C** of this Section and proceed directly to **STEP D**.

STEP C If the grievant is not satisfied with the determination of the agency head or designated representative the grievant or the Union may

appeal to the Commissioner of Labor Relations in writing within ten (10) days of the determination of the agency head or designated representative. The Commissioner of Labor Relations shall issue a written reply to the grievant and the Union within fifteen (15) work days.

STEP D If the grievant is not satisfied with the determination of the Commissioner of Labor Relations, the Union with the consent of the grievant may proceed to arbitration pursuant to the procedures set forth in **STEP IV** of the Grievance Procedure set forth in this Agreement. The Employer shall furnish the names of any new witnesses or newly available documentary evidence to the Union at least ten (10) days prior to the actual arbitration, if the Employer has such knowledge at that time. The Union shall furnish the names of its witnesses and any documentary evidence to the Office of Labor Relations at least ten (10) days prior to the actual arbitration, if it has such knowledge at that time.

Section 6. Provisional Disciplinary Procedure

In any case involving a grievance under Section 1(f) of this Article, the following procedure shall govern upon service of written charges of incompetence or misconduct:

STEP A Following the service of written charges, a conference with such employee shall be held with respect to such charges by the person designated by the agency head to review a grievance at **STEP I** of the Grievance Procedure set forth in this Agreement. The employee may be represented at such conference by a representative of the Union. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference.

STEP B(i) If the employee is not satisfied with the determination at **STEP A** above, then the employee may choose to proceed in accordance with the Grievance Procedure set forth in this Agreement through **STEP III**. The Union, with the consent of the employee, shall have the right to proceed to binding arbitration pursuant to **STEP IV** of such Grievance Procedure. The period of an employee's suspension without pay pending hearing and determination of charges shall not exceed thirty (30) days.

STEP B(ii) An appeal from the determination of **STEP A** above shall be made to the agency head or designated representative. The appeal must be made in writing within five (5) work days of the receipt of the determination. The agency head or designated representative shall meet with the employee and the Union for review of the grievance and shall issue a determination to the employee and the Union by the end of the tenth work day following the day on which the appeal was filed. The agency head or designated representative shall have the power to impose the discipline, if any, decided upon, up to and including termination of the accused employee's employment. In the event of such termination or suspension without pay totaling more than thirty (30) days, the Union with the consent of the grievant may elect to skip **STEP C** of this Section and proceed directly to **STEP D**.

STEP C If the grievant is not satisfied with the determination of the agency head or designated representative the grievant or the Union may appeal to the Commissioner of Labor Relations in writing within ten (10) days of the determination of the agency head or designated representative. The Commissioner of Labor Relations shall issue a written reply to the grievant and the Union within fifteen (15) work days.

STEP D If the grievant is not satisfied with the determination of the Commissioner of Labor Relations, the Union with the consent of the grievant may proceed to arbitration pursuant to the procedures set forth in **STEP IV** of the Grievance Procedure set forth in this Agreement.

Section 7. Non-competitive Disciplinary Procedure

In any case involving a grievance under Section 1(g) of this Article, the following procedure shall govern upon service of written charges of incompetence or misconduct:

STEP A Following the service of written charges upon an employee a conference with such employee shall be held with respect to such charges by the person designated by the agency head to review a grievance at **STEP I** of the Grievance Procedure set forth in this agreement. The employee may be represented at such conference by a representative of the Union. At the conference the person designated by the agency head to review the charges shall: (1) verbally communicate to the employee any information reasonably necessary for the employee to understand the nature of the charges; (2) furnish to the employee copies of documentary evidence necessary to support the charges; and (3) furnish to the employee the names of potential witnesses except under unusual circumstances. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference.

STEP B If the employee is dissatisfied with the determination in **STEP A** above, he or she may appeal such determination. The appeal must be made within five (5) working days of the receipt of such determination. Such appeal shall be treated as a grievance appeal beginning with **STEP II** of the Grievance Procedure set forth herein.

Section 8.

A grievance concerning a large number of employees and which concerns a claimed misinterpretation, inequitable application, violation or failure to comply with the provisions of this Agreement may be filed directly at **STEP III** of the grievance procedure. All other individual grievances in process concerning the same issue shall be consolidated with the "group" grievance. Such "group" grievance must be filed no later than 120 days after the date on which the grievance arose, and all other procedural limits, including time limits, set forth in this Article shall apply.

Section 9.

If a determination satisfactory to the Union at any level of the Grievance Procedure is not implemented within a reasonable time, the Union may re-institute the original grievance at **STEP III** of the Grievance Procedure; or if a satisfactory **STEP III** determination has not been so implemented, the Union may institute a grievance concerning such failure to implement at **STEP IV** of the Grievance Procedure.

Section 10.

If the Employer exceeds any time limit prescribed at any step in the Grievance Procedure, the grievant and/or the Union may invoke the next step of the procedure, except however, that only the Union may invoke impartial arbitration under **STEP IV**.

Section 11.

The Employer shall notify the Union in writing of all grievances filed by employees, all grievance hearings, and all determinations. The Union shall have the right to have a representative present at any grievance hearing and shall be given forty-eight (48) hours' notice of all grievance hearings.

Section 12.

Each of the steps in the Grievance Procedure, as well as time limits prescribed at each step of this Grievance Procedure, may be waived by mutual agreement of the parties.

Section 13.

A non-Mayoral agency not covered by this Agreement but which employs employees in titles identical to those covered by this Agreement may elect to permit the Union to appeal an unsatisfactory determination received at the last step of its Grievance Procedure prior to arbitration on fiscal matters only to the Commissioner of Labor Relations. If such election is made, the Union shall present its appeal to the Commissioner of Labor Relations in writing within ten (10) work days of the receipt of the last step determination. The Union should submit copies of the grievance filings at the prior steps of its Grievance Procedure and any agency responses thereto. Copies of such appeals shall be sent to the agency head. The Commissioner of Labor Relations, or the Commissioner's designee, shall review all such appeals and answer all such appeals within fifteen (15) work days. An appeal from a determination of the Commissioner of Labor Relations may be taken to arbitration under procedures, if any, applicable to the non-Mayoral agency involved.

Section 14.

The grievance and the arbitration procedures contained in this Agreement shall be the exclusive remedy for the resolution of disputes defined as "grievances" herein. This shall not be interpreted to preclude either party from enforcing the arbitrator's award in court. This Section shall not be construed in any manner to limit the statutory rights and obligations of the Employer under Article XIV of the Civil Service Law.

Section 15.

Where the Union desires a meeting on a **STEP III** grievance, requests therefor to the First Deputy Commissioner of Labor Relations shall be reviewed favorably.

Section 16. Expedited Arbitration Procedure.

- a.** The parties agree that there is a need for an expedited arbitration process that allows for the prompt adjudication of grievances as set forth below.
- b.** The parties voluntarily agree to submit matters to final and binding arbitration pursuant to the New York City Collective Bargaining Law and under the jurisdiction of the Office of Collective Bargaining. An arbitrator or panel of arbitrators, as agreed to by the parties, will act as the arbitrator of any issue submitted under the expedited procedure herein.
- c.** The selection of those matters which will be submitted shall include, but not limited to, out-of-title cases concerning all titles, disciplinary cases wherein the proposed penalty is a monetary fine of one week or less or written reprimand, and other cases pursuant to mutual agreement by the parties. The following procedures shall apply:

- i. SELECTION AND SCHEDULING OF CASES:**
- (1) The Deputy Chairperson for Disputes of the Office of Collective Bargaining shall propose which cases shall be subject to the procedures set forth in this Section 16 and notify the parties of proposed hearing dates for such cases.
- (2) The parties shall have ten business days from the receipt of the Deputy Chairperson's proposed list of cases and hearing schedule(s) to raise any objections thereto.
- (3) If a case is not proposed by the Deputy Chairperson for expedited handling, either party may, at any time prior to the scheduling of an arbitration hearing date for such case, request in writing to the other party and to the Deputy Chairperson of Disputes of the Office of Collective Bargaining that said case be submitted to the expedited procedure. The party receiving such request shall have ten business days from the receipt of the request to raise any objections thereto.
- (4) No case shall be submitted to the expedited arbitration process without the mutual agreement of the parties.

ii. CONDUCT OF HEARINGS:

- (1) The presentation of the case, to the extent possible, shall be made in the narrative form. To the degree that witnesses are necessary, examination will be limited to questions of material fact and cross examination will be similarly limited. Submission of relevant documents, etc., will not be unreasonably limited and may be submitted as a "packet" exhibit.
- (2) In the event either party is unable to proceed with hearing a particular case, the case shall be rescheduled. However, only one adjournment shall be permitted. In the event that either party is unable to proceed on a second occasion, a default judgment may be entered against the adjourning

party at the Arbitrator's discretion absent good cause shown.

- (3) The Arbitrator shall not be precluded from attempting to assist the parties in settling a particular case.
- (4) A decision will be issued by the Arbitrator within two weeks. It will not be necessary in the Award to recount any of the facts presented. However, a brief explanation of the Arbitrator's rationale may be included. Bench decisions may also be issued by the Arbitrator.
- (5) Decisions in this expedited procedure shall not be considered as precedent for any other case nor entered into evidence in any other forum or dispute except to enforce the Arbitrator's award.
- (6) The parties shall, whenever possible, exchange any documents intended to be offered in evidence at least one week in advance of the first hearing date and shall endeavor to stipulate to the issue in advance of the hearing date.

ARTICLE VII - BULLETIN BOARDS: EMPLOYER FACILITIES

The Union may post notices on bulletin boards in places and locations where notices usually are posted by the Employer for the employees to read. All notices shall be on Union stationery, and shall be used only to notify employees of matters pertaining to Union affairs. Upon request to the responsible official in charge of a work location, the Union may use Employer premises for meetings during employees' lunch hours, subject to availability of appropriate space and provided such meetings do not interfere with the Employer's business.

ARTICLE VIII - NO STRIKES

In accordance with the New York City Collective Bargaining Law, as amended, neither the Union nor any employee shall induce or engage in any strikes, slowdowns, work stoppages, mass absenteeism, or induce any mass resignations during the term of this Agreement.

ARTICLE IX - CITYWIDE ISSUES

This Agreement is subject to the provisions, terms and conditions of the Agreement which has been or may be negotiated between the City and the Union recognized as the exclusive collective bargaining representative on Citywide matters which must be uniform for specified employees, including the employees covered by this Agreement. Employees in Rule X titles shall receive the benefits of the Citywide Agreement unless otherwise specifically excluded herein.

ARTICLE X - UNION ACTIVITY

Time spent by employee representatives in the conduct of labor relations with the City and on Union activities shall be governed by the terms of Executive Order No. 75, as amended, dated March 22, 1973, entitled "Time Spent on the Conduct of Labor Relations between the City and Its Employees and on Union Activity" or any successor thereto.

ARTICLE XI - LABOR-MANAGEMENT COMMITTEE

Section 1.

The Employer and the Union, having recognized that cooperation between management and employees is indispensable to the accomplishment of sound and harmonious labor relations, shall jointly maintain and support a labor-management committee in each of the agencies having at least fifty employees covered by this Agreement.

Section 2.

Each labor-management committee shall consider and recommend to the agency head changes in the working conditions of the employees within the agency who are covered by this Agreement. Matters subject to the Grievance Procedure shall not be appropriate items for consideration by the labor-management committee.

Section 3.

