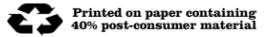




THE CITY RECORD

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TABLE OF CONTENTS

PUBLIC HEARINGS & MEETINGS

Bronx Borough President293

City Planning Commission293

Community Boards307

Design and Commission307

Landmarks Preservation Commission ..307

Mayor's Office of Operations308

Board of Standards and Appeals308

Transportation309

PROPERTY DISPOSITION

Citywide Administrative Services309

Municipal Supply Services309

Sale by Auction309

Sale by Sealed Bid309

Police309

PROCUREMENT

Administration for Children's Services .309

Citywide Administrative Services310

Municipal Supply Services310

Vendor Lists310

Design and Construction310

Contract Section310

Education310

Contracts and Purchasing310

Environmental Protection310

Agency Chief Contracting Officer310

Fire310

Health and Hospitals Corporation310

Health and Mental Hygiene310

Agency Chief Contracting Officer310

Parks and Recreation310

Contract Administration310

Revenue and Concessions310

Sanitation310

School Construction Authority311

Contract Administration311

AGENCY PUBLIC HEARINGS

Youth and Community Development ...311

AGENCY RULES

Fire311

SPECIAL MATERIALS

Comptroller311

Housing Preservation and Development .311

READER'S GUIDE312

THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BRONX BOROUGH PRESIDENT

PUBLIC HEARINGS

A PUBLIC HEARING IS BEING called by the President of the Borough of The Bronx, Honorable Ruben Diaz Jr. on Tuesday, February 21, 2012, commencing at 10:00 A.M. The hearing will be held in the office of the Borough President, 851 Grand Concourse, Room 206, Bronx, New York 10451 on the following items:

CD 11-ULURP APPLICATION NO: C 070558 ZSX-IN THE MATTER OF an application submitted by Yeshiva University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-53 of the Zoning Resolution to modify the requirements of Section 25-12 (Maximum Size of Accessory Group Parking Facilities) to allow a group parking facility accessory to uses in a Large-Scale Community Facility Development with a maximum capacity of 425 spaces, and to modify the requirements of Section 25-11 (General Provisions) so as to permit some of such off-street parking spaces to be located on the roof, in connection with the proposed enlargement of a garage building at 1925 Eastcheste4r Road (Block 4205, Lot 2), within a Large-Scale Community Facility Development (Block 4117, Lot 1 and Block 4205, Lot 2 & p/o Lot 1), in R4 and R6 Districts, Borough of the Bronx, Community District 11.

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.

CD 5-ULURP APPLICATION NO: C 120107 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 92 West Tremont Avenue (Block 2867, Lots 125 and 128) 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 Block 2867, Lot 125 to a developer to be selected by HPD;

to facilitate construction of a six-story senior citizen residence with approximately 61 dwelling units to be developed under the New York State's Housing Trust Fund.

ANYONE WISHING TO SPEAK MAY REGISTER AT THE HEARING. PLEASE DIRECT ANY QUESTIONS CONCERNING THESE MATTERS TO THE BOROUGH PRESIDENT'S OFFICE, 718-590-6124.

f13-17

CITY PLANNING COMMISSION

PUBLIC HEARING

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, February 29, 2012 at 10:00 A.M.

BOROUGH OF QUEENS

No. 1

119-03 SPRINGFIELD BOULEVARD

CD 13 C 090466 ZMQ
IN THE MATTER OF an application submitted by ADC Builders & Developers pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 19a, by establishing within an existing R2A District a C1-3 District bounded by 119th Avenue, Francis Lewis Boulevard, 217th Street, a line perpendicular to the southeasterly street line of Springfield Boulevard distant 140 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly line of Springfield Boulevard and the southwesterly street line of 119th Avenue, and Springfield Boulevard, as shown on a diagram (for illustrative purposes only) dated October 31, 2011.

No. 2

FDNY TECHNICAL SERVICES HEADQUARTERS

CD 2 C 120113 PCQ
IN THE MATTER OF an application submitted by the Fire Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 34-02 Queens Boulevard (Block 246, part of Lot 1) for use as a warehouse and offices.

No. 3

QUEENS PLAZA SIGN REGULATIONS

CDs 1 & 2 N 110223 ZRQ
IN THE MATTER OF an application submitted by the JetBlue Airways Corporation pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 7 to modify sign regulations within the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District.

Matter Underlined is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

Article XI - Special Purpose Districts

**Chapter 7
Special Long Island Mixed Use District**

**117-51
Queens Plaza Subdistrict Special Use Regulations**

The special #use# provisions of Sections 123-20 through 123-50, inclusive, of the #Special Mixed Use District# shall apply

in the Queens Plaza Subdistrict except where modified by the provisions of this Section and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

* * *

**117-514
Special Sign Regulations**

Within the Queens Plaza Subdistrict, the #sign# regulations of Section 123-40 (SIGN REGULATIONS) shall apply, except that such #sign# regulations may be modified to permit a #sign# on the rooftop of a #non-residential building#, provided that the height of such rooftop is between 70 feet and 150 feet, as measured from #curb level#, and further provided that:

- (a) such rooftop #sign# is located on a #building# with frontage on Queens Plaza South, Queens Boulevard, Queens Plaza East or Queens Plaza North;
- (b) there shall be no more than one rooftop #sign# on a #zoning lot#;
- (c) there shall be no more than one #sign# per establishment on any #sign# structure;
- (d) such rooftop #sign# shall be neither a #flashing sign# nor an #advertising sign#;
- (e) rooftop #signs# shall be affixed to an open frame structure with maximum dimensions that shall not exceed 45 feet in height, as measured from the surface of the roof to its uppermost point, and 150 feet in width, as measured along its widest dimension;
- (f) all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such rooftop #sign# shall be separate elements, individually cut and separately affixed to the open frame structure. No perimeter or background surfaces shall be applied or affixed to the open frame structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for an open frame structure. The area of such separate elements of a rooftop #sign# shall not count towards the maximum #surface area# of a #sign# permitted in Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts); and
- (f) any illumination from rooftop #signs# located within 100 feet of any #building# containing #residences#, where such #residences# legally existed at the time of the application for a permit for such #sign#, shall not project into or reflect onto any #residential# portion of such #building#.

* * *

**CITYWIDE
ZONE GREEN TEXT AMENDMENT
No. 4**

Citywide N 120132 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, to remove barriers to construction of green building features in the City of New York by modification of various 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
General Provisions**

* * *
**11-13
Public Parks**

District designations indicated on #zoning maps# do not apply to #public parks#, except as set forth in Section 105-91 (Special District Designation on Public Parks). In the event that a #public park# or portion thereof is sold, transferred, exchanged, or in any other manner relinquished from the control of the Commissioner of Parks and Recreation, no building permit shall be issued, nor shall any #use# be permitted on such former #public park# or portion thereof, until a zoning amendment designating a zoning district therefore has been adopted by the City Planning Commission and has become effective after submission to the City Council in accordance with the provisions of Section 75-00 71-10 (PROCEDURE FOR AMENDMENTS).

**Chapter 2
Construction of Language and Definitions**

12-10 Definitions

Accessory use, or accessory (8/27/98)

An #accessory use# includes:

(19) An ambulance outpost operated by or under contract with a government agency or a public benefit corporation and located either on the same #zoning lot# as, or on a #zoning lot# adjacent to, a #zoning lot# occupied by a fire or police station-;

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

(21) Solar energy systems.

Floor area (2/2/11)

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

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

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

(i) Where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch; or

(ii) Where such wall thickness is within an exterior wall constructed after (date of adoption), equal to the amount that such wall is greater than eight inches in thickness provided the above-grade exterior walls of the #building# envelope are more energy efficient than required by the New York City Energy Conservation Code (NYCECC) as determined below:

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

(2) The area-weighted average U-factor of all above-grade exterior wall assemblies, including vertical fenestrations, shall be no more than 90 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC. For the purposes of calculating the area-weighted average U-factor, the amount of fenestration shall equal the amount of fenestration provided in such exterior walls, or an amount equal to 40 percent of the area of such exterior walls, whichever is less.

For the purposes of calculating compliance with this paragraph (ii), the term “above-grade” shall only include those portions of walls located above the grade adjoining such wall. Compliance with this paragraph (ii) shall be demonstrated to the Department of Buildings at the time of issuance of the building permit for such exterior walls.

(13) floor space in a rooftop greenhouse permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses).

**23-12
Permitted Obstructions in Open Space**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the following obstructions shall be permitted in any #open space# required on a #zoning lot#:

(a) Air conditioning condensation units, #accessory#,

for #single-# or #two-family residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are within 18 inches of the #street wall#, fully screened from the #street# by vegetation;

(b) Awnings and other sun control devices. However, when located at a level higher than a first #story#, excluding a #basement#, all such devices:

(1) shall be limited to a maximum projection into such #open space# of 2 feet, 6 inches; and

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

(ec) Balconies, unenclosed, subject to the provisions of Section 23-13;

(bd) Breezeways;

(ee) Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percentages set forth in Section 25-64 (Restrictions on Use of Open Space for Parking);

(ef) Eaves, gutters or downspouts, projecting into such #open space# not more than 16 inches or 20 percent of the width of such #open space#, whichever is the lesser distance;

(g) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #open space# width, up to a maximum thickness of eight inches.

(eh) Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per #dwelling unit#, when #accessory# to a #single-family#, #two-family# or three-#family residence#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot. However, two such spaces for a #single-family residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;

(i) Solar energy systems:

(1) on the roof of an #accessory building#, limited to 18 inches in height as measured perpendicular to the roof surface; or

(2) on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

(fj) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#;

(gk) Terraces, unenclosed, fire escapes, planting boxes or air conditioning units, provided that no such items project more than six feet into or over such #open space#.

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

In all #Residence Districts#, the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

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

(1) Air conditioning condensation units, #accessory#, for #single-# or #two-family residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are within 18 inches of the #street wall#, fully screened from the #street# by vegetation;

(2) Arbors or trellises;

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

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

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

(4) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-13. Such balconies are not permitted in required #side yards#;

(5) Canopies

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

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

(8) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#.

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

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

(10) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;

(11) Flagpoles;

(12) Overhanging portions of a #building# in R4 and R5 Districts, except R4A, R4-1, R4B, R5A, R5B or R5D Districts, which are above the first #story# including the #basement# and which project not more than three feet into the required 18 foot #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such

(13) supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;

(14) Parking spaces for automobiles or bicycles, off-street, open, #accessory#, within a #side# or #rear yard#;

(15) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:

(i) in R1, R2, R3A, R3X, R3-1, R4A, R4-1 and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-621 (Location of parking spaces in certain districts);

(ii) in R3-2 Districts, R4 Districts other than R4A, R4-1 and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-621;

(iii) in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof.

However, no parking spaces of any kind shall be permitted in any #front yard# in

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

- (16) Ramps for persons with physical disabilities;
- (17) Solar energy systems on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (18) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;
- (19) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;
- (20) Terraces or porches, open;
- (21) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#.

(b) In any #rear yard# or #rear yard equivalent#: ~~Air conditioning condensation units, #accessory#, for #single# or #two family residences#, provided that such units are located not less than eight feet from any #lot line#;~~

- (1) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (2) Breezeways;
- (3) Fire escapes;
- (4) Greenhouses, non-commercial, #accessory#, limited to one #story# or 14 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
- (5) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:

(4i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed ~~one #story#~~ ten feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#, and Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#. In addition, solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface shall be permitted upon the roof of such #accessory building# within the #rear yard#;

(4ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed ten feet above adjoining grade, including the apex of a pitched roof in R3, R4 or R5 Districts, or fourteen feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard#;

(4iii) enclosed #accessory# parking spaces for bicycles shall be

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

- (6) Recreational or drying yard equipment;
- (7) Sheds, tool rooms or other similar #accessory buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
- (8) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

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

23-461 Side yards for single- or two-family residences

R3-1 R3-2 R4 R4-1 R4B R5

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

Only air conditioning condensation units, chimneys, downspouts, eaves, exterior wall thickness, gutters, ~~downspouts~~, open #accessory# off-street parking spaces, steps, and ramps for access by people with disabilities, and steps as set forth in paragraph (a) of Section 23-44 shall be permitted obstructions in open areas required pursuant to paragraphs (c)(1) and (c)(2) of this Section, and provided such obstructions may not reduce the minimum width of the open area by more than three feet. ~~Open #accessory# off-street parking spaces shall be permitted in such open areas.~~

23-462 Side yards for all other buildings containing residences

R4B R5B R5D

- (b) In the districts indicated, no #side yards# are required; however, where a #building# containing #residences# on an adjacent #zoning lot# has a #side yard#, an open area with a minimum width of eight feet and parallel to the #side lot line# is required along the common #side lot line# between such #buildings#. Obstructions permitted pursuant to paragraph (c)(3) of Section 23-461 (Side yards for single- or two-family residences), shall be permitted in such open areas.

