



# THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD  
U.S.P.S. 0114-660

Printed on paper containing  
40% post-consumer material

VOLUME CXXXVIV NUMBER 40

WEDNESDAY, FEBRUARY 29, 2012

PRICE \$4.00

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## THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

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Published Monday through Friday, except legal holidays by the Department of Citywide Administrative Services of the City of New York under Authority of Section 1066 of the New York City Charter.

Subscription—\$500 a year; daily, \$4.00 a copy (\$5.00 by mail) Periodicals Postage Paid at New York, N.Y.  
POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, 17th Floor, New York, N.Y. 10007 - 1602

Editorial Office  
1 Centre Street, 17th Floor  
New York N.Y. 10007-1602  
Telephone (212) 669-8252

Subscription Changes/Information  
1 Centre Street, 17th Floor  
New York N.Y. 10007-1602  
Telephone (212) 669-8252

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## QUEENS BOROUGH PRESIDENT

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on **Thursday, March 1, 2012** at 10:30 A.M., in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

**CD07 - BSA# 72-04 BZ** - IN THE MATTER of an application submitted by Eric Palatnik, PC on behalf of Bway-129 St. Gasoline Corp. pursuant to Section 11-411 of the Zoning Resolution of the City of New York, for a waiver of the BSA Rules of Practice and Procedure to extend the term of the special permit which expired June 3, 2010 in an R6/C1-2 district, located at **141-54 Northern Boulevard**, zoning map 10a, Flushing, Borough of Queens.

**CD02 - ULURP #120131 PCQ** - IN THE MATTER of an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located in an M1-1 district at **52-07 59th Street**, Block 2352, Lot 22, Zoning Map 13c, Woodside, Borough of Queens.

f24-m1

## CITY COUNCIL

### ■ PUBLIC HEARINGS

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

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 9:30 A.M. on **Tuesday, March 6, 2012**:

### NITEHAWK CINEMA

**BROOKLYN CB - 1** 20115825 TCK  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Nitehawk Brooklyn LLC, d/b/a Nitehawk Cinema, for a

revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 136 Metropolitan Avenue.

### KHIM'S CAFÉ

**BROOKLYN CB - 1** 20125036 TCK  
Application pursuant to Section 20-225 of the Administrative Code of the City of New York, concerning the petition of Jhu Jhu Corp., d/b/a Khim's Café, for a revocable consent to establish, maintain and use an enclosed sidewalk café located at 324 Graham Avenue.

### SPRING STREET NATURAL

**MANHATTAN CB - 2** 20125204 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of P.M.W. Inc., d/b/a Spring Street Natural, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 62 Spring Street.

### LE PAIN QUOTIDIEN

**MANHATTAN CB - 5** 20125234 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of PQ 53rd Street, Inc., d/b/a Le Pain Quotidien, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 7 East 53rd Street.

### POSITANO

**MANHATTAN CB - 2** 20125256 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of MRG Restaurant Corp., d/b/a Positano, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 122 Mulberry Street.

### PASTIS

**MANHATTAN CB - 2** 20125382 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Smithfield Associates LLC, d/b/a Pastis, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 9-19 Ninth Avenue.

### RUDIN WEST VILLAGE

**MANHATTAN CB - 2** C 120029 ZSM  
Application submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

- Section 74-743(a)(1) - to allow the distribution of required open space under the applicable district regulations without regard for zoning lot lines;
- Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632 and 33-432, the rear yard setback requirements of Section 23-663, and the inner court recess requirements of Section 23-843; and
- Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 for the applicable district without regard for the height factor or open space ratio requirements;

in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607,

Lot 1) in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, Lot 1), in R8, C6-2 and C2-7 Districts.

### RUDIN WEST VILLAGE

**MANHATTAN CB - 2** C 120030 ZSM  
Application submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Section 197-c and 201 of the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-422 (Location of floors occupied by commercial uses) to allow Use Group 6 uses (offices) on portions of the 3rd floor of the proposed building at 1-15 Seventh Avenue, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts.

### RUDIN WEST VILLAGE

**MANHATTAN CB - 2** C 120031 ZSM  
Application submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12th Street, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts.

### RUDIN WEST VILLAGE

**MANHATTAN CB - 2** N 120032 ZRM  
Application submitted by RSV, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Section 74-743 (Special Provisions for bulk modifications) on the zoning lots bounded by Greenwich Avenue, West 11th Street, West 12th Street, and midblock between 7th and 6th Avenues.

Matter Underlined is new, to be added;  
Matter in ~~Strikethrough~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;

Article 7 - Administration

\*\*\*

Chapter 4

Special Permits by the City Planning Commission

\*\*\*

74-743

Special provisions for bulk modification

(a) For a #large-scale general development#, the City Planning Commission may permit;

(1) \*\*\*

(2) \*\*\*

(3) \*\*\*

(4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (In R6, R7, R8 or R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements, provided that the #large-scale general development#

is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community Districts 2 or 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #large-scale general development#.