Each labor-management committee shall consist of six members who shall serve for the term of this Agreement. The Union shall designate three members and the agency head shall designate three members. Vacancies shall be filled by the appointing party for the balance of the term to be served. Each member may designate one alternate. Each committee shall select a chairperson from among its members at each meeting. The chairpersonship of each committee shall alternate between the members designated by the agency head and the members designated by the Union. A quorum shall consist of a majority of the total membership of a committee. A committee shall make its recommendations to the agency head in writing.

Section 4.

The labor-management committee shall meet at the call of either the Union members or the Employer members at times mutually agreeable to both parties. At least one week in advance of a meeting the party calling the meeting shall provide, to the other party, a written agenda of matters to be discussed. Minutes shall be kept and copies supplied to all members of the committee.

Section 5.

The issue of overtime being unreasonably denied where circumstances compel application thereof after the work has been performed, may be the subject of Labor-Management Committee meetings in each of the appropriate departments or agencies. Guidelines will be established to address this issue.

ARTICLE XII - FINANCIAL EMERGENCY ACT

The provisions of this Agreement are subject to applicable provisions of law, including the New York State Financial Emergency Act for the City of New York as amended.

ARTICLE XIII - APPENDICES

The Appendix or Appendices, if any, attached hereto and initialed by the undersigned shall be deemed a part of this Agreement as if fully set forth herein.

ARTICLE XIV - SAVINGS CLAUSE

In the event that any provision of this Agreement is found to

be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions of this Agreement.

ARTICLE XV - APPLICABILITY

Section 1.

The provisions of this Agreement are expressly made subject to and governed by all applicable existing and future laws and regulations and amendments thereto which are deemed applicable to this Agreement.

Section 2.

This Agreement expresses all agreements and understandings between the parties and no other agreement, understanding or practice shall be of any force or effect.

ARTICLE XVI - WORKING CONDITIONS

The impact of physical working conditions as it affects professional performance shall be referred to the Labor-Management Committee provided in Article XI of this Agreement. To the extent practicable, advance notice of major changes in physical working conditions affecting a substantial number of employees shall be given to the Union.

ARTICLE XVII - MERIT INCREASES

Section 1.

The following shall be the criteria for the granting of merit increases:

- a. outstanding productivity in the work assigned;
- b. outstanding performance in the work assigned;
- c. outstanding initiative and resourcefulness;
- d. increased importance of work;
- e. increased supervisory responsibility;
- f. willingness and availability to accept and perform assignments requiring work beyond regular hours.

Section 2.

The following shall be the procedure for the granting of merit increases:

The agency head shall notify the Union in writing of the name(s) of those selected to receive merit increases prior to approval by the Mayor or the Mayor's authorized representative. It is expressly understood that such notification to Union shall in no way interfere with the processing and implementation of the merit increases already proposed.

ARTICLE XVIII - CHANGED REQUIREMENTS FOR BAR MEMBERSHIP

If attorneys covered by this Agreement are mandated as a requirement of Bar membership in the State of New York to perform pro bono work and/or to participate in continuing legal education, a labor-management committee shall be established as soon as practicable to discuss the issues related to the implementation of such requirement(s).

ARTICLE XIX - PROFESSIONAL DEVELOPMENT COMMITTEE

A joint committee composed of representatives of the Office of Management and Budget, Office of Labor Relations, the Department of Citywide Administrative Services and the Union shall meet to study problems related to the recruitment and retention of qualified professional personnel and where deemed necessary, make recommendations to the appropriate City officials. The Professional Development Committee shall meet regularly so that it may be able to consider these matters in an expeditious fashion.

ARTICLE XX - PROFESSIONAL FEE ALLOWANCE

Section 1.

Qualifying full-time employees serving in the titles of Agency Attorney, Agency Attorney Interne, Assistant Attorney, Associate Attorney, Associate Attorney (Taxes), Attorney, Attorney at Law, Attorney (Law Librarian), Attorney (Taxes), Attorney Trainee, Law Clerk, Senior Attorney and Senior Attorney (Taxes) shall be reimbursed for the biennial New York State license fee for practicing attorneys.

Section 2.

To qualify for such professional fee reimbursement a covered employee must have maintained a valid New York State license to practice law and have been in full-pay status with the Employer during the twelve (12) months immediately preceding the payment of the biennial New York State license fee for practicing attorneys.

Section 3.

Such reimbursement shall be made for the year in which the license fee was actually paid. Covered employees must submit proof of payment and be certified by their employing agency that they were in full-pay status during the twelve (12) months immediately preceding the payment the biennial New York State license fee for practicing attorneys.

Section 4.

The total cost of the benefits set forth in this Article shall not exceed \$173,442 per annum, except that unexpended funds from the preceding year may be credited to the following year, but not beyond. If it should appear that the total cost of maintaining the level of benefits set forth herein would exceed the foregoing funding, the Employer and the Union shall meet to determine what mutually acceptable adjustments need to be made to said benefits levels.

Section 5.

Should attorneys employed by the City be exempted from the payment of the biennial New York State license fee for practicing attorneys, the parties shall meet to determine a mutually acceptable alternative use of the 1991-94 Attorneys Agreement Equity Fund.

Section 6.

Any issues which may arise concerning the implementation of this agreement shall be referred to a joint labor/management committee which may also discuss any mutually acceptable alternative use(s) of the equity fund monies.

Section 7.

A separate budget code will be established to permit monitoring of the reimbursements paid out pursuant to this Article.

ARTICLE XXI - RECLASSIFICATION

The letter agreement dated August 30, 1995, entitled "Attorney Reclassification" shall be deemed to be an appendix to this Agreement pursuant to the terms set forth in Article XIII and shall be coterminous with this Agreement.

WHEREFORE, we have hereunto set our hands and seals this 17th day of February, 2009.

FOR THE CITY OF NEW YORK & FOR LOCAL 237, INTERNATIONAL RELATED PUBLIC EMPLOYERS AS BROTHERHOOD OF TEAMSTERS, AFL-CIO DEFINED HEREIN:

BY *James F. Hanley*
JAMES F. HANLEY
Commissioner of Labor Relations

BY *Gregory Floyd*
GREGORY FLOYD
President

FOR THE CIVIL SERVICE BAR ASSOCIATION

BY *Gloria Johnson*
GLORIA JOHNSON
President

APPROVED AS TO FORM:

BY *Paul T. Rephen*
PAUL T. REPHEN
Acting Corporation Counsel

DATE SUBMITTED TO THE FINANCIAL CONTROL BOARD: _____, 2009

OFFICE OF LABOR RELATIONS	
REGISTRATION	
OFFICIAL	CONTRACT
NO: 09004	DATE: FEB 17 2009

UNIT: Attorneys

TERM: February 18, 2008 to February 17, 2010

**Appendix A
Longevity Increment Eligibility Rules**

The following rules shall govern the eligibility of employees for the longevity increments provided for in Article III, Section 10 of the 2008-2010 Attorneys Agreement:

1. Only service in pay status shall be used to calculate the 15 years of service, except that for other than full time per annum employees only a continuous year of service in pay status shall be used to calculate the 15 years of service. A continuous year of service shall be a full year of service without a break of more than 31 days. Where the regular and customary work year for a title is less than a twelve month year, such as a school year, such regular and customary year shall be credited as a continuous year of service counting towards the 15 years of service. If the normal work year for an employee is less than the regular and customary work year for the employee's title, it shall be counted as a continuous year of service if the employee has customarily worked that length work year and the applicable agency verifies that information.
2. Service in pay status prior to any breaks in service of more than one year shall not be used to calculate the 15 years of service. Where an employee has less than seven years of continuous service in pay status, breaks in service of less than one year shall be aggregated. Where breaks in service aggregate to more than one year they shall be treated as a break in service of more than one year and the service prior to such breaks and the aggregated breaks shall not be used to calculate the 15 years of service. No break used to disqualify service shall be used more than once.
3. The following time in which an employee is not in pay status shall not constitute a break in service as specified in paragraph 2 above:
 - a. Time on a leave approved by the proper authority which is consistent with the Rules and Regulations of the New York City Personnel Director or the appropriate personnel authority of a covered organization.
 - b. Time prior to a reinstatement.
 - c. Time on a preferred list pursuant to Civil Service Law Sections 80 and 81 or any similar contractual provision.
 - d. Time not in pay status of 31 days or less.

Notwithstanding the above, such time as specified in subsections a, b and c above shall not be used to calculate the 15 years of service.
4. Once an employee has completed the 15 years of "City" service in pay status and is eligible to receive the \$500 longevity increment, the \$500 shall become part of the employee's base rate for all purposes.

**Appendix B
Recurring Increment Payment Eligibility Rules**

The following rules shall govern the eligibility of Employees for the Recurring Increment Payment ("RIP") provided for in Article III, Section 11 of the 2008-2010 Attorneys Agreement.

1. Only service in pay status shall be used to calculate the qualifying years of service. A continuous year of service shall be a full year of service without a break of more than 31 days. Where the regular and customary work year for a title is less than a twelve month year, such as a school year, such regular and customary year shall be credited as a continuous year of service counting towards the qualifying

years of service. If the normal work year for an employee is less than the regular and customary work year for the employee's title, it shall be counted as a continuous year of service if the employee has customarily worked that length work year and the applicable agency verifies that information.

- 2. Part-time employees shall be ineligible to receive RIPs, but prior part-time service shall be credited to full-time employees on a pro rata basis, provided all other terms and conditions set forth herein are met.
a. An employee must have regularly worked at least one half the regular hours of full time employees in the same title or if no full-time equivalent title exists then at least 172 hours for white collar positions or 20 hours for blue collar positions.
b. Such part time service shall be prorated by dividing the number of hours worked per week by a part-time employee by the number of hours worked per week by a full-time employee in the same title.
3. Service in pay status prior to a break in service of more than one year shall not be used to calculate the qualifying years of service.
4. The following time in which an Employee is not in pay status shall not constitute a break in service, but such time shall not be used to calculate the qualifying years of service:
a. time on a leave approved by the proper authority which is consistent with the Personnel Rules and Regulations of the City of New York or the appropriate personnel authority of a covered organization,
b. time prior to a reinstatement,
c. time on a preferred or recall list, and
d. time not in pay status of 31 days or less.
5. RIPs shall be considered a salary adjustment for the purposes of Article III, Section 1(d) of this Agreement and the maximum salary of an eligible title shall not constitute a bar to the payment thereof.
6. Once an Employee has qualified for a RIP and is receiving it, the RIP shall become part of the Employee's base rate and included in calculating all salary based payments, except as provided in paragraph 7 below. Any future negotiated general increases shall be applied to RIPs.
7. A RIP shall not become pensionable until two years after the Employee begins to receive such RIP.



THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

Gloria Johnson
President
Civil Service Bar Association
216 West 14th Street
New York, New York 10011

Re: 2008-2010 Attorneys Agreement

Dear Ms. Johnson:

This is to confirm the parties' mutual understandings and agreements regarding the above captioned Agreement with respect to Article III, Section 11. "Recurring Increment Payment" including the rules for eligibility set forth in Appendix B of this Agreement.

In the event this provision is legally invalidated the parties shall reopen negotiations to resolve the issue of the increased cost of adjusting the Recurring Increment Payments to conform with legal mandates, e.g., changing the effective date of the pensionability of the above adjustments. Such negotiations will be commenced forthwith.