R6 R7 R8 R9 R10

- (c) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall measure at least eight feet wide for the entire length of the #side lot line#. Obstructions permitted pursuant to paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

23-62 Permitted Obstructions

In all #Residence Districts#, except as provided in Section 23-621 (Permitted obstructions in certain districts), the obstructions listed in paragraphs (a) through (h) in this Section shall be permitted to penetrate a maximum height limit or #sky exposure plane# set forth in Sections 23-63 (Maximum Height of Walls and Required Setbacks), 23-64 (Alternate Front Setbacks) or 23-69 (Special Height Limitations):

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

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

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

- (eb) Balconies, unenclosed subject to the provisions of Section 23-13;
- (ec) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 23-63, 23-64, or 23-65 (Tower Regulations);
- (ed) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

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

(ef) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached single-# or #two-family residence#;

(eg) ~~Elevators or stair bulkhead, roof water tanks (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage. For the purposes of this paragraph, (d), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#. Portions of elevator shafts and associated vestibules that provide access to a roof pursuant to paragraph (e) of this Section shall not be included in the limitations on width or surface area of this paragraph, (d);~~

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

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

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

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

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

(f) Elevator shafts, portions of which provide an elevator stop with access to a roof, and associated vestibules providing access to such roof, provided that such vestibules include no more than 60 square feet of #floor area#;

(h) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where

#buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.

(gi) Flagpoles or aerials;

(hj) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;

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

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

(m) Solar energy systems:

(1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;

(2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed;

(i) in R1 through R5 Districts, a height of six feet;

(ii) in R6 through R10 Districts, a height of 15 feet; and

(iii) when located on a bulkhead or other obstruction pursuant to paragraph (g) of this Section, a height of six feet;

(3) on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

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

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

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

(p) Wind energy systems on #buildings# with a height of 100 feet or greater, provided:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

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

(q) Window washing equipment mounted on a roof;

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

23-621 Permitted obstructions in certain districts

R2A R3 R4 R4A R4-1 R5A

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

pursuant to those listed in paragraphs (e), (f) and (h) of Section 23-62 (Permitted Obstructions).

R2X

(b) In the district indicated, permitted obstructions are limited to chimneys, exterior wall thickness, flag poles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to those listed in paragraphs (e), (f) and (h) of Section 23-62 (Permitted Obstructions). Dormers may be considered permitted obstructions if:

* * *

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(c) In the districts indicated, and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, the permitted obstructions set forth in Section 23-62 shall apply to any #building# or other structure#, except that in addition, a dormer may be allowed as a permitted obstruction within a required front setback distance above a maximum base height, the following rules shall apply:-

(1) Such dormers may shall be allowed as a permitted obstruction, exceed a maximum base height specified for such district provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

(2) Solar energy systems on a roof shall be limited to four feet or less in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. However, on a roof with a slope greater than 20 degrees, such systems shall be limited to 18 inches in height as measured perpendicular to the roof surface.

(3) Wind energy systems shall not be allowed as permitted obstructions.

(4) Window washing equipment shall not be allowed as permitted obstructions.

R5D

(d) In R5D Districts, permitted obstructions shall be as set forth in Section 23-62, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may exceed a maximum height limit provided that the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage. For the purposes of this paragraph, (d), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#.

* * *

23-66 Required Side and Rear Setbacks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over any open areas required by the provisions of this Section. In addition, awnings and other sun control devices, decks, exterior wall thickness, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs and weirs are permitted as set forth in Section 23-62 (Permitted Obstructions).

* * *

23-711 Standard minimum distance between buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

(e) portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart; and

(f) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph, (f), shall apply to any #zoning lot# with two or more #buildings# where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a "front building," and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a "front building" shall be considered a "rear building." The minimum distances set forth in the table in this Section shall apply, except that a minimum distance of 45 feet shall be provided between any such front and rear #buildings#; and

(g) For #buildings# existing on (date of adoption), the minimum distances set forth in the table in this Section, and any non-complying distance greater than 8 feet, may be reduced by up to eight inches of exterior wall thickness from each #building# wall, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A non-complying distance of 8 feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings.

* * *

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

* * *

23-861 General provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

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

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

R9 R10

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

* * *

23-87 Permitted Obstructions in Courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following obstructions shall be permitted within the minimum area and dimensions needed to satisfy the requirements for a #court#:

(a) Arbors or trellises;

(b) Awnings and other sun control devices. However, when located at a level higher than a first #story#, excluding a #basement#, all such devices:

(1) shall be limited to a maximum projection into such court of 2 feet, 6 inches; and

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

(c) Eaves, gutters, downspouts, window sills, or similar projections extending into such #court# not more than four inches;

(d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #court# width, up to a maximum thickness of eight inches.

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

(e) Fences;

(f) Fire escapes in #outer courts#;

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

Fire escapes in #inner courts# where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer court recesses# more than five feet in depth where such fire escapes are

required as a result of alterations in #buildings# existing before December 15, 1961;

- (g) Flag poles;
- (h) Open terraces, porches, or steps;
- (i) Recreational or drying yard equipment;
- (j) Solar energy systems on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

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

**23-891
In R1 through R5 Districts**

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to all #zoning lots# with two or more #buildings# or #building segments# containing #residences#. All such #buildings# or #building segments# shall provide open areas ~~as follows:~~ in accordance with this Section. Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways, shall not be permitted within such open areas.

- (a) An open area shall be provided adjacent to the rear wall of each such #building# or #building segment#. For the purposes of this Section, the "rear wall" shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 30 feet when measured perpendicular to each rear wall. No such open areas shall serve more than one #building# or #building segment#. ~~Only those obstructions set forth in Section 23-44 shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways shall not be permitted within such open areas.~~

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

In all #Residence Districts#, the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

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

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains

less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#.

- (7) Fences;
- (8) Flagpoles;
- (9) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
- (10) Solar energy systems, on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (11) Steps, and ramps for people with disabilities;
- (12) Terraces or porches, open;
- (13) Walls, not exceeding eight feet in height and not roofed or part of a #building#;

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

- (1) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (2) Breezeways;
- (3) Any #building# or portion of a #building# used for #community facility uses#, including #accessory# parking spaces for bicycles within such #building#, provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#, and further provided that the area within such #building# dedicated to #accessory# parking spaces for bicycles shall not exceed the area permitted to be excluded from #floor area#, pursuant to Section 25-85 (Floor Area Exemption). In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs pursuant to Section 24-51(Permitted Obstructions), shall be permitted above such an #accessory building#, or portion thereof. However, the following shall not be permitted obstructions:
 - (i) in all ~~#~~Residence ~~d~~Districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;
 - (ii) in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, any portion of a #building# used for any #community facility use#;
 - (iii) in all ~~#~~Residence ~~d~~Districts#, not listed in paragraph (b)(2) of this Section, beyond one hundred feet of a #wide street#, any portion of a #building# used for a #community facility use# other than a #school#, house of worship, college or university, or hospital and related facilities;
- (4) Fire escapes;
- (5) Greenhouses, #accessory#, non-commercial, limited to one #story# or 14 feet in height above natural grade level, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard# or #rear yard equivalent# on a #zoning lot#;
- (6) Parking spaces, off-street, #accessory# to a #community facility use#, provided that the height of an #accessory building#, or portion of a #building# used for
 - (7) such purposes, shall not exceed 14 feet above #curb level#. However, such #accessory building# or portion of a #building# shall not be a permitted obstruction in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts;
- (8) Recreation or drying yard equipment;
- (9) Sheds, tool rooms or other similar #accessory buildings# or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
- (9) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #community facility use# or attached parking structure; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;

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

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

**24-35
Minimum Required Side Yards**

R6 R7 R8 R9 R10

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

**24-51
Permitted Obstructions**

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

- (a) Awnings and other sun control devices, provided that when located at a level higher than a first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (1) shall be limited to a maximum projection into a required setback of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 23-62 (Permitted Obstructions).
 - When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project.
- (ab) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (bc) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 24-52, 24-53 or 24-54 (Tower Regulations);
- (cd) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (df) ~~Elevators or stair bulkhead, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage. For the purposes of this paragraph, (e), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;~~
 - Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
 - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four feet times the width, in feet, of the #street

wall# of the #building# facing such frontage.

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

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

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

(eh) Flagpoles or aerials;

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

(gj) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;

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

(l) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

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

(n) Solar energy systems:

- (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
 - (i) in R1 through R5 Districts, a height of six feet;
 - (ii) in R6 through R10 Districts, a height of 15 feet; and
 - (iii) when located on a bulkhead or other obstruction pursuant to

paragraph (f) of this Section, a height of six feet;

(3) on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

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

(ho) Spires or belfries;

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

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

(r) Wind energy systems on #buildings# with a height of 100 feet or greater, provided:

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

(s) Window washing equipment mounted on a roof;

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

* * *

24-55 Required Side and Rear Setbacks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-165 (Balconies); and awnings and other sun control devices, decks, exterior wall thickness, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs and weirs as set forth in Section 24-51 (Permitted Obstructions), are permitted to project into or over any open areas required by the provisions of this Section.

* * *

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

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
In all districts, as indicated, the minimum distance between required windows and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to required windows in #buildings# of three #stories# or less. For #buildings# existing on (date of adoption), the minimum distances set forth in this Section, and any non-complying distance greater than 8 feet, may be reduced by up to eight inches of exterior wall thickness from each #building# wall, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A non-complying distance of 8 feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings.

* * *

24-68 Permitted Obstruction in Courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
In all districts, as indicated, the following shall not be considered obstructions when located within a #court#:

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

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#,

such #enlarged# portion may similarly encroach upon required #courts# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #court#.

- (e) Fences;
- (f) Fire escapes in #inner courts#, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;
 - Fire escapes in #outer courts#;
 - Fire escapes in #outer court recesses#, not more than five feet in depth;
 - Fire escapes in #outer court recesses#, more than five feet in depth, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;
- (g) Flagpoles;
- (h) Recreational or yard drying equipment;
- (i) Solar energy systems on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (j) Terraces, open, porches or steps.

* * *

25-62 Size and Location of Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

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

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

* * *

26-42 Planting Strips

In accordance with applicability requirements of underlying district regulations, the owner of the #development#, #enlargement# or #converted building# shall provide and maintain a planting strip. #Street# trees required pursuant to Section 26-41 shall be planted within such planting strip. In addition to such #street# trees, such strip shall be fully planted with grass or groundcover, except as provided in Section 26-42.1. Such planting strip shall be located adjacent to, and extend along, the entire length of the curb of the #street#. However, in the event that both adjoining properties have planting strips adjacent to the #front lot line#, such planting strip may be located along the #front lot line#. The width of such planting strip shall be the greatest width feasible given the required minimum paved width of the sidewalk on #street# segments upon which the #building# fronts, except that no planting strip less than six inches in width shall be required. ~~Driveways are permitted to traverse such planting strip, and utilities are permitted to be located within such planting strip.~~

26-42.1 Modifications of planting strip requirements

Driveways are permitted to traverse planting strips. Planting strips may be interrupted by utilities and paved areas required for bus stops.

On #zoning lots# containing #schools#, permeable pavers or permeable pavement may be substituted for grass or ground cover, provided that, beneath such permeable pavers or pavement, there is structural soil or aggregate containing at least 25 percent pore space, or other kind of engineered system that absorbs stormwater, as acceptable to the Department of Transportation. Any area improved with permeable pavers or pavement pursuant to this paragraph shall be no less than three feet in width except where necessary for compliance with the Americans with Disabilities Act.

* * *

32-15 Use Group 6

* * *
D. Public Service Establishments*****
* * *
Telephone exchanges or other communications equipment structures. In all districts the height above #curb level# of such structures not existing on December 15, 1961, shall not

exceed that attributable to #commercial buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#.

Solar energy systems

Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.

* * *

32-16 Use Group 7

* * *

D. Auto Service Establishments

Automobile glass and mirror shops [PRC-B1]

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

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

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

E. #Accessory Uses#

* In a C6-1A District, #uses# in Use Group 7 are not permitted

* * *

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

In all #Commercial Districts#, the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

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

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

#building# wall (as viewed in elevation) from which it projects;

- (11) Steps, and ramps for people with disabilities;
(12) Terraces or porches, open;
(13) Walls, not exceeding eight feet in height and not roofed or part of a #building#;
(b) In any #rear yard# or #rear yard equivalent#:
(1) Balconies, unenclosed, subject to the provisions of Section 24-165;
(2) Breezeways;
(3) Any #building# or portion of a #building# used for any permitted #use# other than #residences#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs pursuant to Section 33-42 (Permitted Obstructions), shall be permitted above such a #building#, or portion thereof.
(4) Fire escapes;
(5) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 33-42, shall be permitted above such an #accessory building#, or portion thereof;
(6) Solar energy systems:
(i) on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial or community facility use# or attached parking structure;
(ii) on the roof of a #building# permitted as an obstruction to such #yard#, shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
(iii) on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.
(7) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than 8 feet from any #lot line#.

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

* * *

33-25 Minimum Required Side Yards

C1 C2 C3 C4 C5 C6 C7 C8

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

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

though each half of such #side lot line# bounded a separate #zoning lot#.

Permitted obstructions pursuant to paragraph (a) of Section 33-23(Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

* * *

33-42 Permitted Obstructions

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

- (a) Awnings and other sun control devices, provided that when located at a level higher than a first #story#, excluding a #basement#, all such awnings and other sun control devices:
(1) shall be limited to a maximum projection into a required setback of 2 feet, 6 inches, except when located on the first #story# above a setback;
(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
(3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 33-42 (Permitted Obstructions).
When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project.
(b) Balconies, unenclosed, subject to the provisions of Section 24-165;
(bc) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 33-43, 33-44 or 33-45 (Tower Regulations);
(ed) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
(e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
(ef) Elevators or stair bulkhead, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage. For the purposes of this paragraph, (c), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;
Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four feet times the width, in feet, of the #street wall# of the #building# facing such frontage.
(2) all mechanical equipment shall be screened on all sides.
(3) such obstructions and screening are contained within a volume that complies with one of the following:
(a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to

eight feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or

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

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

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

- (eh) Flagpoles or aerials;

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

- (gj) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;

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

- (l) Rooftop greenhouses, permitted by pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

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

- (n) Solar energy systems:

- (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;

- (2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

- (i) in #Commercial Districts# mapped within #Residence Districts#, and in C3 and C4-1 Districts, a height of six feet;
- (ii) in all other #Commercial Districts#, a height of 15 feet; and
- (iii) when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of six feet.

- (3) on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

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

- (ho) Spires or belfries;

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

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

- (r) Wind energy systems on #buildings# with a height of 100 feet or greater, provided:

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

- (s) Window washing equipment mounted on a roof;

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

* * *

34-232 Modification of side yard requirements

C1 C2 C3 C4 C5 C6

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

* * *

35-24 Special Street Wall Location and Height and Setback Regulations in Certain Districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

* * *

- (a) Permitted obstructions

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other #Commercial Districts#, the provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts), and an elevator shaft and associated vestibule may be allowed as a permitted obstruction, pursuant to paragraph (f) of Section 23-62.

* * *

35-52 Modification of Side Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying Adjacent to R1 through R6B Districts), no #side yard# shall be required although, if any open area extending along a #side lot line# is provided at any level, it shall have a width of not less than eight feet. Permitted obstructions pursuant to paragraph (a) of Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

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

35-53 Modification of Rear Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#. If the level of such #yard# is at or higher than the first #story#, decks, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs and weirs shall be permitted pursuant to Section 23-62

(Permitted Obstructions).

* * *

36-521 Size of spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

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

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

* * *

37-53 Design Standards for Pedestrian Circulation Spaces

- (a) Arcade

* * *

- (3) Permitted obstructions

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

* * *

- (b) #Building# entrance recess area

A #building# entrance recess area is a space that adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the #building's# lobby entrance or to the entrance to a ground floor #use#.

* * *

- (2) Permitted obstructions

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

* * *

- (c) Corner arcade

* * *

- (2) Permitted obstructions

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

* * *

- (d) Corner circulation space

* * *

- (2) Permitted obstructions

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

* * *

- (f) Sidewalk widening

* * *

(3) Permitted obstructions

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

* * *

(h) Through #block# connection

* * *

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

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

* * *

37-721 Sidewalk frontage

* * *

(b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted obstructions) shall be allowed, provided such obstructions are not higher than two feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, exterior wall thickness pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

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

* * *

37-726 Permitted obstructions

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

However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (b) of this Section. In addition, certain of the obstructions listed in this paragraph, (a), shall not be permitted within the sidewalk frontage of a #public plaza#, as described in Section 37-721 (Sidewalk frontage).

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

For #public plazas# less than 10,000 square feet in area: 40 percent

For #public plazas# less than 10,000 square feet in area with a permitted open air cafe: 50 percent

For #public plazas# 10,000 square feet or more in area: 50 percent

For #public plazas# 10,000 square feet or more in area with a permitted open-air cafe: 60 percent.

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or moveable, such as moveable chairs, open air cafes, or temporary exhibitions shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.

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

* * *

(c) Canopies, awnings, ~~and~~ marquees and sun control devices

(1) Entrances to #buildings# located within a #public plaza# may have a maximum of one canopy, awning or marquee, provided that such canopy, awning or marquee:

- (i) has a maximum area of 250 square feet;
- (ii) does not project into the #public plaza# more than 15 feet when measured perpendicular to the #building# facade;
- (iii) is located a minimum of 15 feet above the level of the #public plaza# adjacent to the #building# entrance; and
- (iv) does not contain vertical supports.

Such canopies, awnings, and marquees shall be designed to provide maximum visibility into the #public plaza# from adjoining #streets# and the adjacent #building#. However, canopies, awnings, and marquees associated with entrances to #buildings# containing #residences# located within a #public plaza# may project more than 15 feet into the #public plaza# and contain vertical supports if they are located entirely within 10 feet of the edge of the #public plaza#.

(2) Sun control devices may be located within a #public plaza#, provided that all such devices:

- (i) shall be located above the level of the first #story# ceiling;
- (ii) shall be limited to a maximum projection of two feet, six inches;
- (iii) shall have solid surfaces that in aggregate, cover an area no more than 20 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
- (iv) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted within Section 33-42 (Permitted Obstructions);

* * *

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

In all #Manufacturing Districts#, the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

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

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

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

(6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#.

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

- (7) Fences;
- (8) Flagpoles;
- (9) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
- (10) Solar energy systems on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (11) Steps, and ramps for persons with physical disabilities;
- (12) Terraces or porches, open;
- (13) Walls, not exceeding eight feet in height and not roofed or part of a #building#;

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

- (1) Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs shall be permitted upon such #building#, or portion thereof, as listed within Section 43-42 (Permitted Obstructions);
- (2) Breezeways;
- (3) Fire escapes;
- (4) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#;
- (5) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#:
 - (i) up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial or community facility use# or attached parking structure; however
 - (ii) shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
- (6) Water-conserving devices, required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

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

* * *

43-42 Permitted Obstructions

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

- (a) Awnings and other sun control devices, provided that when located at a level higher than a first #story#, excluding a #basement#, all such awnings and other sun control devices:
(1) shall be limited to a maximum projection into a required setback of 2 feet, 6 inches, except when located on the first #story# above a setback;
(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
(3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 43-42 (Permitted Obstructions).

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

- (ab) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 43-43, 43-44 or 43-45 (Tower Regulations);
(bc) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
(d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
(ee) Elevators or stair bulkhead, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage. For the purposes of this paragraph, (b), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;

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

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

the maximum permitted height of a #building# is 120 feet or greater, are limited to a maximum height of 40 feet.

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

- (f) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.
(eg) Flagpoles or aerials;
(eh) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
(fi) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;
(j) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to (date of adoption). For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit height by more than eight inches;
(k) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
(l) Skylights, clerestories or other day lighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
(m) Solar energy systems:
(1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
(2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
(i) a height of 15 feet;
(ii) when located on a bulkhead or other obstruction pursuant to paragraph (e) of this Section, a height of six feet;
(3) on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.
However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.
(gn) Spires or belfries;
(o) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
(p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
(q) Wind energy systems on #buildings# with a height of 100 feet or greater, provided:
(1) the highest point of the wind turbine assembly does not exceed 55 feet;

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

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

* * *

44-42 Size and Identification of Spaces

M1 M2 M3

- (a) Size of spaces
In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

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

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

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

* * *

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

* * *

- (b) In all districts, for an existing #single-# or #two-family residence# with a #non-complying side yard#, an #enlargement# involving a vertical extension of existing #building# walls facing such #non-complying side yard# is permitted, provided the following conditions are met:
(1) the portion of the #building# which is being vertically extended complies with the height and setback regulations applicable to an R3-2 District;
(2) the #non-complying side yard# where the #building# wall is being vertically extended is at least three feet in width and the minimum distance between such #building# wall and the nearest #building# wall or vertical prolongation thereof on an adjoining #zoning lot# across the common #side lot line# is eight feet;
(3) the #enlarged building# does not contain more than two #dwelling units#;
(4) that there is no encroachment on the existing #non-complying side yard# except as set forth in this Section; and
(5) the #enlargement# does not otherwise result in the creation of a new #non-compliance# or in an increase in the degree of #non-compliance#.

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

* * *

62-341 Developments on land and platforms

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

- (a) For the purposes of applying the height and setback

regulations of this Section, the following provisions shall apply:

* * *

(4) Permitted obstructions

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

(i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in 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 width of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the width 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)

* * *

(iii) Wind energy systems

Regulations governing wind energy systems are modified pursuant to this paragraph:

In R6 through R10 Districts, Commercial Districts other than C1 or C2 Districts mapped within R1 through R5 Districts and C4-1, C7, C8-1, and Manufacturing Districts other than M1-1 Districts, wind energy systems located on a roof of a #building# shall not exceed a height equivalent to 50 percent of the height of the #building# or 55 feet, whichever is less, as measured from the roof of the #building# to the highest point of the wind turbine assembly.

In C4-1, C7, C8-1 and M1-1 Districts, for #buildings# containing #commercial# or #community facility uses#, wind energy systems shall not exceed a height of 55 feet when located above a roof of the #building# as measured to the highest point of the wind turbine assembly.

In all districts, no portion of a wind energy system may be closer than ten feet to a #waterfront public access area# boundary or a #zoning lot line#.

(b) Lower density districts

R1 R2 R3 R4 R5 C3 C4-1 C7 C8-1 M1-1

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying district height and setback regulations are applicable or modified as follows:

* * *

(4) Other structures

All structures other than #buildings# shall be limited to a height of 35 feet, except that in C4-1, C7, C8-1 and M1-1 Districts, freestanding wind energy systems shall be permitted to a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly.

(c) Medium and high density non-contextual districts

* * *

Table A HEIGHT AND SETBACK FOR ALL BUILDINGS AND OTHER STRUCTURES IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS*

* * *

(d) Medium and high density contextual districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-4A

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 and 35-24 shall not apply. In lieu thereof, the height and setback regulations set forth in this Section following regulations shall apply:

* * *

62-342 Developments on piers

* * *

(a) Height and setback regulations on #piers#

The height of a #building or other structure# on a #pier# shall not exceed 30 feet. However, where a setback at least 15 feet deep is provided, the maximum height of a #building or other structure# shall be 40 feet. Such required setback shall be

provided at a minimum height of 25 feet and a maximum height of 30 feet, and may be reduced to ten feet in depth along any portion of the #building or other structure# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion. In addition, wind energy systems shall be allowed, provided such a system does not exceed a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly or, when located above a roof of the #building#, a height of 55 feet, as measured to the highest point of the wind turbine assembly, whichever is higher.