If the parties are unable to reach agreement, either party may invoke the impasse procedure under the New York City Collective Bargaining Law. The parties agree that if an impasse is declared by the Board of Collective Bargaining, they shall proceed on an expedited basis.

The parties further agree that any change in the Recurring Increment Payments shall be cost-neutral. For example, a change in the effective date of the pensionability of the above adjustments, whether reached by agreement or interest arbitration, cannot result in any increased cost borne by the City/Employer.

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,
James F. Hanley
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF
CIVIL SERVICE BAR ASSOCIATION
BY: Gloria Johnson
GLORIA JOHNSON
President



THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

Gloria Johnson
President
Civil Service Bar Association
216 West 14th Street

New York, New York 10011
Re: 2008-2010 Attorneys Agreement

Dear Ms. Johnson:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

- a. Funding was not provided to permit the application of the general increases to the 15-year longevity increments provided in various separate unit agreements. Therefore the provisions of Article III, Section 3 B (a)(i) and 3 B (a) (ii) of the 2008-2010 Attorneys Agreement shall not apply to such longevity increments.
b. Notwithstanding the above, once an employee has completed the 15 years of "City" service in pay status and is eligible to receive the \$500 longevity increment, the \$500 shall become part of the employee's base rate for all purposes except as provided in paragraph c. below.
c. The \$500 longevity increment shall not become pensionable until fifteen months after the employee begins to receive such \$500 increment. Fifteen months after the employee begins to receive the \$500 longevity increment, such \$500 longevity increment shall become pensionable and as part of the employee's base rate, the \$500 longevity increment shall be subject to the general increases provided in Section 4B(a) of this Agreement.

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,
James F. Hanley
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF
CIVIL SERVICE BAR ASSOCIATION
BY: Gloria Johnson
GLORIA JOHNSON
President



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JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

Gloria Johnson
President
Civil Service Bar Association
216 West 14th Street
New York, New York 10011

Re: 2008-2010 Attorneys Agreement

Dear Ms. Johnson:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

- 1. The First Deputy Commissioner of Labor Relations may, after notification to the affected union(s), exempt certain hard to recruit titles, as defined in relevant cases by DCAS and by HHC, from the provisions of Article III, Section 4.e. of the 2008-2010 Attorneys Agreement.
2. For the purposes of Article III, Section 4.e. of the 2008-2010 Attorneys Agreement, employees who were in active pay status prior to the date of execution of the 2008-2010 Attorneys Agreement who are affected by the following personnel actions after said date shall not be treated as "newly hired" employees and shall be entitled to receive the minimum incumbent salary set forth in Section 2 on the dates indicated therein.
a. Employees who return to active pay status from an approved leave of absence.
b. Employees in active pay status (whether full or part-time) appointed to permanent status from a civil service list or to a new title (regardless of jurisdictional class or civil service status) without a break in service of more than 31 days.
c. Employees who were laid off or terminated for economic reasons who are appointed from a recall/preferred list or who were subject to involuntary redeployment.
d. Provisional employees who were terminated due to a civil service list who are appointed from a civil service list within one year of such termination.
e. Permanent employees who resign and are reinstated within one year of such resignation.
f. Employees (regardless of jurisdictional class or civil service status) who resign and return within 31 days of such resignation.
g. A provisional employee who is appointed directly from one provisional appointment to another.

For circumstances that were not anticipated by the parties, the First Deputy Commissioner of Labor Relations may elect to issue, on a case-by-case basis, interpretations concerning the application of Section 4 e. of the 2008-2010 Attorneys Agreement. Such interpretations shall not be subject to the dispute resolution procedures set forth in Article VI of the 2008-2010 Attorneys Agreement.

- 3. For the purposes of Section 2(a), "approved leave" is further defined to include:
a. maternity/childcare leave
b. military leave

- c. unpaid time while on jury duty
d. unpaid leave for union business pursuant to Executive Order 75
e. unpaid leave pending workers' compensation determination
f. unpaid leave while on workers' compensation option 2
g. approved unpaid time off due to illness or exhaustion of paid sick leave
h. approved unpaid time off due to family illness
i. other pre-approved leaves without pay

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,

James F. Hanley
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF
CIVIL SERVICE BAR ASSOCIATION
BY: Gloria Johnson
GLORIA JOHNSON
President



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JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

Gloria Johnson
President
Civil Service Bar Association
216 West 14th Street
New York, New York 10011

Re: 2008-2010 Attorneys Agreement

Dear Ms. Johnson:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

Effective on February 17, 2010, the bargaining unit shall have available funds not to exceed 0.10 % to purchase recurring benefits, mutually agreed to by the parties, other than to enhance the general wage increases set forth in Article III, Section 3 A. a. (i.) and 3 A.a. (ii.) or the hiring rate for new employees set forth in Section 4.

The funds available shall be based on the December 31, 2007 payroll, including spinoffs and pensions.

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,

James F. Hanley
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF
CIVIL SERVICE BAR ASSOCIATION
BY: Gloria Johnson
GLORIA JOHNSON
President



THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, N.Y. 10006

RANDY L. LEVINE
Commissioner
JAMES F. HANLEY
First Deputy Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

Mr. Carroll E. Haynes, President
Local 237, I.B.T., AFL-CIO
216 West 14th Street
New York, NY 10011

Ms. Gloria Johnson, Chairperson Civil Service Bar Association
216 West 14th Street
New York, NY 10011

Re: Attorney Reclassification

Dear Mr. Haynes and Ms. Johnson:

This is to confirm our mutual understanding and agreement regarding the establishment of the title of Attorney At Law in the competitive class and the titles of Agency Attorney Internes and Agency Attorney in the non-competitive class.

- 1. The City Personnel Director shall establish the title of Attorney At Law in the competitive class. Permanent competitive class incumbents serving in the titles of Associate Attorney, Associate Attorney (Taxes), Attorney (Law Librarian) and Attorney (Taxes) shall be reclassified into the title of Attorney At Law by table of equivalency.

- 2. The salaries for the competitive class title of Attorney At Law shall be as follows:

Table with 4 columns: TITLE, Hired After 1/31/03, Hired Before 4/1/03, Maximum. Rows include Attorney At Law, Level I, Level II, Level III, Level IV.

- 3. Upon the establishment of the title Attorney At Law, all incumbents currently serving as permanent Associate Attorneys or Associate Attorneys (Taxes) shall be designated as permanent Attorneys At Law, Level III.

- 4. Upon the establishment of the title Attorney At Law, all incumbents currently serving as provisional Associate Attorneys or Associate Attorneys (Taxes) and holding underlying permanent status in the title of Attorney, Attorney (Law Librarian) or Attorney (Taxes) shall be designated as Attorneys At Law, Level III.

- 5. Incumbents holding underlying permanent status in the title of Attorney, Attorney (Law Librarian) or Attorney (Taxes) shall be offered the opportunity to take a qualifying training and experience examination for assignment to Level II and III positions of Attorney At Law. Qualified applicants shall be utilized as a hiring pool for assignment to said Level II and III positions for a period of one year from the date of the establishment of Attorney At Law.

- 6. For the purposes of implementing the provisions of Labor Relations Order No. 84/1, Section IX (Assignment Level Procedures), continuous service in the title of Associate Attorney shall count towards meeting the continuous service requirement for Attorney At Law Level III.

- 7. Upon approval by the New York State Civil Service Commission the City Personnel Director shall establish the titles of Agency Attorney Internes, Agency Attorney and Executive Agency Counsel in the non-competitive class of the City of New York and shall earmark for present permanent incumbents only the competitive class title of Attorney At Law. Employees serving as provisionals in the titles of Attorney At Law, Attorney Trainee, and Law Clerk shall be appointed to the comparable non-competitive titles at the corresponding assignment level.

- 8. The City Personnel Director/Commissioner shall utilize the Attorney Trainee List (Exam No. 2064) as a hiring pool for appointments to the non-competitive class title of Agency Internes for a period of one year from the date of the establishment of said title.

- 9. The salaries for the non-competitive class titles shall be as follows:

Table with 4 columns: TITLE, Hired After 1/31/03, Hired Before 4/1/03, Maximum. Rows include Agency Attorney Internes, Agency Attorney, Level I, Level II, Level III, Level IV.

See Section Article III, 4(b)(iv) of the 1991-94 Attorneys Agreement

- 10. Agency Attorneys shall be covered by the non-competitive class disciplinary procedure set forth in § 11 subject to the following provisions:
 - a. Employees who are reclassified to Agency Attorney and who have served continuously in the same agency as provisionals in the predecessor competitive class attorney title(s) for two or more years as of the effective date of their reclassification shall have full disciplinary rights after they have served a minimum of six (6) months in their new non-competitive class positions.
 - b. Employees who are reclassified to Agency Attorney and who have served continuously in the same agency as provisionals in the predecessor competitive class attorney title(s) for more than one year but less than two years as of the effective date of their reclassification shall have full disciplinary rights upon completion of two years of combined continuous service in their respective provisional and non-competitive class positions provided they have served a minimum of six (6) months in their new non-competitive class position.
 - c. All other employees who are appointed or reclassified to Agency Attorney must complete one year of service as specified below in § 11 to be eligible for disciplinary rights.
- 11. The 1991-94 Attorneys Agreement shall be amended by the addition of the following new sections to Article VI

The City of New York
OFFICE OF MUNICIPAL LABOR RELATIONS
 250 BROOKWAY, NEW YORK, N. Y. 10007

ANTHONY C. RUSSO
 Director

TO: HEADS OF ALL CITY DEPARTMENTS AND AGENCIES
 FROM: HARRY KARETSKY, DEPUTY DIRECTOR
 SUBJECT: ATTORNEY SIGN-IN - SIGN-OUT SHEETS
 DATE: DECEMBER 14, 1977

As part of the settlement reached during collective bargaining with the Civil Service Bar Association it was agreed that Attorneys would not be required to sign in or sign out on a daily basis, but rather they would use a weekly time sheet.

Accordingly, effective Monday, January 2, 1978, please insure that Attorneys working for your agency use a weekly time sheet.

Your cooperation is appreciated.

THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
 40 Rector Street, New York, NY 10006-1705
 http://nyc.gov/olr

JAMES F. HANLEY
 Commissioner
 MARGARET M. CONNOR
 First Deputy Commissioner

December 1, 2008

Gloria Johnson
 President
 Civil Service Bar Association
 216 West 14th Street
 New York, New York 10011

Re: 2008-2010 CSBA Memorandum of Agreement

Dear Ms. Johnson:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

The parties agree to continue to jointly support an amendment to Section 12-119 et seq. of the Administrative Code for the purpose of expanding permissible limits on residency to include the City of New York and Nassau, Westchester, Suffolk, Orange, Rockland and Putnam counties - with certain exceptions and limitations and except as may be prohibited by any other law requiring residency for appointment to certain positions including, but not limited to, the Public Officers Law - for employees covered by the terms of this Agreement.

Consistent with the above, Mayoral Directive 78-13, as amended July 26, 1978, and any other covered Employer's rules, regulations and/or operating procedures, shall be similarly modified to conform to the understanding of the parties. Upon enactment of legislation to implement the provisions herein, employees shall be subject to Section 1127 of the New York City Charter.

In the event that legislation substantially similar to that which was previously agreed to concerning the above referenced issue is passed for another similarly situated collective bargaining unit, and the substantially similar legislation does not include the members of CSBA, the parties agree to jointly support similar legislation that would cover employees in CSBA.

If the above accords with your understanding, please indicate your agreement by executing the signature line below.

Very truly yours,
 James F. Hanley
 James F. Hanley
 Commissioner

AGREED AND ACCEPTED ON BEHALF OF
 CIVIL SERVICE BAR ASSOCIATION
 BY: Gloria Johnson
 GLORIA JOHNSON
 President

THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
 40 Rector Street, New York, NY 10006-1705
 http://nyc.gov/olr

JAMES F. HANLEY
 Commissioner
 MARGARET M. CONNOR
 First Deputy Commissioner

TO: HEADS OF CONCERNED CITY DEPARTMENTS AND AGENCIES
 FROM: JAMES F. HANLEY, COMMISSIONER
 SUBJECT: EXECUTED CONTRACT: SUPERVISOR OF MECHANICS, ET AL.
 TERM: MARCH 13, 2008 TO MARCH 12, 2010
 OCTOBER 31, 2008 TO OCTOBER 30, 2010 (DEPUTY DIRECTORS)

Attached for your information and guidance is a copy of the executed contract entered into by the Commissioner of Labor Relations on behalf of the City of New York and the Local 621, Service Employees International Union ("SEIU"), AFL-CIO on behalf of the incumbents of positions listed in Article I of said contract.

The contract incorporates terms of an agreement reached through collective bargaining negotiations and related procedures.

DATED: JAN 29 2009

OFFICE OF LABOR RELATIONS
 REGISTRATION
 OFFICIAL CONTRACT

NO: 09003 DATE: JAN 29 2009

Local 621, S.E.I.U.
2008-2010 Supervisor of Mechanics (M.E.), et al.
Agreement

- ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION
- ARTICLE II - DUES CHECKOFF
- ARTICLE III - UNION ACTIVITY
- ARTICLE IV - WAGES AND SUPPLEMENTS
- ARTICLE V - GRIEVANCE PROCEDURE
- ARTICLE VI - NO STRIKES
- ARTICLE VII - TRANSFERS
- ARTICLE VIII - OVERTIME
- ARTICLE IX - PRODUCTIVITY AND PERFORMANCE
- ARTICLE X - BULLETIN BOARDS AND NOTICES
- ARTICLE XI - PERSONNEL AND PAY PRACTICES
- ARTICLE XII - WORKING CONDITIONS
- ARTICLE XIII - SAFETY
- ARTICLE XIV - LABOR-MANAGEMENT COMMITTEE
- ARTICLE XV - FINANCIAL EMERGENCY ACT
- ARTICLE XVI - APPENDICES
- ARTICLE XVII - SAVINGS CLAUSE
- ARTICLE XVIII - CITYWIDE ISSUES

Local 621, S.E.I.U.
2008-2010 Supervisor of Mechanics (M.E.) et al.
Agreement

AGREEMENT entered into this 29th day of January, 2009 by and between the **City of New York** and related public employers pursuant to and limited to their respective elections or statutory requirement to be covered by the New York City Collective Bargaining Law and their respective authorizations to the City to bargain on their behalf (hereinafter referred to jointly as the "Employer"), and **Local 621, Service Employees International Union, AFL-CIO** (hereinafter referred to as the "Union"), for the twenty-four month period from **March 13, 2008 to March 12, 2010** for all titles listed below in Article I Section 1 except for the Deputy Director of Motor Equipment Maintenance (Sanitation) where the twenty-four month period from **October 31, 2008 to October 30, 2010** shall apply.

WITNESSETH:

WHEREAS, the parties hereto have entered into collective bargaining and desire to reduce the results thereof to writing,

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION
Section 1.

The Employer recognizes the Union as the sole and exclusive collective bargaining representative for the bargaining unit set forth below, consisting of employees of the Employer, wherever employed, whether full-time, part time per annum, hourly or per diem, in the below listed title(s), and in any successor title(s) that may be certified by the Board of Certification of the Office of Collective Bargaining to be part of the unit herein for which the Union is the exclusive collective bargaining representative the duties of which are or shall be equated by the City Personnel Director and the Director of the Budget for salary purposes to any of the below listed title(s):

- Supervisor of Mechanics (Mechanical Equipment)
- Supervisor of Ironwork
- Deputy Director of Motor Equipment Maintenance (Sanitation)
- Administrative Director of Fleet Maintenance*

* For present incumbents only

Section 2.

The terms "employee" and "employees" as used in this Agreement shall mean only those persons in the unit described in Section 1 of this Article except that Articles VII and VIII shall not apply to employees assigned and paid an assignment differential as Assistant Supervising Supervisor Class I or Class II or Supervising Supervisor. Further, employees serving in the title of Deputy Director of Motor Equipment Maintenance, Administrative Director of Fleet Maintenance and employees serving at Level II of the title of Supervisor of Mechanic (Mechanical Equipment), shall be excluded from the aforementioned Articles VII and VIII.

ARTICLE II - DUES CHECKOFF
Section 1.

- a. The Union shall have the exclusive right to the checkoff and transmittal of dues on behalf of each employee in accordance with the Mayor's Executive Order No. 98, dated May 15, 1969, entitled "Regulations Relating to the Checkoff of Union Dues" and in accordance with the Mayor's Executive Order No. 107, dated December 29, 1986, entitled "Procedures for Orderly Payroll Check-Off of Union Dues and Agency Shop Fees."
- b. Any employee may consent in writing to the authorization of the deduction of dues from the employee's wages and to the designation of the Union as the recipient thereof. Such consent, if given, shall be in a proper form acceptable to the City, which bears the signature of the employee.

Section 2.

The parties agree to an agency shop to the extent permitted by applicable law, as described in a supplemental agreement hereby incorporated by reference into this Agreement.

ARTICLE III - UNION ACTIVITY

Section 1.

Time spent by Union officials and representatives in the conduct of labor relations shall be governed by the terms of **Executive Order No. 75**, as amended, dated March 22, 1973, entitled "Time Spent on the Conduct of Labor Relations between the City and its employees and on Union Activity" or any other applicable Executive Order. No employee shall otherwise engage in Union activities while assigned to regular duties.

Section 2.

The Employer agrees not to discriminate in any way against any employee for Union activity, but such activity shall not be carried on during working hours or in working areas.

Section 3.

The Union shall be entitled to designate one (1) shop steward for each Agency except in the case of the Department of Sanitation where the Union shall be

The City of New York
OFFICE OF MUNICIPAL LABOR RELATIONS
 250 BROOKWAY, NEW YORK, N. Y. 10007

BRUCE McIVER
 Director

HARRY KARETSKY
 Deputy Director

ROBERT W. LIND
 Deputy Director

JAMES F. HANLEY
 Commissioner

MARGARET M. CONNOR
 First Deputy Commissioner

August 11, 1983

TO: All Affected Agency
 FROM: Bruce McIVER
 SUBJECT: Special Terms and Conditions Affecting Competitive Class Attorneys.

- 1. Effective immediately, attorneys in any of the below listed classes of positions shall be provided with a reasonable number of business cards by their employing agency. Procedures for implementing this provision shall solely be determined by the agency.
- 2. Leaves of absence without pay pursuant to Section 5.1 of the Leave Regulations for Employees Who Are Under the Career and Salary Plan shall not be unreasonably denied to attorneys seeking educational or sabbatical leave.
- 3. The subject of flexible work weeks for attorneys is hereby referred to agency labor-management committees for discussion. Implementation of any flexible work week is subject to Article II, Section 2 of the City-wide Agreement and review by alternative work schedule task force.

- Assistant Attorney
- Associate Attorney
- Associate Attorney (Taxes)
- Attorney
- Attorney (Law Librarian)
- Attorney (Taxes)
- Senior Attorney
- Senior Attorney (Taxes)

entitled to designate one (1) **shop steward** for each borough of **New York City**.

Section 4.

The **Union** shall certify in writing to the **Employer** the names of its **stewards** and any changes in personnel serving in that capacity. No **shop stewards** may leave their regularly assigned work locations in order to investigate a grievance without first obtaining the approval of their **supervisor**.

Section 5.

There shall be no **Union** activity on **Employer** time other than that which is specifically permitted by the terms of this **Agreement**.

ARTICLE IV - WAGES AND SUPPLEMENTS

Section 1. General Provisions

A. This Article IV is subject to the provisions, terms and conditions of the **Alternative Career and Salary Pay Plan Regulations**, dated March 15, 1967 as amended, except that the specific terms and conditions of this Article shall supersede any provisions of such **Regulations** inconsistent with this **Agreement** subject to the limitations of applicable provisions of law.

B. Unless otherwise specified, all salary provisions of this **Agreement**, including general increases and any other salary adjustments, are based upon a normal work week of 40 hours. An **employee** who works on a part-time per annum basis and who is eligible for any salary adjustments provided in this **Agreement** shall receive the appropriate pro-rata portion of such salary adjustment computed on the relationship between the number of hours regularly worked each week by such **employee** and the number of hours in the said normal work week, unless otherwise specified.

C. Employees who work on a per diem or hourly basis and who are eligible for any salary adjustment provided in this **Agreement** shall receive the appropriate pro-rata portion of such salary adjustment computed as follows, unless otherwise specified:

- Per diem rate** - 1/261 of the appropriate minimum basic salary.
- Hourly Rate** - 40 hour week basis - 1/2088 of the appropriate minimum basic salary.

Section 2 Wage Increases

A. General Wage Increases:

- (i) A rate increase of 4% shall become effective on March 13, 2008 for employees in the titles Supervisor of Ironwork and Supervisor of Mechanic (Mechanical Equipment) and Administrative Director of Fleet Maintenance; and on October 31, 2008 for employees in the title Deputy Director of Motor Equipment Maintenance (Sanitation).
 - (ii) A rate increase of 4% shall become effective on March 13, 2009 for employees in the titles Supervisor of Ironwork and Supervisor of Mechanic (Mechanical Equipment) and Administrative Director of Fleet Maintenance; and on October 31, 2009 for employees in the title Deputy Director of Motor Equipment Maintenance (Sanitation).
 - (iii) The increases provided for in this Section 2(A) (i) and (ii) shall be calculated as follows:
- (a) The increase in Section 2(A)(i) shall be based upon the base rates (which shall include salary or incremental schedules) of the applicable titles in effect on March 12, 2008 and October 30, 2008, respectively;
- (b) The increase in Section 2(A)(ii) shall be based upon the base rates (which shall include salary or incremental schedules) of the applicable titles in effect on March 12, 2009 and October 30, 2009, respectively; and
- (c) Part-time per annum, per session, hourly and per diem **employees** (including seasonal appointees) and **employees** whose normal work year is less than a full calendar year shall receive the increases provided in Section 2(A)(i) and (ii) on the basis of computations heretofore utilized by the parties for all such **employees**.

Section 3. Supervisor of Ironwork

Employees in the title Supervisor of Ironwork shall be subject to the following salaries during the term of this agreement:

Effective Date	(a) New Hire Rate	(b) Incumbent Rate
March 13, 2008	\$87,904	\$101,539
March 13, 2009	\$91,420	\$105,601

Note:

Employees hired between 3/13/08 and 3/12/09 shall be paid the hiring rate in effect on 3/13/08. Employees hired between 3/13/09 and 3/12/10 shall be paid the hiring rate in effect on 3/13/09. Upon completion of two (2) years of active or qualified inactive service, such employee shall be paid the indicated incumbent rate for the applicable title that is in effect on the two year anniversary of their original appointment as set forth in the applicable Successor Separate Unit Agreement. In no case shall an employee receive less than the stated new hire rate

Section 4. New Hires.