(b) #Building# width and spacing regulations on #piers#

* * *

Article VII Administration

Chapter 1 Enforcement, and Administration and Amendments

71-00 ENFORCEMENT AND ADMINISTRATION

* * *

71-10 PROCEDURE FOR AMENDMENTS

The City Planning Commission shall adopt resolutions to amend the text of this Resolution or the #zoning maps# incorporated therein, and the City Council shall act upon such amendments, in accordance with the provisions of the New York City Charter.

* * *

Chapter 5 Amendments

75-00 PROCEDURE FOR AMENDMENTS

The City Planning Commission shall adopt resolutions to amend the text of this Resolution or the #zoning maps# incorporated therein, and the City Council shall act upon such amendments, in accordance with the provisions of the New York City Charter.

* * *

Chapter 5 Certifications

75-00 CERTIFICATIONS

75-01 Certification for Rooftop Greenhouses

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

- (a) is located on the roof of a #building# that does not contain #residences# or other #uses# with sleeping accommodations;
(b) will only be used for cultivation of plants, or primarily for cultivation of plants when #accessory# to a #community facility use#;
(c) exceeds #building# height limits by no more than 25 feet;
(d) has roofs and walls consisting of at least 70 percent transparent materials, except as permitted pursuant to paragraph (f)(3) of this Section;
(e) where exceeding #building# height limits, is set back from the perimeter wall of the #story# immediately below by at least 6 feet on all sides; and
(f) has been represented in plans showing:

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

Plans submitted shall include sections and elevations, as necessary to demonstrate compliance with the provisions of paragraphs (a) through (f) of this Section, as applicable.

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

information for the rooftop greenhouse certification shall be referenced on the first Certificate of Occupancy to be issued after such notice is recorded, as well as all subsequent Certificates of Occupancy, for as long as the rooftop greenhouse remains intact.

* * *

81-252 Permitted obstructions

With the exception of unenclosed balconies conforming to the provisions of Section 23-13 (Balconies), the Except as set forth in this Section, structures which under the provisions of Sections 33-42 or 43-42 (Permitted Obstructions) or 34-11 or 35-11 (General Provisions); are permitted to penetrate a maximum height limit or a #sky exposure plane# shall not be permitted as exceptions to the height limitations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses# set forth in Section 81-26 (Height and Setback Regulations), nor shall they be excluded in determining daylight blockage pursuant to the provisions of Section 81-27 (Alternate Height and Setback Regulations).

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

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

* * *

84-135 Limited height of buildings

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

* * *

- (e) Sections 23-62 (Permitted Obstructions) and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building# that exceeds an established height limit shall be subject to the following provisions:
(1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:
(i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level
(ii) Elevator or stair bulkheads, roof water tanks, cooling towers and ~~or other~~ #accessory# mechanical equipment (including enclosure walls), provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage at #curb level#, or the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet pursuant to Section 33-42 (Permitted Obstructions)
(iii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
(iv) External wall thickness, pursuant to Section 33-42 (Permitted Obstructions)
(v) Flagpoles and aerals
(vi) Heliostats and wind turbines energy systems
(vii) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;

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

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

* * *

84-333 Limited height of buildings

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

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

- (a) the maximum height of any #building or other structure#, or portion thereof, shown as a #special height location# shall not exceed the height set forth in Appendix 3.2; and
- (b) Sections 23-62 and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:
 - (1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:
 - (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# or a #building# at any level;
 - (ii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
 - (iii) Elevator or stair bulkheads, roof water tanks, cooling towers or other accessory mechanical equipment (including enclosure walls), provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage at #curb level#, or the #lot coverage# of all such obstructions, does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet pursuant to Section 33-42 (Permitted Obstructions);
 - (iv) Fences, wire, chain link or other transparent type;
 - (v) Flagpoles and aerals;
 - (vi) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;
 - (vii) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to (date of adoption). For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit height by more than eight inches;
 - (viii) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
 - (ix) Skylights, clerestories or other day lighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
 - (x) Solar energy systems:
 - (a) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
 - (b) on the roof of a #building#,

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

(c) on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

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

- (xi) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (xii) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum
- (xiii) height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and ~~or other #accessory#~~ mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:
 - (i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (b)(1) of this Section;
 - (ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and
 - (iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top.
- (c) Notwithstanding the above, in no event, shall the height of any #building#, including permitted obstructions, exceed 800 feet above #curb level#.

* * *

87-31 Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, ~~except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:~~

- (a) ~~the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or~~
- (b) ~~the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.~~

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

* * *

93-41 Rooftop Regulations

- (a) **Permitted obstructions**
 - (4) Subdistricts A, B, C, D and E

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Subdistricts A through E, except that ~~elevator or stair bulkheads, roof water tanks, cooling towers or other~~

mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(b) (2) Subdistrict F

In Subdistrict F, the provisions of paragraph (d) of Section 33-42 (Permitted Obstructions) shall not apply, except that, in lieu thereof, the following shall apply:

(i) #Building# bases and transition heights

For all #building# bases and transition heights, rooftop mechanical structures, including, but not limited to, elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment, and their required enclosures may penetrate a maximum height limit, provided that either the product, in square feet, of the aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

(ii) Towers

For all towers, rooftop mechanical equipment, including, but not limited to, elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment, and their required enclosures, may penetrate a maximum height limit. For towers above a height of 350 feet, such rooftop mechanical structures shall comply with the tower top articulation provisions set forth in Section 93-569 (Tower top articulation).

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building# or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

* * *

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

(a) #Zoning lots# with Eighth Avenue frontage

* * *

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

* * *

93-77 Design Criteria for Public Access Areas in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

(a) Design criteria

* * *

(12) Canopies, awnings, and marquees and sun control devices

Where #buildings# front onto publicly accessible open spaces, private streets and pedestrian ways, canopies, awnings, and marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions).

* * *

94-072 Special plaza provisions

In Areas A, C and E, all #developments# which are located on a #zoning lot# with frontage along Emmons Avenue, except for a #zoning lot# of less than 8,000 square feet which was in existence as of November 1, 1972, shall provide and maintain

a plaza for public use which complies with the following requirements:

* * *

(c) The size of the plaza shall be at least 4,000 square feet in one location and shall not at any point be more than two feet below or five feet above #street# level, with a minimum dimension of 35 feet. At least 15 percent of the plaza area shall be landscaped and planted with trees, except when a #zoning lot# abutting both Dooley Street and Emmons Avenue is #developed#, then such landscaping shall be at least 75 percent of the total plaza area provided with such #development#.

* * *

(f) A plaza may include as permitted obstructions, sculptures, kiosks, or open cafes occupying in the aggregate no more than 30 percent of the total plaza area. Ice skating rinks are also allowed as permitted obstructions within such plazas only for the months from October through March, provided the minimum area of such plaza is 7,500 square feet. Exterior wall thickness, awnings and other sun control devices pursuant to Section 37-726 (Permitted Obstructions) shall also be allowed as permitted obstructions.

* * *

97-441 Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the Special District, except that the provisions of paragraph (d) shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit or #sky exposure plane# provided that either:

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

(b) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

* * *

98-422 Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# or other structures# within the #Special West Chelsea District#, except that as modified as follows:

(a) Permitted Obstructions

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

(2) Dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts). However, dormers may not exceed the maximum #building# height in Subareas C, F and G where the maximum base height and maximum #building# height are the same.

(b) Ventilation and mechanical equipment

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

* * *

101-221 Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosures) may penetrate a maximum height limit, provided the product, in square

feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

* * *

104-322 Permitted Obstructions

* * *

(a) Chimneys, flues, intake and exhaust vents limited to a #lot coverage# of 900 square feet with neither length nor width of any single such obstruction, nor the total length or width of all such obstructions, greater than 30 feet;

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

(d) Elevator and stair bulkheads to a maximum height of 15 feet above the permitted maximum height of mechanical equipment;

(e) Flagpoles or aerials;

(f) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such #sky exposure plane#;

(g) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;

(h) Pipes and supporting structures;

(i) Railings;

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

(k) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

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

(m) Solar energy systems:

(1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;

(2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

(i) a height of 15 feet; and

(iii) when located on a bulkhead or other obstruction pursuant to paragraph (d) of this Section, a height of six feet;

(3) on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

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

(n) Spires or belfries;

(o) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the

maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. On roofs with slopes greater than 20 degrees,

- (p) vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (q) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (r) Window washing equipment mounted on the roof;
- (s) Wire, chain link or other transparent fences.

* * *

107-223 Permitted obstruction in designated open space

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

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

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

* * *

111-20 SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

* * *

- (d) Area A4, A5, A6 and A7
- Except as set forth herein, the bulk regulations of the underlying district shall apply.

* * *

- (2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that ~~elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).~~

* * *

114-121 Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except that the provisions of paragraph (d) of Section 33-42 shall not apply. In lieu thereof, the following regulations shall apply:

~~Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment~~

(including enclosures) may exceed a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 20 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

* * *

115-231 Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Jamaica District#, except that the provisions of paragraph (d) of Section 33-42 shall not apply. In lieu thereof, the following regulations shall apply:

~~Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either:~~

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (b) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

* * *

116-231 Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# or other structures# in the #Special Stapleton Waterfront District#, except that the provisions of paragraph (d) of Section 33-42 shall not apply. In lieu thereof, the following regulations shall apply:

~~Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may exceed a maximum height limit provided that either:~~

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (b) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 20 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

* * *

121-32 Height of Street Walls and Maximum Building Height

* * *

- (b) Maximum #building# height
 - (2) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621, may penetrate the #sky exposure plane#.

* * *

125-31 Rooftop Regulations

- (a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Southern Hunters Point District#, except that ~~elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:~~

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

(2) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in

accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

- (b) Screening requirements for mechanical equipment

~~For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.~~

* * *

128-31 Rooftop Regulations

The provisions of this Section shall apply to all #buildings# in C4-2 Districts within the Upland and Waterfront Subdistricts.

- (a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# in C4-2 Districts within the Upland and Waterfront Subdistricts, except that ~~elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:~~

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

(2) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

- (b) Screening requirements for mechanical equipment

~~For all #developments# and #enlargements#, and #conversions# of #non-residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.~~

* * *

131-40 HEIGHT AND SETBACK REGULATIONS

131-41 Rooftop Regulations

- (a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that ~~elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.~~

- (b) Screening requirements for mechanical equipment

~~For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.~~

* * *

BOROUGH OF BROOKLYN
Nos. 5, 6 & 7
MILL BASIN
No. 5

CD 18 C 120108 ZMK
IN THE MATTER OF an application submitted by NYC Department of Small Business Services pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section Nos. 29a and 29c, changing from a C3 District to a C8-1 District property bounded by a line perpendicular to the northeasterly street line of Flatbush Avenue*

distant 1290 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue* and the northerly street line of Shore Parkway, a line 100 feet northeasterly of Flatbush Avenue*, a line at an angle of 42 degrees to Flatbush Avenue* and passing through a point on the northeasterly street line of Flatbush Avenue* distant 1290 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue* and the northerly street line of Shore Parkway, a line 400 feet northeasterly of Flatbush Avenue*, a line perpendicular to the northeasterly street line of Flatbush Avenue* distant 420 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue* and the northerly street line of Shore Parkway, and Flatbush Avenue*, as shown on a diagram (for illustrative purposes only) dated November 28, 2011.

*Note: a portion of Flatbush Avenue is proposed to be narrowed under a concurrent related application (C 070512 MMK) for a change in the City Map.

No. 6

CD 18 C 070512 MMK
IN THE MATTER OF an application submitted by the Department of Small Business Services pursuant to Sections 1302, 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 narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street;
- the elimination, discontinuance and closing of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin*;
- the adjustment of grades necessitated thereby,

including authorization for any disposition or acquisition of real property related thereto, in accordance with Map Nos. Z-2703 and Z-2704, dated July 30, 2008 and signed by the Borough President.

* This change to Marginal Street, Wharf or Place, where such Marginal Street, Wharf or Place is shown on any existing plans for the water front or portion thereof, shall be incorporated into the City Map.

No. 7

CD 18 C 120111 PPK
IN THE MATTER OF an application submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for disposition to the New York City Economic Development Corporation (EDC) of city-owned property located at 2875 Flatbush Avenue (Block 8591, p/o Lot 100, p/o Lot 125, and p/o Lot 175), which includes the disposition of an easement over p/o Lot 100 and a restriction prohibiting Use Group 16 on Block 8591, p/o Lot 100, p/o Lot 125 and p/o Lot 175.