This Section refers only to employees in the title Supervisor of Ironwork.

a. For the purposes of Sections 4(b) and 4(c), employees 1) who were in active pay status before March 13, 2008 and 2) who are affected by the following personnel actions after said date shall not be treated as "newly hired" employees and shall be entitled to receive the "incumbent rate" set forth in

- i. subsection 3(b) of this Article IV; Employees who return to active status from an approved leave of absence.
- ii. Employees in active status (whether full or part-time) appointed to permanent status from a civil service list, or to a new title (regardless of jurisdictional class or civil service status) without a break in service of more than 31 days.
- iii. Employees who were laid off or terminated for economic reasons who are appointed from a recall/preferred list or who were subject to involuntary redeployment.
- iv. Provisional employees who were terminated due to a civil service list who are appointed from a civil service list within one year of such termination.
- v. Permanent employees who resign and are reinstated or who are appointed from a civil service list within one year of such resignation.
- vi. Employees (regardless of jurisdictional class or civil service status) who resign and return within 31 days of such resignation.
- vii. A provisional employee who is appointed directly from one provisional appointment to another.
- viii. For employees whose circumstances were not anticipated by the parties, the First Deputy Commissioner of Labor Relations is empowered to issue, on a case-by-case basis, interpretations concerning application of this Section 4. Such case-by-case interpretations shall not be subject to the dispute resolution procedures set forth in Article V of this Agreement.

- b.** The following provisions shall apply to Employees newly hired on or after March 13, 2008:
- i. During the first two (2) years of service, the "appointment rate" for a newly hired employee shall be 15.51% less than the applicable incumbent rate for said title that is in effect on the date of such appointment as set forth in this **Agreement**. The general increases provided for in subsection 2(A) shall be applied to the "appointment rate."
 - ii. Upon completion of two (2) years of service such employees shall be paid the indicated "incumbent" rate the applicable title that is in effect on the two (2) year anniversary of their original date of appointment as set forth in subsection 3(b) of this Article IV.
- c.**
- i. If applicable, for a title subject to an incremental pay plan, the employee shall be paid the appropriate increment based upon the employee's length of service.
 - ii. Employees who change titles or levels before attaining two years of service will be treated in the new title or level as if they had been originally appointed to said title or level on their original hiring date.
- d.** The First Deputy Commissioner of Labor Relations may, after notification to the affected union(s), exempt certain hard to recruit titles from the provisions of subsections 4(b) and 4(c).

Section 5. Deputy Director of Motor Equipment Maintenance (Sanitation)

Employees in the title Deputy Director of Motor Equipment Maintenance (Sanitation) shall be subject to the following salary ranges during the term of this agreement:

Effective Date	(a) Minimum	(b) Maximum	(c) New Hire Rate
October 31, 2008	\$124,076	\$133,508	\$112,714
October 31, 2009	\$129,039	\$138,848	\$117,223

Section 6.

A) Supervisor of Mechanics (Mechanical Equipment) Level I

For the period March 13, 2008 to March 12, 2010, the annual salary for all **Supervisor of Mechanics (Mechanical Equipment) ("SMME") Level I**, other than those serving in one or more of the higher **SMME** assignments, shall be as follows:

Effective Date	(a) Annual Incumbent Salary Rate	New Hire Rate
March 13, 2008	\$98,330	\$89,326
March 13, 2009	\$102,263	\$92,899

For the period March 13, 2008 to March 12, 2010, **SMME's** Level I's serving in one of the three higher **SMME** assignments shall receive an assignment differential above the base salary rate set forth in this section 6:

Effective Date	Assistant Supervising Supervisor Class II	Assistant Supervising Supervisor Class I	Supervising Supervisor
March 13, 2008	\$4,759	\$6,471	\$8,910
March 13, 2009	\$4,949	\$6,730	\$9,266

For those New Hires Hired on or after:

3/13/08	\$4,324	\$5,878	\$8,093
3/13/09	\$4,497	\$6,113	\$8,417

Applying the above assignment differentials, the annual salaries for the three higher **SMME Level I** assignments for the period March 13, 2008 to March 12, 2010 shall be as follows:

Effective Date	Assistant Supervising Supervisor Class II	Assistant Supervising Supervisor Class I	Supervising Supervisor
March 13, 2008	\$103,089	\$104,801	\$107,240
March 13, 2009	\$107,212	\$108,993	\$111,529

For those New Hires Hired on or after

March 13, 2008	\$93,650	\$95,204	\$97,419
March 13, 2009	\$97,396	\$99,012	\$101,316

The following definitions shall apply to the various assignment differentials set forth above:

Assistant Supervising Supervisor Class II (sometimes referred to as "Senior Supervisor"):

Is in responsible charge of one large or several smaller repair facilities, machine shops, plants or pumping stations, a borough shop and its satellite garages or several shops in a central repair shop, may be required to coordinate personnel and activities within assigned area; supervises assigned personnel.

Assistant Supervising Supervisor Class I (sometimes referred to as "Assistant Chief"):

Is in responsible charge of several shops, plants or pumping stations, several borough shops and their satellite garages or an entire floor comprised of shops and related facilities in a central repair shop; may assist in the planning, directing and coordinating of repair and maintenance activities; supervises assigned personnel.

Supervising Supervisor (sometimes referred to as "Chief"):

Is in responsible charge of various operations and functions of a unit comprised of garage operations, borough shops, a central repair shop, plants or pumping stations, or a similar repair and maintenance function, involving planning, directing and coordinating repair and maintenance activities; performs administrative work; may serve as principal assistant to a bureau director; supervises assigned personnel.

B) Supervisor of Mechanics (Mechanical Equipment) Level II:

For the period March 13, 2008 to March 12, 2010, the annual salary for all **Supervisor of Mechanics (Mechanical Equipment) ("SMME") Level II**, shall be as follows:

Effective Date	Incumbent (a) Minimum	Incumbent (b) Maximum	(c) New Hire Rate
March 13, 2008	\$120,241	\$133,508	\$100,667
March 13, 2009	\$125,051	\$138,848	\$104,694

* **Note:** The above rates are based on a 40 hour week.

Section 7. Administrative Director of Fleet Maintenance*

For the period March 13, 2008 to March 12, 2010, the annual salary for all **Administrative Directors of Fleet Maintenance**, shall be as follows:

Effective Date	Minimum	Maximum
March 13, 2008	\$124,076	\$133,508
March 13, 2009	\$129,039	\$138,848

Note:

* For present incumbents only.

The above rates are based on a 40 hour week.

Section 8 New Hires

This Section refers only to employees in the titles Deputy Director of Motor Equipment Maintenance and Supervisor of Mechanics (Mechanical Equipment) Level I and Level II:

a. For the purposes of Section 8(b) and 8(e), employees in the title of Deputy Director of Motor Equipment Maintenance 1) who were in active pay status before October 31, 2008 and 2) who are affected by the following personnel actions after said date **shall not** be treated as "newly hired" employees and shall receive no less than the indicated "incumbent minimum" set forth in subsection 5(a) of this Article IV; In addition, for the purposes of Sections 8(c), 8(d) and 8(e), employees in the title Supervisor of Mechanics (Mechanical Equipment) Level I or Level II 1) who were in active pay status before March 13, 2008 and 2) who are affected by the following personnel actions after said date **shall not** be treated as "newly hired" employees and shall be entitled to receive no less than the indicated "incumbent rate" set forth in subsection 6 of this Article IV

- i. Employees who return to active status from an approved leave of absence.
- ii. Employees in active status (whether full or part-time) appointed to permanent status from a civil service list, or to a new title (regardless of jurisdictional class or civil service status) without a break in service of more than 31 days.
- iii. Employees who were laid off or terminated for economic reasons who are appointed from a recall/preferred list or who were subject to involuntary redeployment.
- iv. Provisional employees who were terminated due to a civil service list who are appointed from a civil service list within one year of such termination.
- v. Permanent employees who resign and are reinstated or who are appointed from a civil service list within one year of such resignation.
- vi. Employees (regardless of jurisdictional class or civil service status) who resign and return within 31 days of such resignation.
- vii. A provisional employee who is appointed directly from one provisional appointment to another.
- viii. For employees whose circumstances were not anticipated by the parties, the First Deputy Commissioner of Labor Relations is empowered to issue, on a case-by-case basis, interpretations concerning application of this Section 8. Such case-by-case interpretations shall not be subject to the dispute resolution procedures set forth in Article V of this Agreement.

b. The following provisions shall apply to employees in the title Deputy Director of Motor Equipment Maintenance newly hired on or after October 31, 2008:

- i. During the first two (2) years of service, the "appointment rate" for a newly hired employee shall be 10.08% less than the applicable incumbent minimum rate for said title that is in effect on the date of such appointment as set forth in this **Agreement**. The general increases provided for in subsection 2(A) shall be applied to the "appointment rate."
 - ii. Upon completion of two (2) years of service such employees shall be paid no less than the indicated "incumbent minimum" rate for the applicable title that is in effect on the two (2) year anniversary of their original date of appointment as set forth in subsection 5(a) of this Article IV.
- c.** The following provisions shall apply to employees in the title Supervisor of Mechanic Mechanical Equipment Level I newly hired on or after March 13, 2008:
- i. During the first two (2) years of service,

the "appointment rate" for a newly hired employee shall be 10.08% percent less than the applicable incumbent rate for said title that is in effect on the date of such appointment as set forth in this *Agreement*. The general increases provided for in subsection 2(A) shall be applied to the "appointment rate."

ii. Upon completion of two (2) years of service such employees shall be paid no less than the indicated "incumbent" rate for the applicable title that is in effect on the two (2) year anniversary of their original date of appointment as set forth in subsection 6 of this Article IV.

d. The following provisions shall apply to employees in the title Supervisor of Mechanic Mechanical Equipment Level II newly hired on or after March 13, 2008:

i. During the first two (2) years of service, the "appointment rate" for a newly hired employee shall be 19.44% percent less than the applicable incumbent rate for said title that is in effect on the date of such appointment as set forth in this *Agreement*. The general increases provided for in subsection 2(A) shall be applied to the "appointment rate."

ii. Upon completion of two (2) years of service such employees shall be paid no less than the indicated "incumbent" rate for the applicable title that is in effect on the two (2) year anniversary of their original date of appointment as set forth in subsection 6 of this Article IV.

e. i. If applicable, for a title subject to an incremental pay plan, the employee shall be paid the appropriate increment based upon the employee's length of service.

ii. Employees who change titles or levels before attaining two years of service will be treated in the new title or level as if they had been originally appointed to said title or level on their original hiring date.

f. The First Deputy Commissioner of Labor Relations may, after notification to the affected union(s), exempt certain hard to recruit titles from the provisions of subsections 8(b), 8(c) and 8(d).

Section 9.

In the case of an **employee** on leave of absence without pay the salary rate of such **employee** shall be changed to reflect the salary adjustments specified in this Article IV.

Section 10.

(a) In accordance with the election by the **Union** pursuant to the provisions of Article XIII of the *1995-2001 Citywide Agreement* as amended between the City of New York and related public employees and District Council 37, A.F.S.C.M.E., AFL-CIO, or its successor **Agreement(s)**, the Welfare Fund provisions of that *Citywide Agreement* as amended or any successor(s) thereto shall apply to **employees** covered by this **Agreement**.

(b) When an election is made by the **Union** pursuant to the provisions of Article XIII, Section 1(b), of the *1995-2001 Citywide Agreement* as amended between the City of New York and related public employees and District Council 37, A.F.S.C.M.E., AFL-CIO, or any successor(s) thereto, the provisions of Article XIII, Section 1(b) of the *Citywide Agreement* as amended or any successor(s) thereto, shall apply to **employees** covered by this **Agreement**, and when such election is made, the **Union** hereby waives its right to training, education and/or legal services contributions provided in this **Agreement**. In no case shall the single contribution provided in Article XIII, Section 1(b) of the *Citywide Agreement* as amended or any successor(s) thereto, exceed the total amount that the **Union** would have been entitled to receive if the separate contributions had continued.

(c) Contributions remitted to the Union pursuant to this Section 1 and Article XIII of the *Citywide Agreement* are contingent upon a signed separate trusted fund agreement between the Employer and the Union.

Section 11.

The Union agrees to provide welfare fund benefits to domestic partners of covered Employees in the same manner as those benefits are provided to spouses of married covered Employees.

Section 12.

In accordance with the Health Benefits Agreement dated January 11, 2001., each welfare fund shall provide welfare fund benefits equal to the benefits provided on behalf of an active Employee to widow(er)s, domestic partners and/or children of any Employee who dies in the line of duty as that term is referenced in Section 12-126(b)(2) of the New York City Administrative Code. The cost of providing this benefit shall be funded by the Stabilization Fund.

ARTICLE V - GRIEVANCE PROCEDURE

Section 1. - Definition:

The term "*Grievance*" shall mean:

- A dispute concerning the application or interpretation of the terms of this **Agreement**;
- A claimed violation, misinterpretation or misapplication of the rules or regulations, written policy or orders of the **Employer** applicable to the agency which employs the grievant affecting terms and conditions of employment; provided, disputes involving the **Rules and Regulations of the New York City Personnel Director** or the **Rules and Regulations of the Health and Hospitals Corporation** with respect to those matters set forth in the first paragraph of **Section 7390.1 of the Unconsolidated Laws** shall not be subject to the grievance procedure or arbitration;
- A claimed assignment of **employees** to duties substantially different from those stated in their job specifications;
- A claimed improper holding of an open-competitive rather than promotional examination;

e. A claimed wrongful disciplinary action taken against a permanent **employee** covered by **Section 75(1) of the Civil Service Law** or a permanent **employee** covered by the **Rules and Regulations of the Health and Hospitals Corporation** upon whom the agency head has served written charges of incompetence or misconduct while the **employee** is serving in the **employee's** permanent title or which affects the **employee's** permanent status.

f. Failure to serve written charges as required by Section 75 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation upon a permanent employee covered by Section 75(1) of the Civil Service Law or a permanent competitive employee covered by the Rules and Regulations of the Health and Hospitals Corporation where any of the penalties (including a fine) set forth in Section 75(3) of the Civil Service Law have been imposed;

g. A claimed wrongful disciplinary action taken against a provisional employee who has served for two years in the same or similar title or related occupational group in the same agency.

h. A claimed wrongful disciplinary action taken against an employee appointed pursuant to Rule 3.2.11 of the Personnel Rules and Regulations of the City of New York who has served continuously for two years in the same or similar title or related occupational group in the same agency.

Section 2.

The Grievance Procedure, except for grievances as defined in Section 1(d), 1(e), 1(g) and 1(h) of this Article, shall be as follows:

Employees may at any time informally discuss with their supervisors a matter, which may become a grievance. If the results of such a discussion are unsatisfactory, the **employees** may present the grievance at **Step I**.

All grievances must be presented in writing at all steps in the grievance procedure. For all grievances as defined in Section 1(c), no monetary award shall in any event cover any period prior to the date of the filing of the **Step I** grievance unless such grievance has been filed within thirty (30) days of the assignment to alleged out-of-title work. No monetary award for a grievance alleging a miscalculation of salary rate resulting in a payroll error of a continuing nature shall be issued unless such grievance has been filed within the time limitation set forth in **Step I** below for such grievances; if the grievance is so filed, any monetary award shall in any event cover only the period up to six years prior to the date of the filing of the grievance.

STEP I - The **employee** and/or the **Union** shall present the grievance in the form of a memorandum to the person designated for such purpose by the agency head no later than 120 days after the date on which the grievance arose except that grievances alleging a miscalculation of salary rate resulting in a payroll error of a continuing nature shall be presented no later than 120 days after the first date on which the grievant discovered the payroll error. The **employee** may also request an appointment to discuss the grievance and such request shall be granted. The person designated by the **Employer** to hear the grievance shall take any steps necessary to a proper disposition of the grievance and shall issue a determination in writing by the end of the third work day following the date of submission.

NOTE: The following STEP I(a) shall applicable only in the Health and Hospitals Corporation in the case of grievances arising under Section 1(a), 1(b), 1(c) and 1(f) of this Article and shall be applied prior to Step II of this Section:

STEP I(a) - An appeal from an unsatisfactory determination at **Step I** shall be presented in writing to the person designated by the agency head for such purpose. The appeal must be made within five (5) work days of the receipt of the **Step I** determination. A copy of the grievance appeal shall be sent to the person who initially passed upon the grievance. The person designated to receive the appeal at this Step shall meet with the **employee** and/or the **Union** for review of the grievance and shall issue a determination to the **employee** and/or the **Union** by the end of the fifth work day following the day on which the appeal was filed.

STEP II - An appeal from an unsatisfactory determination at **STEP I** or **STEP I(a)**, where applicable, shall be presented in writing to the agency head or the agency head's designated representative who shall not be the same person designated in **STEP I**. The appeal must be made within five (5) work days of the receipt of the **STEP I** or **STEP I(a)** determination. The agency head or designated representative, if any, shall meet with the **employee** and/or the **Union** for review of the grievance and shall issue a determination in writing by the end of the tenth work day following the date on which the appeal was filed.

STEP III - An appeal from an unsatisfactory determination at **STEP II** shall be presented by the **employee** and/or the **Union** to the **Commissioner of Labor Relations** in writing within ten (10) work days of the receipt of the **STEP II** determination. The grievant or the **Union** should submit copies of the **STEP I** and **STEP II** grievance filings and any agency responses thereto. Copies of such appeal shall be sent to the agency head. The **Commissioner of Labor Relations** or the **Commissioner's** designee shall review all appeals from **STEP II** determinations and shall issue a determination on such appeals within fifteen (15) work days following the date on which the appeal was filed.

STEP IV - An appeal from an unsatisfactory determination at **STEP III** may be brought solely by the **Union** to the Office of Collective Bargaining for impartial arbitration within fifteen (15) work days of receipt of the **STEP III** determination. In addition, the **Employer** shall have the right to bring directly to arbitration any dispute between the parties concerning any matter defined herein as a "grievance". The **Employer** shall commence such arbitration by submitting a written request therefor to the Office of Collective Bargaining. A copy of the notice requesting impartial arbitration shall be forwarded to the opposing party. The

arbitration shall be conducted in accordance with the Title 61 of the Rules of the City of New York. The costs and fees of such arbitration shall be borne equally by the **Union** and the **Employer**.

The determination or award of the arbitrator shall be final and binding in accord with applicable law and shall not add to, subtract from or modify any contract, rule, regulation, written policy or order mentioned in Section 1 of this Article.

Section 3.

As a condition to the right of the **Union** to invoke impartial arbitration set forth in this Article, including the arbitration of a grievance involving a claimed improper holding of an open-competitive rather than a promotional examination, the **employee** or **employees** and the **Union** shall be required to file with the Director of the Office of Collective Bargaining a written waiver of the right, if any, of the **employee** and the **Union** to submit the underlying dispute to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award.

Section 4.

a. Any grievance under Section 1(d) relating to a claimed improper holding of an open-competitive rather than a promotional examination shall be presented in writing by the employee or the Union representative to the Commissioner of Labor Relations not later than thirty (30) days after the notice of the intention to conduct such open-competitive examination, or copy of the appointing officer's request for such open-competitive examination, as the case may be, has been posted in accordance with Section 51 of the Civil Service Law. The grievance shall be considered and passed upon within ten (10) days after its presentation. The determination shall be in writing, copies of which shall be transmitted to both parties to the grievance upon issuance.

b. A grievance relating to the use of an open-competitive rather than a promotional examination which is unresolved by the Commissioner of Labor Relations may be brought to impartial arbitration as provided in Sections 2 and 3 above. Such a grievance shall be presented by the Union, in writing, for arbitration within 15 days of the presentation of such grievance to the Commissioner of Labor Relations, and the arbitrator shall decide such grievance within 75 days of its presentation to the arbitrator. The party requesting such arbitration shall send a copy of such request to the other party. The costs and fees of such arbitration shall be borne equally by the Employer and the Union.

Section 5. Disciplinary Procedure for Employees Subject to Section 75

In any case involving a grievance under Section 1(e) of this Article, the following procedure shall govern upon service of written charges of incompetence or misconduct:

STEP A - Following the service of written charges, a conference with such **employee** shall be held with respect to such charges by the person designated by the agency head to review a grievance at **STEP I** of the Grievance Procedure set forth in this **Agreement**. The **employee** may be represented at such conference by a representative of the **Union**. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference. If the **employee** is satisfied with the determination in **STEP A** above, the **employee** may choose to accept such determination as an alternative to and in lieu of a determination made pursuant to the procedures provided for in **Section 75 of the Civil Service Law** or the **Rules and Regulations of the Health and Hospitals Corporation**. As a condition of accepting such determination, the **employee** shall sign a waiver of the **employee's** right to the procedures available to him or her under **Sections 75 and 76 of the Civil Service Law** or the **Rules and Regulations of the Health and Hospitals Corporation**.

STEP B(i) - If the **employee** is not satisfied with the determination at **STEP A** above then the **Employer** shall proceed in accordance with the disciplinary procedures set forth in **Section 75 of the Civil Service Law** or the **Rules and Regulations of the Health and Hospitals Corporation**. As an alternative, the **Union** with the consent of the **employee** may choose to proceed in accordance with the Grievance Procedure set forth in this **Agreement**, including the right to proceed to binding arbitration pursuant to **STEP IV** of such Grievance Procedure. As a condition for submitting the matter to the Grievance Procedure the **employee** and the **Union** shall file a written waiver of the right to utilize the procedures available to the **employee** pursuant to **Sections 75 and 76 of the Civil Service Law** or the **Rules and Regulations of the Health and Hospitals Corporation** or any other administrative or judicial tribunal, except for the purpose of enforcing an arbitrator's award, if any. Notwithstanding such waiver, the period of an **employee's** suspension without pay pending hearing and determination of charges shall not exceed thirty (30) days.

STEP B(ii) - If the election is made to proceed pursuant to the Grievance Procedure, an appeal from the determination of **STEP A** above, shall be made to the agency head or designated representative. The appeal must be made in writing within five (5) work days of the receipt of the determination. The agency head or designated representative shall meet with the **employee** and the **Union** for review of the grievance and shall issue a determination to the **employee** and the **Union** by the end of the tenth work day following the day on which the appeal was filed. The agency head or designated representative shall have the power to impose the discipline, if any, decided upon, up to and including termination of the accused **employee's** employment. In the event of such termination or suspension without pay totaling more than thirty (30) days, the **Union** with the consent of the grievant may elect to skip **STEP C** of this Section and proceed directly to **STEP D**.