BOROUGH OF MANHATTAN
No. 8
EAST 10TH STREET HISTORIC DISTRICT

CD 3 N 120184 HKM
IN THE MATTER OF a communication dated January 26, 2012, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the East 10th Street Historic District, designated by the Landmarks Preservation Commission on January 17, 2012 (List No. 451, LP No. 2492). The district boundaries are:

The East 10th Street Historic District consists of the property bounded by a line beginning at the intersection of the northern curbline of East 10th Street and the eastern curbline of Avenue A, continuing northerly along the eastern curbline of Avenue A to its intersection with a line extending westerly from northern property line of 293 East 10th Street, easterly along the northern property line of 293 East 10th Street, northerly along a portion of the western property line of 295 East 10th Street, easterly along the northern property lines of 295 to 299 East 10th Street, southerly along a portion of the eastern property line of 299 East 10th Street, easterly along the northern property lines of 301 to 303 East 10th Street and a portion of the northern property line of 305 East 10th Street, northerly along a portion of the western property line of 305 East 10th Street, easterly along a portion of the northern property line of 305 East 10th Street and the northern property line of 307 East 10th Street, southerly along a portion of the eastern property line of 307 East 10th Street, easterly along the northern property line of 309 East 10th Street, southerly along a portion of the eastern property line of 309 East 10th Street, easterly along the northern property lines of 311 to 319 East 10th Street, southerly along a portion of the eastern property line of 319 East 10th Street, easterly along the northern property line of 321 East 10th Street, northerly along a portion of the western property line of 323 East 10th Street, easterly along the northern property lines of 323 to 339 East 10th Street, southerly along a portion of the eastern property line of 339 East 10th Street, easterly along the northern property lines of 341 to 345 East 10th Street to the western curbline of Avenue B, southerly along the western curbline of Avenue B to its intersection with the northern curbline of East 10th Street, westerly along the northern curbline of East 10th Street to the point of the beginning.

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

f15-29

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 01 - Tuesday, February 21, 2012, 7:00 P.M., Astoria World Manor, 25-22 Astoria Boulevard, Astoria, NY

#N 110331ECQ

IN THE MATTER OF an application from the Omonia Cafe Inc., doing business as Omonia Cafe for review, pursuant to Section 366-a(c) of the New York City Charter, of the grant of a renewal of a revocable consent to operate an enclosed sidewalk cafe with 21 tables and 48 seats at 32-20 Broadway on the s/w corner of 33rd Street.

f15-21

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 03 - Thursday, February 16, 2012, 7:45 P.M., Langston Hughes Library (basement level), 100-01 Northern Boulevard, Corona, NY

Public Hearings:

New York City Department of Transportation

Proposed one-way reversal - 37th Road between 74th and 75th Streets; from one-way eastbound to one-way westbound.

DCAS Application #1417332

Proposal for the installation of a newsstand at the s/w/c of Junction Boulevard (I/F O 37-28 Junction Blvd.).

Land Use

CPC - Zone Green Text Amendment; a proposal to amend City regulations to promote great buildings.

Business Economic Development

S.L.A. New Wine / Beer and Liquor License Applications

f14-16

DESIGN COMMISSION

■ MEETING

Design Commission Meeting Agenda
Tuesday, February 21, 2012

Public Meeting

12:30 p.m. Consent Items

- 24363: Construction of a café kiosk, Lily Pool Terrace adjacent to the Steinhardt Conservatory, Brooklyn Botanic Garden, 1000 Washington Avenue, Brooklyn. (Final) (CC 35, CB 9) DCLA/DPR
- 24364: Installation of caustic fill equipment and adjacent site work, Biological Nutrient Removal Building, 26th Ward Wastewater Treatment Plant, 122-66 Flatlands Avenue, Brooklyn. (Preliminary and Final) (CC 46, CB 5) (DEP)
- 24365: Installation of a newsrack, 535 Madison Avenue, Manhattan. (Preliminary and Final) (CC 3, CB 5) DOT
- 24366: Reconstruction of Beach Channel (P.S. 183) Playground, Beach 70th Street between Beach Channel Drive and Rockaway Beach Boulevard, Queens. (Final) (CC 31, CB 14) DPR
- 24367: Reconstruction of an entrance and sitting area and associated site work, John F. Murray Park, 45th Avenue, 21st Street, 45th Street and 11th Street, Queens. (Preliminary) (CC 26, CB 2) DPR
- 24368: Construction of a bocce court and shade structure, Juniper Valley Park, Juniper Boulevard North, Dry Harbor Road, 71st Street and Juniper Boulevard South, Queens. (Final) (CC 30, CB 5) DPR
- 24369: Expansion of Seba Playground, Phase II, Marine Park, Gerritsen Avenue and Seba Avenue, Brooklyn. (Final) (CC 46, CB 18) DPR
- 24370: Reconstruction of an entrance to the Riegelmann Boardwalk, Coney Island Beach, West 33rd Street, Brooklyn. (Final) (CC 47, CB 13) DPR/DOT
- 24371: Reconstruction of an entrance to the Riegelmann Boardwalk, Brighton Beach, Brighton Second Street, Brooklyn. (Final) (CC 47, CB 13) DPR/DOT
- 24372: Rehabilitation and expansion of a utility building, Phase II, East River Waterfront at John Street, Manhattan. (Preliminary) (CC 1 & 2, CB 1 & 3) EDC
- 24373: Construction of service area, including an alternative fueling station, a retail facility and a truck maintenance building, Hunts Point, Food

Centre Drive and Halleck Street, Bronx.
(Preliminary) (CC 17, CB 2) EDC

- 24374: Installation of an automated material handler (AMH) and prototypical signage, Lefferts Community Library, 103-34 Lefferts Boulevard, Queens. (Preliminary and Final) (CC 32, CB 10) QL
- 24375: Installation of an automated material handler (AMH) and adjacent site work, Bayside Community Library, 214-20 Northern Boulevard, Queens. (Preliminary and Final) (CC 19, CB 11) QL

Public Hearing

- 12:35 p.m.
- 24376: Design of a prototypical sidewalk bioswale for installation citywide. (Preliminary and Final) DEP/DOT/DPR
- 1:05 p.m.
- 24377: Installation of a prototypical newsstand, 761 Seventh Avenue, northeast corner of Seventh Avenue and West 50th Street, Manhattan. (Preliminary and Final) (CC 3, CB 5) DCA/DOT
- 1:15 p.m.
- 24378: Installation of a prototypical newsstand, 777 Seventh Avenue, east side of Seventh Avenue between West 50th Street and West 51st Street, Manhattan. (Preliminary and Final) (CC 3, CB 5) DCA/DOT
- 1:25 p.m.
- 24247: Installation of a prototypical newsstand, 1871 Broadway, southwest corner of Broadway and West 62nd Street, Manhattan. (Preliminary and Final) (CC 6, CB 7) DCA/DOT
- 1:35 p.m.
- 24379: Installation of a prototypical newsstand, 1886 Broadway, northeast corner of Broadway and West 62nd Street, Manhattan. (Preliminary and Final) (CC 6, CB 7) DCA/DOT
- 1:45 p.m.
- 24360: Installation of a prototypical newsstand, 1271 Sixth Avenue, northwest corner of Sixth Avenue and West 50th Street, Broadway, Manhattan. (Preliminary and Final) (CC 3, CB 5) DCA/DOT
- 1:55 p.m.
- 24380: Construction of a comfort station, Dean Playground, Dean Street and Bergen Street, between Sixth Avenue and Carlton Avenue, Brooklyn. (Preliminary and Final) (CC 35, CB 8) DPR

Design Commission meetings are held in the conference room on the fifth floor of 253 Broadway, unless otherwise indicated. **Please note that all times are approximate and subject to change without notice.**

Members of the public are encouraged to arrive at **least 45 minutes in advance** of the estimated time; those who also plan to testify are encouraged to submit their testimony in writing **at least three (3) business days in advance** of the meeting date.

Please note that items on the consent agenda are not presented. If members of the public wish to testify on a consent agenda item, they should contact the Design Commission immediately, so the project can be rescheduled for a formal presentation at the next appropriate public hearing, per standard procedure.

Design Commission
253 Broadway, Fifth Floor
Phone: 212-788-3071
Fax: 212-788-3086

← f16

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, **February 21, 2012 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 12-7511 - Block 2457, lot 28-175 Broadway - (Former) Williamsburg Savings Bank - Individual Landmark
A Classic Revival style bank designed by George B. Post and built in 1875. Application is to replace windows.
Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-7698 - Block 275, lot 17-131-135 Atlantic Avenue - Brooklyn Heights Historic District
A Greek Revival style building built c.1840. Application is to legalize storefront alterations performed without Landmarks Preservation Commission permit(s).
Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-5100 - Block 325, lot 48-

14 Tompkins Place - Cobble Hill Historic District A Greek Revival style rowhouse built in the 1840s. Application is to construct a stair bulkhead and a rear yard addition. Zoned LH-1 R6. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-7014 - Block 77, lot 38-2-4 Strong Place - Cobble Hill Historic District A vacant lot. Application is to construct three new buildings. Zoned R6, LH-1. Community District 6.

BINDING REPORT
BOROUGH OF BROOKLYN 12-8066 - Block 921, lot 1-Sunset Park - Sunset Play Center - Individual Landmark A complex, including a bath house, pools, bleachers, filter house, perimeter walls, fencing, and paving, designed by Herbert Magoon, lead architect, and consulting architects Aymar Embury II, Henry Ahrens and others and built in 1934-1936. Application to alter the wading pool and install spray showers. Community District 7.

ADVISORY REPORT
BOROUGH OF MANHATTAN 12-8012 - Block 1111, lot 1-1000 Fifth Avenue - Metropolitan Museum of Art - Individual Landmark - Central Park - Scenic Landmark A Beaux-Arts and Roman style museum, built in 1864-1965 and designed by Vaux and Mould; R.M. Hunt; McKim, Mead, and White; and others, within an English Romantic style public park, designed in 1856 by Olmsted and Vaux. Application to redesign plaza, including replacing fountains, paving, and plantings. Community District 4,5,6,7,8,9,10,11.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-8548 - Block 1382, lot 69-860 Fifth Avenue - Upper East Side Historic District An apartment building designed by Sylvan Bien and built in 1949-50. Application is to alter and enlarge rooftop additions. Zoned R10 & R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7497 - Block 1376, lot 7502-40 East 62nd Street - Upper East Side Historic District A neo-Medieval style apartment building, designed by Albert Joseph Bodker and built 1910-1911. Application to construct an addition. Zoned R8B. Community District 8.