STEP C - If the grievant is not satisfied with the determination of the agency head or designated representative the grievant or the **Union** may appeal to the **Commissioner of Labor Relations** in writing within ten (10) days of the determination of the agency head or designated representative. The **Commissioner of Labor Relations** shall issue a written reply to the grievant and the **Union** within fifteen (15) work days.

STEP D - If the grievant is not satisfied with the determination of the **Commissioner of Labor Relations**,

the **Union** with the consent of the grievant may proceed to arbitration pursuant to the procedures set forth in **STEP IV** of the Grievance Procedure set forth in this **Agreement**.

Section 6. Disciplinary Procedure for Provisional Employees

In any case involving a grievance under Sections 1(g) or 1(h) of this Article, the following procedure shall govern upon service of written charges of incompetence or misconduct:

STEP A Following the service of written charges, a conference with such employee shall be held with respect to such charges by the person designated by the agency head to review a grievance at **STEP I** of the Grievance Procedure set forth in this **Agreement**. The employee may be represented at such conference by a representative of the Union. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference.

STEP B(i) If the employee is not satisfied with the determination at **STEP A** above, then the employee may choose to proceed in accordance with the Grievance Procedure set forth in this **Agreement** through **STEP III**. The Union, with the consent of the employee, shall have the right to proceed to binding arbitration pursuant to **STEP IV** of such Grievance Procedure. The period of an employee's suspension without pay pending hearing and determination of charges shall not exceed thirty (30) days.

STEP B(ii) An appeal from the determination of **STEP A** above shall be made to the agency head or designated representative. The appeal must be made in writing within five (5) work days of the receipt of the determination. The agency head or designated representative shall meet with the employee and the Union for review of the grievance and shall issue a determination to the employee and the Union by the end of the tenth work day following the day on which the appeal was filed. The agency head or designated representative shall have the power to impose the discipline, if any, decided upon, up to and including termination of the accused employee's employment. In the event of such termination or suspension without pay totaling more than thirty (30) days, the Union with the consent of the grievant may elect to skip **STEP C** of this Section and proceed directly to **STEP D**.

STEP C If the grievant is not satisfied with the determination of the agency head or designated representative the grievant or the Union may appeal to the Commissioner of Labor Relations in writing within ten (10) days of the determination of the agency head or designated representative. The Commissioner of Labor Relations shall issue a written reply to the grievant and the Union within fifteen (15) work days.

STEP D If the grievant is not satisfied with the determination of the Commissioner of Labor Relations, the Union with the consent of the grievant may proceed to arbitration pursuant to the procedures set forth in **STEP IV** of the Grievance Procedure set forth in this **Agreement**.

Section 7.

A grievance concerning a large number of **employees** and which concerns a claimed misinterpretation, inequitable application, violation or failure to comply with the provisions of this **Agreement** may be filed directly at **STEP III** of the grievance procedure. All other individual grievances in process concerning the same issue shall be consolidated with the "group" grievance.

Section 8.

If a determination satisfactory to the **Union** at any level of the Grievance Procedure is not implemented within a reasonable time, the **Union** may re-institute the original grievance at **STEP III** of the Grievance Procedure; or if a satisfactory **STEP III** determination has not been so implemented, the **Union** may institute a grievance concerning such failure to implement at **STEP IV** of the Grievance Procedure.

Section 9.

If the **Employer** exceeds any time limit prescribed at any step in the Grievance Procedure, the grievant and/or the **Union** may invoke the next step of the procedure, except that only the **Union** may invoke impartial arbitration under **STEP IV**.

Section 10.

The **Employer** shall notify the **Union** in writing of all grievances filed by **employees**, all grievance hearings, and all determinations. The **Union** shall have the right to have a representative present at any grievance hearing and shall be given fortyeight (48) hours' notice of all grievance hearings.

Section 11.

Each of the steps in the Grievance Procedure, as well as time limits prescribed at each step of this Grievance Procedure, may be waived by mutual agreement of the parties.

Section 12.

A non-Mayoral agency not covered by this **Agreement** but which employs **employees** in titles identical to those covered by this **Agreement** may elect to permit the **Union** to appeal an unsatisfactory determination received at the last step of its Grievance Procedure prior to arbitration on fiscal matters only to the **Commissioner of Labor Relations**. If such election is made, the **Union** shall present its appeal to the **Commissioner of Labor Relations** in writing within ten (10) work days of the receipt of the last step determination. The **Union** should submit copies of the grievance filings at the prior steps of its Grievance Procedure and any agency responses thereto. Copies of such appeals shall be sent to the agency head. The **Commissioner of Labor Relations**, or the **Commissioner's** designee, shall review all such appeals and answer all such appeals within fifteen (15) work days. An appeal from a determination of the **Commissioner of Labor Relations** may be taken to arbitration under procedures, if any, applicable to the non-Mayoral agency involved.

Section 13.

The grievance and the arbitration procedure contained in this **Agreement** shall be the exclusive remedy for the resolution

of disputes defined as "grievances" herein. This shall not be interpreted to preclude either party from enforcing the arbitrator's award in court. This Section shall not be construed in any manner to limit the statutory rights and obligations of the **Employer** under **Article XIV** of the **Civil Service Law**.

Section 14. Expedited Arbitration Procedure.

- The parties agree that there is a need for an expedited arbitration process, which would allow for the prompt adjudication of grievances as set forth below.
- The parties voluntarily agree to submit matters to final and binding arbitration pursuant to the New York City Collective Bargaining Law and under the jurisdiction of the Office of Collective Bargaining. An arbitrator or panel of arbitrators, as agreed to by the parties, will act as the arbitrator of any issue submitted under the expedited procedure herein.
- The selection of those matters which will be submitted shall include, but not limited to, out-of-title cases concerning all titles, disciplinary cases wherein the proposed penalty is a monetary fine of one week or less or written reprimand, and other cases pursuant to mutual agreement by the parties. The following procedures shall apply:

i. SELECTION AND SCHEDULING OF CASES:

- The Deputy Chairperson for Disputes of the Office of Collective Bargaining shall propose which cases shall be subject to the procedures set forth in this Section 12 and notify the parties of proposed hearing dates for such cases.
- The parties shall have ten business days from the receipt of the Deputy Chairperson's proposed list of cases and hearing schedule(s) to raise any objections thereto.
- If a case is not proposed by the Deputy Chairperson for expedited handling, either party may, at any time prior to the scheduling of an arbitration hearing date for such case, request in writing to the other party and to the Deputy Chairperson of Disputes of the Office of Collective Bargaining that said case be submitted to the expedited procedure. The party receiving such request shall have ten business days from the receipt of the request to raise any objections thereto.
- No case shall be submitted to the expedited arbitration process without the mutual agreement of the parties.

ii. CONDUCT OF HEARINGS:

- The presentation of the case, to the extent possible, shall be made in the narrative form. To the degree that witnesses are necessary, examination will be limited to questions of material fact and cross examination will be similarly limited. Submission of relevant documents, etc., will not be unreasonably limited and may be submitted as a "packet" exhibit.
- In the event either party is unable to proceed with hearing a particular case, the case shall be rescheduled. However, only one adjournment shall be permitted. In the event that either party is unable to proceed on a second occasion, a default judgment may be entered against the adjourning party at the Arbitrator's discretion absent good cause shown.
- The Arbitrator shall not be precluded from attempting to assist the parties in settling a particular case.
- A decision will be issued by the Arbitrator within two weeks. It will not be necessary in the Award to recount any of the facts presented. However, a brief explanation of the Arbitrator's rationale may be included. Bench decisions may also be issued by the Arbitrator.
- Decisions in this expedited procedure shall not be considered as precedent for any other case nor entered into evidence in any other forum or dispute except to enforce the Arbitrator's award.
- The parties shall, whenever possible, exchange any documents intended to be offered in evidence at least one week in advance of the first hearing date and shall endeavor to stipulate to the issue in advance of the hearing date.

ARTICLE VI - NO STRIKES

In accordance with the New York City Collective Bargaining Law, as amended, neither the **Union** nor any **employee** shall induce or engage in any strikes, slowdowns, work stoppages, mass absenteeism, or induce any mass resignations during the term of this **Agreement**.

ARTICLE VII - TRANSFERS

Section 1.

The term *transfer* shall mean (i) the shifting of an **employee** to a position in charge of a division or shop, or (ii) the shifting of an **employee** from one work location to another without any significant change in the duties and responsibilities of the **employee's** civil service title.

Section 2.

The initial assignment of a newly appointed **employee** after an initial period of training to an existing or newly created position shall not constitute a transfer, except where the existing or newly created position is in charge of a department or shop.

Section 3.

A shifting of an **employee** to a position in which the said **employee** assumes the duties and responsibilities of a transferred **employee** shall not constitute a transfer, except where the vacant position is in charge of a department or shop.

Section 4.

For the purposes of this Article, the term *work location* shall mean a geographic area consisting of a garage, a group of garages, or a central repair shop.

Section 5.

With the exception of temporary transfers, voluntary transfers from one work location to another within an agency shall be made on the basis of greatest seniority in title in such agency from among **employees** who, in the judgement of the **Employer**, are otherwise equally qualified for the particular job opening.

Among the items to be assessed by the **Employer** to determine the qualifications of **employees** seeking transfers are the individual **employee's** abilities, performance, rate of absenteeism, general health and capabilities and disciplinary record.

Section 6.

With the exception of temporary transfers, involuntary transfers from one work location to another within an agency shall be made on the basis of least seniority in title in such agency from among **employees** who, in the judgement of the **Employer**, are otherwise equally qualified.

Section 7.

There shall be a six (6) month probationary period for all persons transferred. At or before the end of said probationary period, an **employee** who has been transferred may be returned to the work location from which transferred if, in the judgement of the **Employer**, said transferred **employee's** abilities, performance, rate of absenteeism, general health and capacities and disciplinary record in such new position warrant such return.

Section 8.

Temporary transfers are transfers which are limited to ninety (90) calendar days.

Section 9.

When possible, all vacancies that the **Employer** has decided to fill by permanent transfer shall be posted on a department bulletin board as far in advance of the date the transfer is to be effective as is practicable; however, the **Employer** need not post a job opening more than a month in advance. This section applies to job openings to be filled either on a voluntary or involuntary basis.

Section 10.

Any **employee** who voluntarily transfers to another location shall remain in that location for a period of not less than one year. No transfer requests shall be accepted from any **employee** so transferred within one year preceding the date of request. When an **employee** has been selected for a voluntary transfer but said transfer has not been implemented within 90 days of such selection, such **employee** shall have the option to withdraw the original bid and to bid for a different position. However, such withdrawal from the original bid shall be permanent, and the original bid may not be reactivated.

ARTICLE VIII - OVERTIME

Section 1.

All overtime shall, as far as practicable, be distributed equally among the **employees** within a department except as modified in Section 2 of this Article.

Section 2.

In the Department of Sanitation, overtime shall, as far as is practicable, be distributed equally among employees in each work area.

For purposes of this Article only, work areas as they presently exist in the Bureau of Motor Equipment of the Department of Sanitation are defined as follows:

a. Field Operations

Each Borough Shop including its satellite garages shall be deemed a separate work area.