BINDING REPORT
BOROUGH OF MANHATTAN 12-8180 - Block 1111, lot 1-Central Park, Tavern on the Green - Central Park-Scenic Landmark A Victorian Gothic style building, designed by Jacob Wrey Mould and built in 1870-1871, within an English Romantic style public park designed in 1856 by Olmsted and Vaux. Application to demolish existing additions, construct a new addition, modify masonry openings, replace infill, install HVAC equipment, and modify landscape. Community District 4,5,6,7,8,9,10,11.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7629 - Block 1248, lot 44-322 West 87th Street - Riverside - West End Historic District A Renaissance Revival style rowhouse designed by Francis A. Minuth and built in 1889. Application is to construct a stoop. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5626 - Block 1249, lot 53-344 West 88th Street - Riverside-West End Historic District A Renaissance Revival style rowhouse designed by Thom & Wilson and built in 1893-94. Application is to construct a rear yard addition. Zoned R8. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7797 - Block 1143, lot 31-240 Columbus Avenue - Upper West Side/Central Park West Historic District A neo-Grec style flats building designed by Thom & Wilson, and built in 1883-84. Application is to install new storefront infill and signage, and modify an enclosed sidewalk cafe. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-6780 - Block 1212, lot 1-447 Amsterdam Avenue - Upper West Side/Central Park West Historic District A Renaissance/Romanesque Revival style flats building designed by A.B. Ogden & Son and built in 1889-90. Application is to install storefront infill. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7324 - Block 898, lot 16-225 East 17th Street - Stuyvesant Square Historic District An apartment house with French Renaissance style ornament built in 1883. Application is to legalize the installation of flagpoles, sidewalk canopy, and HVAC equipment within the areaway without Landmarks Preservation Commission permits. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-4245 - Block 874, lot 49-142 East 19th Street - Gramercy Park Historic District A rowhouse built in 1852 and remodeled in 1924. Application is to alter the front facade and construct a rooftop bulkhead. Zoned LH-1. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7711 - Block 895, lot 34-141-147 East 39th Street, aka 145 East 39th Street - The Allerton 39th Street House - Individual Landmark A Northern Italian Renaissance style hotel designed by Arthur Loomis Harmon and built in 1916-18. Application is to install marquees at the front and side entrances and illuminated signage. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7119 - Block 823, lot 10-45-51 West 21st Street - Ladies' Mile Historic District

A Beaux-Arts style store and loft building designed by William Ormiston Tait and built in 1902. Application to install signage. Zoned C6-4A. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-3011 - Block 798, lot 49-100 West 23rd Street, aka 711 6th Avenue - Ladies' Mile Historic District A Second Empire Commercial style store and loft building designed by Theodore A. Tribit and built in 1871. Application is to install storefront infill. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-3114 - Block 798, lot 49-100 West 23rd Street, aka 711 6th Avenue - Ladies' Mile Historic District A Second Empire Commercial style store and loft building designed by Theodore A. Tribit and built in 1871. Application is to replace windows. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7336 - Block 824, lot 15-50 West 23rd Street, aka 43 West 22nd Street - Ladies' Mile Historic District An Art Deco style industrial building designed by Russell Cory and built in 1925-26 and reinforced concrete industrial addition built in 1954-56 designed by Walter Monroe Cory. Application is to re-clad the base of the building and install new storefront infill and canopies. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-3901 - Block 821, lot 1-636 6th Avenue, aka 56 West 19th Street - Ladies' Mile Historic District A neo-Renaissance style store building designed by Buchman and Deisler and constructed in 1896. Application is to construct a rooftop addition. Zoned C6-2A & C6-4A. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7332 - Block 231, lot 36-449 Broadway, aka 26 Mercer Street - SoHo-Cast Iron Historic District A store building, built in 1868, and a store and loft building built in 1855. Application is to install storefront infill and signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-4291 - Block 497, lot 1-532 Broadway - SoHo-Cast Iron Historic District A store building designed by Ralph S. Townsend and built in 1896-97. Application is to alter storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5373 - Block 572, lot 45-5 West 8th Street - Greenwich Village Historic District A neo-Classical style apartment building designed by Hugo Kafka, and built in 1900-02. Application is to enlarge a bulkhead, install rooftop mechanicals equipment, construct an addition, install awnings, a canopy and storefront infill. Zoned C4-5. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-6491 - Block 215, lot 1-10 Hubert Street - Tribeca North Historic District A Romanesque Revival style store and loft building designed by Julius Kastner and built in 1892. Application is to construct a rooftop addition, remove the fire-escape, alter ground floor window and door openings, and install storefront infill. Zoned C6-2A/TM. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5126 - Block 220, lot 7501-11 Vestry Street, aka 32 Laight Street - Tribeca North Historic District A commercial store and loft building designed by John Woolley and built in 1909. Application is to replace a barrier-free access lift. Zoned M1-5. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7674 - Block 180, lot 29-7 Harrison Street - Tribeca West Historic District A Renaissance Revival style store and loft building designed by William Schickel and built in 1893-94. Application is to install new storefront infill, add a canopy, alter the facades, and construct a rooftop addition. Zoned C 6-2A / TMU. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7530 - Block 124, lot 11-25 Park Place, aka 22 Murray Street - 25 Park Place Building - Individual Landmark An Italian Renaissance style double store and loft building designed by Samuel Adams Warner and built in 1856-57. Application is to install storefront infill. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7955 - Block 772, lot 64-216-234 West 23rd Street - Hotel Chelsea - Individual Landmark A Victorian Gothic style apartment house, designed by Hubert Pirsson & Co. and built in 1883. Application to construct additions and rooftop bulkheads, install mechanical equipment and balcony partitions; and replace ground floor infill, windows, and a canopy. Zoned C2-7A/R9A. Community District 4.

f7-21

MAYOR'S OFFICE OF OPERATIONS

■ PUBLIC MEETING

PUBLIC MEETING NOTICE

The Report and Advisory Board Review Commission will hold its first organizational meeting to discuss its Charter-mandated responsibilities and initial stages of its work.

While public testimony will not be received at this meeting, the Commission will afford opportunities for the public's input at later dates.

- **DATE:** Tuesday, February 28, 2012
- **TIME:** 3:00 P.M.
- **PLACE:** Department of City Planning, Spector Hall, 22 Reade Street, Manhattan

In November 2010, New York City voters approved a ballot proposal creating the Report and Advisory Board Review Commission to review and assess the continued usefulness of certain requirements for reports and advisory boards (City Charter Section 1113). The Commission is chaired by the Director of the Mayor's Office of Operations and consists of representatives from the City Council, the Office of the Corporation Counsel, the Office of Management and Budget (OMB), and the Department of Information Technology and Telecommunications (DOITT).

Individuals requesting sign language interpreters or other accommodations for a disability at the public meetings should contact Rosa Reinat by emailing rreinat@cityhall.nyc.gov or calling (212) 788-1400.

Contact: Mayor's Press Office
(212) 788-2958

f10-28

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARING

FEBRUARY 28, 2012, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, **February 28, 2012, 10:00 A.M.**, at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

820-67-BZ
APPLICANT – Willy C. Yuin, R.A., for Rick Corio, Pres. Absolute Car, owner.
SUBJECT – Application October 28, 2011 – Extension of Term of a previously granted Variance (72-21) for the continued operation of a UG16 Automotive Repair shop which expired on November 8, 2011. R-3A zoning district.
PREMISES AFFECTED – 41Barker Street, east side of 414.19' south Woodruff Lane, Block 197, Lot 34, Borough of Staten Island.
COMMUNITY BOARD #1SI

636-70-BZ
APPLICANT – Walter T. Gorman, P.E., for East River Petroleum Realty LLC, owner; Kings 108 Car Care, Inc. (Mobile S/S), lessee.
SUBJECT – Application January 24, 2012 – Amendment to a previously approved Special Permit (§73-211) which permitted the operation of an Automotive Service Station (UG 16B) with accessory uses. C2-2/R6 zoning district.
PREMISES AFFECTED – 105-45 to 105-55 Horace Harding Expressway, Block 1694, Lot 23, Borough of Queens.
COMMUNITY BOARD #4Q

172-86-BZ
APPLICANT – Sheldon Lobel, P.C., for Clearview Mortgage Bank Corporation, owner.
SUBJECT – Application November 4, 2011 – Extension of Term of a previously granted Variance (ZR 72-21) which permitted the construction of a two-story UG6 professional office building which expires on March 31, 2012. R2 zoning district.
PREMISES AFFECTED – 256-10 Union Turnpike, south side of Union Turnpike between 256th and 257th Streets, Block 8693, Lot 14, Borough of Queens.
COMMUNITY BOARD #13Q

248-08-BZ
APPLICANT – New York City Board of Standards
OWNER - Joseph Alexander/New Covenant Christian Church, Inc.
SUBJECT – Application October 6, 2008 – Dismissal for Lack of Prosecution --Variance (§72-21) to permit the development of a religious-based school and church, contrary to floor area and floor area ratio (§24-11), rear yard (§24-36), and parking (§25-31). R5 zoning district.
PREMISES AFFECTED – 3550 Eastchester Road, eastern side of Eastchester Road between Hicks Street and Needham Avenue, Block 4726, Lot 7, 36, 38, Borough of Bronx.
COMMUNITY BOARD #12BX

APPEALS CALENDAR

659-76-A
APPLICANT –Walter T. Gorman, P.E., for Daniel and Lauren Mirkin, owners.
SUBJECT – Application November 15, 2011 – Amendment to continue (UG 4) second floor occupancy in a wood frame structure which expired on November 9, 2011. C1-3 /R5B Zoning District.
PREMISES AFFECTED – 253 Beach 116th Street, west side, 240' south of Newport Avenue, Block 16212, Lot 19, Borough of Queens.
COMMUNITY BOARD #14Q

243-09-BZY
APPLICANT – Mirza M. Rahman, for South Jamaica Property, LLC, owner.
SUBJECT – Application December 2, 2011 – Extension of time (§11-332) to complete construction for a minor development and obtain a Certificate of Occupancy commenced under the prior R6 Zoning district. R4-1 Zoning district.
PREMISES AFFECTED – 87-12 175th Street, corner of 175th Street and Warwick , Block 9830, Lot 32, Borough of Queens.
COMMUNITY BOARD #12Q

FEBRUARY 28, 2012, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, **February 28, 2012, at 1:30 P.M.**, at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

167-11-BZ
 APPLICANT – Eric Palatnik, P.C., for White Castle System, Inc., owner.
 SUBJECT – Application October 20, 2011 – Special Permit (§73-243) to allow for an eating and drinking establishment (use group 6) with an accessory drive-through facility. C1-2/R5 zoning district.
 PREMISES AFFECTED – 1677 Bruckner Boulevard, Fiely Avenue through to Metcalf Avenue, Block 3721, Lot 1, Borough of Bronx.
COMMUNITY BOARD #9BX

169-11-BZ
 APPLICANT – Eric Palatnik, P.C., for Shlomo Vizgan, owner.
 SUBJECT – Application October 27, 2011– Special Permit (§73-622) to permit the enlargement of an existing single family home contrary to floor area, lot coverage and open space (23-141(b)); side yards (23-461(a)) and less than the required rear yard (23-47). R-4 zoning district.
 PREMISES AFFECTED – 2257 East 14th Street, between Avenue V and Gravesend Neck Road, Block 7375, Lot 48, Borough of Brooklyn.
COMMUNITY BOARD #15BK

197-11-BZ
 APPLICANT – Sheldon Lobel, P.C., for 329 Wyckoff Realty, LLC, owner; Wyckoff Fitness Group, LLC, lessee.
 SUBJECT – Application December 30, 2011 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Planet Fitness*) on a portion of the first and second floors of an existing two-story building. C4-3 zoning districts.
 PREMISES AFFECTED – 329 Wyckoff Avenue, northeast corner of the intersection formed by Wyckoff and Myrtle Avenues and Palmetto Street, Block 3444, Lot 33, Borough of Queens.
COMMUNITY BOARD #5Q

Jeff Mulligan, Executive Director

f15-16

TRANSPORTATION

■ PUBLIC HEARINGS

COMMUTER VAN SERVICE AUTHORITY APPLICATION Queens

NOTICE IS HEREBY GIVEN that the Department of Transportation has received an application for an expansion of vans for an existing commuter van service authority in the Borough of Queens. The existing territory is from a residential area in Queens (Laurelton) bounded on the north by 130th Avenue from Springfield Blvd. to 234th Street, Bounded on the east by 234th Street from 130th Avenue to North Conduit Avenue. Bounded on the west by Springfield Blvd. from North Conduit Avenue to 130th Avenue. From and to said territories bounded on the north by Jamaica Avenue from Sutphin Blvd. to Guy R. Brewer Blvd. Bounded on the south by South Road from Guy R. Brewer to Sutphin Blvd. Bounded on the west by Sutphin Blvd. from South Road to Jamaica Avenue. The applicant is Whitesands Transportation, LLC. They can be reached at 121-22 Milburn Street, Springfield Gardens, New York 11413. The applicant is proposing to add 6 van(s) daily to provide this service 16 hours a day.

There will be a public hearing held on Thursday, March 15, 2012 at the Queens Borough Hall, 120-55 Queens Blvd., Room 213, Part 1, Kew Gardens, New York 11424, from 2:00 P.M. - 4:00 P.M. so that you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Division of Traffic and Planning, 55 Water Street, 9th Floor, New York, NY 10041 no later than March 15, 2012. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed service will not meet present and/or future public convenience and necessity.

f15-22

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, February 29, 2012. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 95-97 Horatio LLC to construct, maintain and use an entrance detail on the south sidewalk of Gansevoort Street, between West and Washington Streets, 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, 2022:

For the date of Approval by the Mayor to June 30, 2012- \$15,027/annum

For the period July 1, 2012 to June 30, 2013 - \$15,464
 For the period July 1, 2013 to June 30, 2014 - \$15,901
 For the period July 1, 2014 to June 30, 2015 - \$16,338
 For the period July 1, 2015 to June 30, 2016 - \$16,775
 For the period July 1, 2016 to June 30, 2017 - \$17,212
 For the period July 1, 2017 to June 30, 2018 - \$17,649
 For the period July 1, 2018 to June 30, 2019 - \$18,086
 For the period July 1, 2019 to June 30, 2020 - \$18,523

For the period July 1, 2020 to June 30, 2021 - \$18,960
 For the period July 1, 2021 to June 30, 2022 - \$19,397

the maintenance of a security deposit in the sum of \$19,400 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.