Fresh Kills Landfill is also designated as a work area except that emergency overtime, including, but not limited to work in progress, will be given priority when assigning overtime in this location.

b. Central Repair Shop

Off-vehicle shops which presently include the Machine Shop, Engine Shop, Unit Repair Shop, Transmission Shop, Upholstery Shop, Electric Shop, and the Glass Shop shall be deemed a single work area.

On-vehicle mechanical repair shops which presently include Special Chassis and the Passenger Car Shop shall be deemed a single work area.

Metal working shops including the Body Shop and the Forge Shop shall be deemed a single work area.

The Tire Shop shall be deemed a single work area.

Employees, as defined herein, who work in locations other than those indicated above, shall work in accordance with the needs of their location.

Nothing herein shall be used to define a work area or location under Article VII of this agreement or for any purpose other than the distribution of overtime in the Department of Sanitation as defined herein.

ARTICLE IX - PRODUCTIVITY AND PERFORMANCE

Introduction

Delivery of municipal services in the most efficient, effective and courteous manner is of paramount importance to the **Employer** and the **Union**. Such achievement is recognized to be a mutual obligation of both parties within their respective roles and responsibilities. To achieve and maintain a high level of effectiveness, the parties hereby agree to the following terms:

Section 1. Supervisory Responsibility

The **Union** recognizes the **Employer's** right under the **New York City Collective Bargaining Law** to establish and/or revise standards for supervisory responsibility in achieving and maintaining performance levels of supervised **employees** for **employees** in supervisory positions listed in Article I, Section 1, of this **Agreement**. The **Employer** will give the **Union** prior notice of the establishment and/or revision of standards for supervisory responsibility hereunder.

Section 2.

Employees who fail to meet such standards may be subject to disciplinary measures in accordance with applicable law.

Section 3. - Performance Compensation

The Union acknowledges the Employer's right to pay additional compensation for outstanding performance.

The Employer agrees to notify the Union of its intent to pay such additional compensation.

ARTICLE X - BULLETIN BOARDS AND NOTICES

The Union may post notices on bulletin boards in places and locations where notices usually are posted by the Employer for the employees to read. All notices shall be on Union stationery, and shall be used only to notify employees of matters pertaining to Union affairs. The minimum space to be provided on any such bulletin board shall be sufficient for a document on paper size 8½" x 13".

ARTICLE XI - PERSONNEL AND PAY PRACTICES

Section 1.

The Employer agrees to authorize all agencies, covered hereunder, effective January 1, 1971, to establish imprest funds for the reimbursement to employees of all necessary and authorized carfare, telephone, automobile and meal expenses and such other types of expenses as the Comptroller may approve. The funds shall be administered in accordance with the rules and regulations of the Comptroller.

Section 2.

In the scheduling of vacations for employees of agencies covered hereunder subject to the vacation policy and procedures of the respective agencies, the Employer agrees that all authorized vacation picks for employees covered by this Agreement shall be by seniority in the employee's civil service title.

ARTICLE XII - WORKING CONDITIONS

Section 1.

The Employer shall make all reasonable efforts to provide employees with adequate, clean and safe washing and toilet facilities.

Section 2.

All employees' work areas shall be adequately ventilated, lighted and otherwise maintained.

ARTICLE XIII - SAFETY

Section 1.

All unsafe conditions reported by the Union, concerning employees covered by this Agreement, shall be duly noted by the appropriate supervisor and acted upon expeditiously.

Section 2.

All unsafe conditions not acted upon expeditiously may become the subject of a grievance.

ARTICLE XIV - LABOR-MANAGEMENT COMMITTEE

Section 1.

The Employer and the Union, having recognized that cooperation between management and employees is indispensable to the accomplishment of sound and harmonious labor relations, shall jointly maintain and support a labor-management committee in each of the agencies having at least fifty employees covered by this Agreement.

Section 2.

Each labor-management committee shall consider and recommend to the agency head changes in the working conditions of the employees within the agency who are covered by this Agreement. Matters subject to the Grievance Procedure shall not be appropriate items for consideration by the labor-management committee.

Section 3.

Each labor-management committee shall consist of six members who shall serve for the term of this Agreement. The Union shall designate three members and the agency head shall designate three members. Vacancies shall be filled by the appointing party for the balance of the term to be served. Each member may designate one alternate. Each committee shall select a chairperson from among its members at each meeting. The chairpersonship of each committee shall alternate between the members designated by the agency head and the members designated by the Union. A quorum shall consist of a majority of the total membership of a committee. A committee shall make its recommendations to the agency head in writing.

Section 4.

The labor-management committee shall meet at the call of either the Union members or the Employer members at times mutually agreeable to both parties. At least one week in advance of a meeting the party calling the meeting shall provide, to the other party, a written agenda of matters to be discussed. Minutes shall be kept and copies supplied to all members of the committee.

ARTICLE XV - FINANCIAL EMERGENCY ACT

The provisions of this Agreement are subject to applicable provisions of law, including the New York State Financial Emergency Act for the City of New York as amended.

ARTICLE XVI - APPENDICES

The Appendix or Appendices, if any, attached hereto and initialed by the undersigned shall be deemed a part of this Agreement as if fully set forth herein.

ARTICLE XVII - SAVINGS CLAUSE

In the event that any provision of this Agreement is found to be invalid, such invalidity shall not impair the validity and

enforceability of the remaining provisions of this Agreement.

ARTICLE XVIII - CITYWIDE ISSUES

This Agreement is subject to the provisions, terms and conditions of the Agreement which has been or may be negotiated between the City and the Union recognized as the exclusive collective bargaining representative on Citywide matters which must be uniform for specified employees, including the employees covered by this Agreement.

Employees in Rule X titles shall receive the benefits of the Citywide Agreement unless otherwise specifically excluded herein.

WHEREFORE, we have hereunto set our hands and seals this 29th day of January, 2009.

FOR THE CITY OF NEW YORK AND RELATED PUBLIC EMPLOYERS AS DEFINED HEREIN:

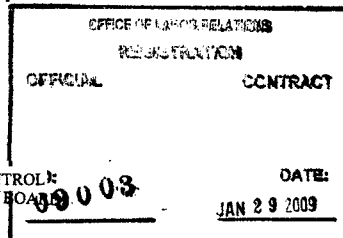
FOR LOCAL 621, SEIU, AFL-CIO:

BY: *James F. Hanley*
JAMES F. HANLEY
Commissioner of Labor Relations

BY: *Joseph Giattino*
JOSEPH GIATTINO
President

APPROVED AS TO FORM:

BY: *Paul T. Rephen*
PAUL T. REPHEN
Acting Corporation Counsel



CERTIFIED TO THE FINANCIAL CONTROL BOARD

DATE: _____

UNIT: Supervisor of Mechanics (M.E.), et al.

TERM: March 13, 2008 to March 12, 2010, where applicable
October 31, 2008 to October 30, 2010, where applicable



THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

December 18, 2008

Joseph Giattino
President
Local 621, SEIU
75 Darcy Circle
Islip, New York 11751

Dear Mr. Giattino;

This is to confirm our mutual understanding that any SMME who alleges they are being paid at an incorrect SMME rate shall continue to have the right to bring pay grievances under Article IV and Article V of the contract. The one hundred and twenty-day (120) period for filing a grievance shall apply.

AGREED AND ACCEPTED ON BEHALF OF LOCAL 621

BY: *Joseph Giattino*
JOSEPH GIATTINO

Very truly yours,
James F. Hanley
James F. Hanley



THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

December 18, 2008

Joseph Giattino
President
Local 621, SEIU
75 Darcy Circle
Islip, New York 11751

Dear Mr. Giattino;

This is to confirm our continued mutual understanding that Local 621, S.E.I.U., AFL-CIO ("Local 621") has, effective since April 1, 2004, provided the necessary funding in the amount of 0.0452% to increase the compensation of the member of Local 621 on full-time paid release from the base-pay of a Level I Supervisor of Mechanics (Mechanical Equipment)("SMME") to that of the highest SMME salary at Level I (i.e., Supervising Supervisor). The purpose of this funding has been to provide, effective April 1, 2004, an annual salary to the member of Local 621 on full-time paid release equal to the salary of a Supervising Supervisor. The parties agree that the charge to the Union for the increase in the annual salary to the member of Local 621 on full-time paid release began effective April 1, 2004 and will continue regardless of the civil service title or the assignment level of any future active employee who may serve in the full-time paid release position.

It is our mutual understanding and agreement that the salaries reflected in the Collective Bargaining Agreement for the period beginning March 13, 2008 reflects, for the period beginning March 13, 2008 (and for Deputy Directors for the period beginning October 31, 2008), a salary adjustment sufficient to provide the necessary funding for the increased salary for the member of Local 621 on full-time paid release.

The funding mechanism provided for in this side-letter can

only be terminated upon the mutual agreement of the parties. If the parties agree to terminate this funding mechanism, it is understood that the charge that has been assessed to the union will instead, going forward, be restored to the wages of the SMME, Supervisor of Ironwork and Deputy Director of Motor Equipment Maintenance (Sanitation) titles effective the date of such termination.

If the above accords with your understanding, kindly execute the signature line provided below.

Very truly yours,
James F. Hanley
James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF LOCAL 621

BY: *Joseph Giattino*
JOSEPH GIATTINO



THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
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JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

December 18, 2008

Joseph Giattino
President
Local 621, SEIU
75 Darcy Circle
Islip, New York 11751

Re: 2008-2010 Local 621 SMME, et al. Agreement

Dear Mr. Giattino:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

For the purposes of Article IV section 8(a)(i), "approved leave" is further defined to include:

- a. maternity/childcare leave
- b. military leave
- c. unpaid time while on jury duty
- d. unpaid leave for union business pursuant to Executive Order 75
- e. unpaid leave pending workers' compensation determination
- f. unpaid leave while on workers' compensation option 2
- g. approved unpaid time off due to illness or exhaustion of paid sick leave
- h. approved unpaid time off due to family illness
- i. other pre-approved leaves without pay

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,
James F. Hanley
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF Local 621

BY: *Joseph Giattino*
JOSEPH GIATTINO



THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

December 18, 2008

Joseph Giattino
President
Local 621, SEIU
75 Darcy Circle
Islip, New York 11751

Re: 2008-2010 Local 621 SMME, et al. Agreement

Dear Mr. Giattino:

This is to confirm the understanding of the parties that effective on March 12, 2010 (October 30, 2010 for Deputy Directors of Motor Equipment Maintenance), the bargaining unit shall have available funds not to exceed 0.10% to purchase recurring benefits, mutually agreed to by the parties, other than to enhance the general wage increases. The funds available shall be based on the December 31, 2007 payroll, including spinoffs and pensions.

If this conforms to your understanding, please counter sign below.

Very truly yours,
James F. Hanley
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF Local 621

BY: *Joseph Giattino*
JOSEPH GIATTINO

READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>
- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application. If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE Date Intent to Negotiate Notice was published in CR
- OLB Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS Source required by state/federal law or grant
- SCE Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/**only one source
- RS Procurement from a Required Source/ST/FED
- NA **Negotiated Acquisition**
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9 New contractor needed for changed/additional work
- NA/10 Change in scope, essential to solicit one or limited number of contractors
- NA/11 Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F Federal
- IG/S State
- IG/O Other
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A Life
- EM/B Safety
- EM/C Property
- EM/D A necessary service
- AC **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE **Service Contract Extension/**insufficient time; necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a anti-apartheid preference
- OLB/b local vendor preference
- OLB/c recycled preference
- OLB/d other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.