#2 In the matter of a proposed revocable consent authorizing Anne Christensen to continue to maintain and use an entrance stoop on the south sidewalk of East 7th Street between Avenue D and Avenue C, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2011 to June 30, 2021 - \$25/annum.

the maintenance of a security deposit in the sum of \$2,500 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.

#3 In the matter of a proposed revocable consent authorizing ExxonMobil Oil Corporation to continue to maintain and use a tunnel under and across Kingsland Avenue, south of Greenpoint Avenue, and a conduit under and across Monitor Street, south of Greenpoint 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, 2022 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

For the date of Approval by the Mayor to June 30, 2012 \$10,012/annum

For the period July 1, 2012 to June 30, 2013 - \$10,303
 For the period July 1, 2013 to June 30, 2014 - \$10,594
 For the period July 1, 2014 to June 30, 2015 - \$10,885
 For the period July 1, 2015 to June 30, 2016 - \$11,176
 For the period July 1, 2016 to June 30, 2017 - \$11,467
 For the period July 1, 2017 to June 30, 2018 - \$11,758
 For the period July 1, 2018 to June 30, 2019 - \$12,049
 For the period July 1, 2019 to June 30, 2020 - \$12,340
 For the period July 1, 2020 to June 30, 2021 - \$12,631
 For the period July 1, 2021 to June 30, 2022 - \$12,922

the maintenance of a security deposit in the sum of \$6,000 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 \$200,000.

#4 In the matter of a modification of a revocable consent authorizing the Port Authority of New York and New Jersey to maintain and use bollards on the north sidewalk of 40th Street, north and south sidewalk of 41st Street, on the south sidewalk of 42nd Street between Eighth and Ninth Avenues, on the west sidewalk of Eighth Avenue and on the east sidewalk of Ninth Avenue between 40th and 42nd Streets, in the Borough of Manhattan. The proposed modified revocable consent is for a term of twenty three years from the date of approval by the Mayor to June 30, 2035.

There shall be no compensation required for this revocable consent

there shall be no security deposit and 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 Ray Mortenson and Jean Wardle to continue to maintain and use a stoop and a fenced-in area on the north sidewalk of Charles Street, west of West 4th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2012 to June 30, 2022 - \$25/annum.

the maintenance of a security deposit in the sum of \$3,500 and 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.

f8-29

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

■ SALE BY AUCTION

PUBLIC AUCTION SALE NUMBER 12001-L

NOTICE IS HEREBY GIVEN of a 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, February 22, 2012 (SALE NUMBER 12001-L). Viewing is on auction day only from 8:30 A.M. to 9:00 A.M. The auction begins at 9:00 A.M.

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 website, on the Friday prior to the sale at:

<http://www.nyc.gov/autoauction> or
<http://www.nyc.gov/autoauctions>

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

f14-22

■ SALE BY SEALED BID

SALE OF: BARGE MOUNTED STEAM CRANE, AUTO/ TRUCK PARTS AND SHEET METAL SHEAR, USED/UNUSED.

S.P.#: 12013

DUE: February 23, 2012

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.

f9-23

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.

jl-d31

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.”

ADMINISTRATION FOR CHILDREN’S SERVICES

■ SOLICITATIONS

Human/ Client Services

NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06811N0004 – DUE 05-31-13 AT 2:00 P.M. – The Administration for Children’s Services, Division of Youth and Family Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 5/31/13.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
 Administration for Children’s Services, 150 William Street, 9th Floor, New York, NY 10038.
 Patricia Chabla (212) 341-3505; Fax: (212) 341-3625;
patricia.chabla@dfa.state.ny.us

jl-n14

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

TRUCK, COMMAND LOGISTICAL SUPPORT UNIT, FDNY RE-AD – Competitive Sealed Bids – PIN# 8571200172 – DUE 03-12-12 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, 18th Floor, New York, NY 10007. Anna Wong (212) 669-8610; Fax: (212) 669-7603; dcasdmssbids@dcas.nyc.gov

■ f16

■ VENDOR LISTS

Goods

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: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j5-d31

DESIGN & CONSTRUCTION

CONTRACT SECTION

■ SOLICITATIONS

Construction / Construction Services

SNUG HARBOR CULTURAL CENTER, PARTIAL RECONSTRUCTION OF BUILDINGS F AND G, STATEN ISLAND – Competitive Sealed Bids – PIN# 85012B0037 – DUE 03-21-12 AT 2:00 P.M. – PROJECT NO.: PV490-FH/DDC PIN: 8502012PV0008C.

There will be an optional pre-bid conference on Friday, March 9, 2012 at 11:00 A.M. at the Snug Harbor Cultural Center located at 1000 Richmond Terrace, Staten Island, NY 10301. Special Experience Requirements. Bid documents are available at: <http://www.nyc.gov/ddc>

This Bid Solicitation includes M/WBE participation goals for subcontracted work. For the M/WBE goals, please visit our website at www.ddc.nyc.gov/buildnyc See “Bid Opportunities.” For more information about M/WBE certification, please call 311 or go to www.nyc.gov/getcertified.

This contract is subject to the Project Labor Agreement (“PLA”) entered into between the City and the Building and Construction Trades Council of Greater New York (“BCTC”) affiliated Local Unions. For further information, see Volume 2 of the Bid Documents.

This contract is part of a Multi-Agency Pilot Program in which the City’s Standard Construction Contract provisions concerning Delay Damages have been revised altering the allocation of the risk of projects delays, to allow contractors appropriate compensation for certain delays that are reasonably considered to be the City’s responsibility. Vendor Source ID#: 78448.

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. Bid Document Deposit - \$35.00 per set. Company check or money order only. No cash accepted. Late bids will not be accepted. Department of Design and Construction, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614; Fax: (718) 391-2615.

■ f16

EDUCATION

CONTRACTS AND PURCHASING

■ SOLICITATIONS

Goods & Services

REPLACEMENT AND INSTALLATION OF VERTICAL SAFETY PADDING – Competitive Sealed Bids – PIN# B2024040 – DUE 03-14-12 AT 4:00 P.M. – The Contractor shall provide all costs but not limited to labor, material, and supervision necessary to remove, replace, install, and properly dispose of fabric and fillers mounted on walls, posts, and pillars in gymnasiums. If you cannot download, send an e-mail to vendorhotline@schools.nyc.gov with the RFB number and title in the subject line of your e-mail. For all questions related to this RFB, please e-mail Sepstei@schools.nyc.gov with the RFB number and title in the subject line of your e-mail.

There will be a Pre-Bid Conference on Wednesday, February 22, 2012 at 11:00 A.M. at 65 Court Street, 4th Floor, Room 411A, Conference Room A, Brooklyn, NY 11201. The bid opening will take place at 65 Court Street, Room 1201, Brooklyn, NY 11201 on March 15, 2012 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. Department of Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Shelly Epstein (718) 935-2300; Sepstei@schools.nyc.gov

■ f16

ENVIRONMENTAL PROTECTION

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATIONS

Construction Related Services

OGI-DESIGN: GREEN INFRASTRUCTURE DESIGN SERVICES – Request for Proposals – PIN# 82611BEPAGID – DUE 03-12-12 AT 4:00 P.M. – The New York City Department of Environmental Protection (DEP) is seeking up to (3) Consultants to design green infrastructure in specified locations and/or geographic areas served by the combined sewer system. Types of green infrastructure include but are not limited to Blue/Green roofs; Sidewalk or right of way bioswales; sub-surface detention systems; porous pavement; rainwater harvesting and or biofiltration systems. The selected consultants will be required to provide all necessary engineering design services, project management and site assessment from commencement through project completion, final acceptance, and project close-out.

Minimum Qualification Requirements: The project team shall have an active Professional Engineer (P.E.) licensed in the State of New York.

Pre-proposal Conference: February 27, 2012, 10:30 A.M. - Noon, NYCDEP, 59-17 Junctin Blvd., 3rd Floor Cafeteria, Flushing, NY 11373.

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 Blvd., 17th Floor Bid Room, Flushing, NY 11373. Jeanne Schreiber (718) 595-3265; Fax: (718) 595-3278; RFP@dep.nyc.gov

■ f16

FIRE

■ SOLICITATIONS

Construction / Construction Services

OIL AND GAS REPAIR AND HVAC CLEANING AND MAINTENANCE – Competitive Sealed Bids – PIN# 057110001930 – DUE 03-20-12 – Vendor Source ID#: 78433.

Bidders are hereby advised that this contract is subject to the Project Labor Agreement (“PLA”) covering specified renovation and rehabilitation of City Owned Buildings and Structures entered into between the City and the Building and Construction Trades Council of Greater New York (“BCTC”) affiliated local unions. Please refer to the bid documents for further information.” A non-mandatory pre-bid meeting is scheduled for Thursday, March 1, 2012, at FDNY Headquarters, 1st Floor, 9 MetroTech Center, Brooklyn, NY 11201, 10:30 A.M.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Fire Department, 9 MetroTech Center, Brooklyn, NY 11201. Tetyana Reilly (718) 999-2333; reillyt@fdny.nyc.gov

■ f16

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) 442-4018.

j1-d31

HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATIONS

Human / Client Services

NEW YORK/NY III SUPPORTED HOUSING CONGREGATE – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 81608PO076300ROX00-R – DUE 09-18-12 AT 4:00 P.M. – The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York III Supported Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. The RFP is available on-line at <http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynycongregate-20070117-form.shtml>. A pre-proposal conference was held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, N.Y. Any questions regarding this RFP must be sent in writing in advance to Contracting Officer at the above address or e-mailed to the above address. All proposals must be hand delivered at the Agency Chief Contracting Officer, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132, no later than September 18, 2012.

As a minimum qualification requirement for (1) the serious and persistent mentally ill populations, the proposer must be incorporated as a not-for-profit organization, and (2) for the young adult populations, the proposer must document site control and identify the source of the capital funding and being used to construct or renovate the building.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Health and Mental Hygiene, ACCO, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132. Huguette Beauport (347) 396-6633; hbeaupor@health.nyc.gov

a6-s17

PARKS AND RECREATION

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction / Construction Services

MISCELLANEOUS RECONSTRUCTION – Competitive Sealed Bids – DUE 03-15-12 AT 10:30 A.M. – PIN# 8462012Q000C07 - Queens PIN# 8462012B000C05 - Brooklyn -Reconstruction of pavements, fencing, tennis courts, and general site work at Various locations, Queens, known as Contract #QG-1011M. E-PIN: 12B0010. -Reconstruction of pavements, tennis courts, handball courts and general site work in Various locations, Brooklyn, known as Contract #BG-711M. E-PIN: 12B0043. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov

■ f16

REVENUE AND CONCESSIONS

■ AWARDS

Services (Other Than Human Services)

OPERATION OF ONE (1) PROCESSING MOBILE TRUCK – Competitive Sealed Bids – PIN# Q425-MT – The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Jorge Contreras, 100 East Carpenter Street, Valley Stream, NY, 11580, for the operation of one (1) processing mobile truck for the sale of Parks approved menu items in Yellowstone Municipal Playground, Queens. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a four (4) year term, expiring on December 31, 2015. Compensation to the City is as follows: Year 1: \$1,200; Year 2: \$1,300; Year 3: \$1,400; Year 4: \$1,500. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.

● **OPERATION OF ONE (1) PROCESSING MOBILE TRUCK** – Competitive Sealed Bids – PIN# Q304-MT. - The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Jorge Contreras, 100 East Carpenter Street, Valley Stream, NY, 11580, for the operation of one (1) processing mobile truck for the sale of Parks approved menu items in Austin Street Playground, Queens. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a four (4) year term, expiring on December 31, 2015. Compensation to the City is as follows: Year 1: \$1,100; Year 2: \$1,200; Year 3: \$1,300; Year 4: \$1,400. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.

● **OPERATION OF ONE (1) PROCESSING MOBILE TRUCK** – Competitive Sealed Bids – PIN# Q23-MT. - The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Gurdev Singh, 123-20 97th Avenue, Richmond Hill, NY 11419, for the operation of one (1) processing mobile truck for the sale of Parks approved menu items in Rufus King Park, Queens, N.Y. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a four (4) year term, expiring on December 31, 2015. Compensation to the City is as follows: Year 1: \$1,375; Year 2: \$2,000; Year 3: \$2,300; Year 4: \$3,000. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.

● **OPERATION OF ONE (1) PROCESSING MOBILE TRUCK** – Competitive Sealed Bids – PIN# Q174-A-MT. - The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Akter Hossain, 89-18 171st Street, Jamaica, NY 11432, for the operation of one (1) processing mobile truck for the sale of Parks approved menu items in St. Michaels Playground, Queens, N.Y. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a four (4) year term, expiring on December 31, 2015. Compensation to the City is as follows: Year 1: \$1,150; Year 2: \$1,200; Year 3: \$1,250; Year 4: \$1,300. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.

■ f16

SANITATION

■ SOLICITATIONS

Construction Related Services

ENGINEERING AND DESIGN SERVICES FOR THE CLOSURE OF SECTION 1/9 AND RELATED ACTIVITIES AT THE FRESH KILLS LANDFILL, STATEN ISLAND – Competitive Sealed Proposals – PIN# 82710WD00032 – DUE 05-31-12 AT 1:30 P.M. – Bid Estimate: \$6,500,000.00 to \$8,500,000.00. Optional Pre-Bid Conference March 15, 2012 at 10:00 A.M. at The Fresh Kills Leachate Treatment Plant Conference Room, Staten Island,

New York. The last day for questions is March 29, 2012 at 1:30 P.M. Contact person is Selormey Srebi (212) 437-4423; ssrebi@dny.nyc.gov

This contract is subject to Local Law 129 "The M/WBE Program." VSID#: 78287.

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 801, New York, NY 10007. ACCO, (212) 437-5057.

f16

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction / Construction Services

NEW PLAYGROUND – Competitive Sealed Bids – PIN# SCA12-14051D-1 – DUE 03-08-12 AT 11:00 A.M. – IS 59 (Queens). Project Range: \$1,270,000.00 to \$1,340,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make checks payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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, Long Island City, NY 11101. Rookmin Singh (718) 752-5483; rsingh@nycsca.org

f16

AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

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.

YOUTH AND COMMUNITY DEVELOPMENT

PUBLIC HEARINGS

SHORT NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on, February 22, 2012, at 156 William Street 2nd Floor Auditorium, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of the proposed contract between the Department of Youth and Community Development and the Contractor listed below to provide food pantry services throughout the five boroughs. The Contractor's PIN number and contract amount is indicated below. The contract term shall be from July 1, 2011 to June 30, 2012 with no option to renew.

CONTRACTOR/ADDRESS	PIN#	Amount
City Harvest, Inc. 575 Eighth Avenue New York, NY 10018	26012039092J	\$278,167

IN THE MATTER of the proposed contract between the Department of Youth and Community Development and the Contractors listed below to provide social services to runaway and homeless youth in New York City. The Contractors' PIN numbers and contract amounts are indicated below. The contract term shall be from July 1, 2011 to June 30, 2012 with no option to renew.

CONTRACTOR/ADDRESS	PIN#	Amount
Ali Forney Center 224 West 35th Street New York, New York 10001	26012009319J	\$620,620
SCO Family Services 1 Alexander Place, Glen Cove, New York 11542	26012009288J	\$294,000

The proposed contractors are being funded by City Council discretionary funds, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

Draft copies of the proposed contracts may be inspected at the Department of Youth and Community Development, Office of the ACCO, 156 William Street, 2nd Floor, New York, NY 10038 on business days between the hours of 9:00 A.M. and 5:00 P.M., from February 16, 2012 to February 22, 2012, excluding weekends and holidays.

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 days after publication of this notice. Written requests to speak should be sent to Mr. Joseph Salvayon, Deputy Agency Chief Contracting Officer, 156 William Street, 2nd Floor, New York, NY 10038, jsalvayon@dycd.nyc.gov. If the Department of Youth and Community Development receives no written requests to speak within the prescribed time, the Department reserves the right not to conduct the public hearing.

f16

AGENCY RULES

FIRE

NOTICE

NOTICE OF PROMULGATION OF FINAL RULE

AMENDED SCHEDULE OF CHARGES FOR FIRE DEPARTMENT AMBULANCE TRANSPORT SERVICE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Fire Commissioner of the City of New York pursuant to Section 487(f) of the New York City Charter, that the New York City Fire Department has adopted amendments to Fire Department rule 3 RCNY §4900-02, entitled "Schedule of Charges for Fire Department Ambulance Transport Service," increasing the rates for Fire Department Emergency Medical Service (EMS) ambulance service.

The public hearing on the rate increase was held on February 6, 2012. The amended Schedule of Charges for Fire Department Ambulance Transport Service shall take effect on March 17, 2012.

The Notice of Promulgation, amended Schedule of Charges for Fire Department Ambulance Transport Service, and Statement of Basis and Purpose for Ratemaking Action, will be available on the Fire Department's website (www.nyc.gov/fdny) and NYC RULES (www.nyc.gov/NYCRULES).

The Fire Department hereby amends subdivision (b) of §4900-02 of Title 3 of the Rules of the City of New York to adopt the following schedule of charges for ambulance transport service provided by the Fire Department through the New York City 911 System:

§4900-02 Schedule of Charges for Fire Department Ambulance Transport Service

	*	*	*
(b)	Effective [February 1, 2009]	<u>March 17, 2012</u>	the charges for Fire Department ambulance transport service are as follows:
	<u>Type of Service</u>		<u>Charge</u>
	Basic Life Support Ambulance	\$ [515.00]	<u>704.00</u>
	Advanced Life Support Ambulance Service Level 1 (ALS1)	\$ [750.00]	<u>1,190.00</u>
	Advanced Life Support Ambulance Service Level 2 (ALS2)	\$ [850.00]	<u>1,290.00</u>
	Additional Charges:		
	– Mileage (distance traveled to hospital)	\$ [7.00]	<u>12.00/mile</u>
	– Provision of Oxygen (as applicable)	\$ [50.00]	<u>60.00</u>

Note: Retain underlining of highlighted text in publication of final rule.

STATEMENT OF BASIS AND PURPOSE FOR RATEMAKING ACTION:

The Fire Department has determined to increase the amounts it charges patients and insurers for Emergency Medical Service (EMS) ambulance transport service provided through the New York City 911 System, to reflect increased costs and help defray the City's cost of providing these services.

The charges for ambulance service were last increased in February 2009. The 2009 rates did not allow the Fire Department to recoup the cost of providing these services. The rate increases that have been adopted will contribute to recouping the cost of such services and reducing the portion of such cost that is currently borne by City taxpayers.

The amended schedule of charges sets forth a single rate for BLS service, and separate rates for ALS1 and ALS2 levels of service. The definition of BLS, ALS1 and ALS2 are determined by the Federal Department of Health and Human Services' Centers for Medicare and Medicaid Services.

The rates set forth in the Schedule of Charges for Fire Department Ambulance Transport Service are the amounts that the Fire Department would bill for EMS ambulance treatment and transport service. The rates do not necessarily reflect the amounts accepted by the Fire Department as payment for such services from government and private health insurance plans.

f16

SPECIAL MATERIALS

COMPTROLLER

NOTICE

ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007, on May 14, 2012, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	6511	111
2	6469	30

3	6469	37
4	6469	39
5	6469	43
6	6469	46
7	6247	1
8	6247	10
9	6247	20
10	6247	29
11	6247	34
12 and 14	6247	37
15	6246	21
16	6246	30
17	6245	108
18	6249	222
19	6249	174
20	6249	214
21	6249	207
22 and 23	6249	200
24	6249	38
25	6249	33
26	6249	30
27	6249	25
28	6249	21

acquired in the proceeding, entitled: Albee Avenue, Amboy Road, Annadale Road, Etc. subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

f15-29

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT

Notice Date: February 9, 2012

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
546 West 148th Street, Manhattan	1/12	January 3, 2009 to Present
458 West 153rd Street, Manhattan	2/12	January 3, 2009 to Present
222 East 12th Street, Manhattan	3/12	January 9, 2009 to Present
4 East 28th Street, Manhattan	4/12	January 9, 2009 to Present
7 East 124th Street, Manhattan	5/12	January 12, 2009 to Present
126 West 123rd Street, Manhattan	6/12	January 19, 2009 to Present
194 Edgecombe Avenue, Manhattan	7/12	January 20, 2009 to Present
559 West 161st Street, Manhattan	8/12	January 20, 2009 to Present
319 West 137th Street, Manhattan	9/12	January 20, 2009 to Present
529 West 142nd Street, Manhattan	12/12	January 25, 2009 to Present
1511 Bryant Avenue, Bronx	13/12	January 26, 2009 to Present
478 Waverly Avenue, Brooklyn	14/12	January 31, 2009 to Present

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 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, please call (212) 863-5277, (212) 863-8211 or (212) 863-8298.

f9-16

REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT

Notice Date: February 9, 2012

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
821 9th Avenue, Manhattan	10/12	January 23, 1997 to Present

Authority: Special Clinton District, Zoning Resolution §96-110

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

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f9-16

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 Monday through Friday from 9:00 A.M. to 5:00 P.M., except on legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptroller's Office at www.comptroller.nyc.gov, and click on Prevailing Wage Schedules to view rates.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION-RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$17 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at www.nyc.gov/selltonyc. To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit www.nyc.gov/html/sbs/nycbiz and click on Summary of Services, followed by Selling to Government.

PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR. Information and qualification questionnaires for inclusion on such lists may be obtained directly from the Agency Chief Contracting Officer at each agency (see Vendor Information Manual). A completed qualification questionnaire may be submitted to an Agency Chief Contracting Officer at any time, unless otherwise indicated, and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings (OATH). Section 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit www.nyc.gov/selltonyc.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board Rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, and the Housing Authority. Suppliers interested in applying for inclusion on bidders lists for Non-Mayoral entities should contact these entities directly at the addresses given in the Vendor Information Manual.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit www.nyc.gov/mocs.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women-Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about this program, contact the Department of Small Business Services at (212) 513-6311 or visit www.nyc.gov/sbs and click on M/WBE Certification and Access.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City pays interest on all late invoices. However, there are certain types of payments that are not eligible for interest; these are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year: in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City's website at www.nyc.gov/selltonyc

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

ACCO	Agency Chief Contracting Officer
AMT	Amount of Contract
CSB	Competitive Sealed Bid including multi-step
CSP	Competitive Sealed Proposal including multi-step
CR	The City Record newspaper
DP	Demonstration Project
DUE	Bid/Proposal due date; bid opening date
EM	Emergency Procurement
FCRC	Franchise and Concession Review Committee
IFB	Invitation to Bid
IG	Intergovernmental Purchasing
LBE	Locally Based Business Enterprise
M/WBE	Minority/Women's Business Enterprise
NA	Negotiated Acquisition
OLB	Award to Other Than Lowest Responsive Bidder/Proposer
PIN	Procurement Identification Number
PPB	Procurement Policy Board
PQL	Pre-qualified Vendors List
RFEI	Request for Expressions of Interest
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
SS	Sole Source Procurement
ST/FED	Subject to State and/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

CSB	Competitive Sealed Bidding including multi-step <i>Special Case Solicitations/Summary of Circumstances:</i>
CSP	Competitive Sealed Proposal including multi-step
CP/1	Specifications not sufficiently definite
CP/2	Judgement required in best interest of City
CP/3	Testing required to evaluate
CB/PQ/4	
CP/PQ/4	CSB or CSP 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 <i>For ongoing construction project only:</i>
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors

NA/11	Immediate successor contractor required due to termination/default <i>For Legal services only:</i>
NA/12	Specialized legal devices needed; CSP not advantageous
WA	Solicitation Based on Waiver/Summary of Circumstances (<i>Client Services/CSB or CSP only</i>)
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 <i>Award to Other Than Lowest Responsible & Responsive Bidder or Proposer/Reason (award only)</i>
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 or submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing providing Agency contact information
	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 The City Record