\*\*\*\*\*

RUDIN WEST VILLAGE

MANHATTAN CB - 2 C 120033 ZMM Application submitted by RSV, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 12a and 12c:

- 1. changing from an R6 District to an R8 District property bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 12th Street and West 11th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, a line 100 feet northeasterly of Greenwich Avenue, and a line 100 feet easterly of Seventh Avenue;
2. changing from a C1-6 District to an R8 District property bounded by a line 100 feet northeasterly of Greenwich Avenue, West 11th Street, and a line 100 feet easterly of Seventh Avenue; and
3. changing from a C2-6 District to a C6-2 District property bounded by West 12th Street, a line 100 feet easterly of Seventh Avenue, West 11th Street, and Seventh Avenue;

as shown on a diagram (for illustrative purposes only) dated August 22, 2011.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, March 6, 2012:

PUBLIC SCHOOL 102

BRONX CB - 10 20125306 HKX (N 120150 HKX) Designation (List No. 450/LP-2487) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Public School 102 (Later Public School 17 - The City Island School), located at 190 Fordham Street (Block 5643, Lot 7501), as an historic landmark.

HOTEL WOLCOTT

MANHATTAN CB - 5 20125307 HKM (N 120151 HKM) Designation (List No. 450/LP-2423) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Hotel Wolcott, located at 4 West 31st Street (Block 832, Lot 49), as an historic landmark.

MUTUAL RESERVE BUILDING

MANHATTAN CB - 1 20125308 HKM (N 120152 HKM) Designation (List No. 450/LP-2431) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Mutual Reserve Building, located at 305 Broadway (Block 151, Lot 32), as an historic landmark.

R.H. MACY & CO. STORE, 14TH STREET ANNEX MANHATTAN CB - 2 20125309 HKM (N 120153 HKM) Designation (List No. 450/LP-2474) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the R.H. Macy & Co. Store, 14th Street Annex, located at 56 West 14th Street (Block 577, Lot 12), as an historic landmark.

DANIEL AND ABBIE B. ELDRIDGE HOUSE QUEENS CB - 9 20125310 HKQ (N 120155 HKQ) Designation (List No. 450/LP-2473) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Daniel and Abbie B. Eldridge House, located at 87-61 111th Street (Block 9301, Lot 101), as an historic landmark.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matter in the Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, March 6, 2012:

1484 INWOOD AVENUE

BRONX CB - 4 20125378 HAX Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Article 16 of the General Municipal Law and Section 577 of the Private Housing Finance Law, for the conveyance of a modification to a previously approved Urban Development Action Area Project located at 1484 Inwood Avenue in Council District No. 16.

f29-m6

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON WEDNESDAY, FEBRUARY 29, 2012 AT 10:30 A.M. IN THE 16TH FLOOR COMMITTEE ROOM AT 250 BROADWAY, NEW YORK, NY 10007 ON THE FOLLOWING MATTERS:

Advice and Consent

- M-741, Communication from the Mayor submitting the name of Erika Thomas-Yuille, a resident of

Manhattan, for appointment to the New York City Conflicts of Interest Board pursuant to § 2602 of the New York City Charter. Should Mrs. Thomas-Yuille receive the advice and consent of the Council, she will replace Angela Mariana Freyre and serve the remainder of a six-year term that expires on March 31, 2016.

- Preconsidered-M, Communication from the Mayor submitting the name of Thomas D. Shpetner, a resident of Brooklyn, for appointment as a member of the New York City Environmental Control Board ("business representative") pursuant to §§ 31 and 1049-a of the New York City Charter. Should Mr. Shpetner receive the advice and consent of the Council, he will replace Belle Horowitz and be eligible to serve the remainder of a four-year term that expires on November 24, 2013.

Designation

- Preconsidered-M, Bishop Mitchell G. Taylor, a candidate for re-designation by the Council to the Civilian Complaint Review Board, pursuant to § 440(b)(1) of the New York City Charter. If Bishop Taylor, a resident of Queens, is re-designated by the Council and subsequently re-appointed by the Mayor, he will be eligible to serve for the remainder of a three-year term that expires on July 4, 2014.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

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

Michael M. McSweeney City Clerk, Clerk of the Council

f24-29

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 Strikethrough 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 strikethrough 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;
- (c) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (d) Breezeways;
- (e) Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percentages set forth in Section 25-64 (Restrictions on Use of Open Space for Parking);
- (f) Eaves, gutters or downspouts, projecting into such #open space# not more than 16 inches or 20 percent of the width of such #open space#, whichever is the lesser distance;
- (g) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (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.
- (h) 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;
- (j) 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#;
- (k) 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

- (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.
- (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#;

(2ii) 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#;

(3iii) 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.

- (ab) Balconies, unenclosed subject to the provisions of Section 23-13;
- (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 23-63, 23-64, or 23-65 (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;
- (ce) 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;
- (cf) 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 (c) 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:

- (4i) in all #Residence #Districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;
- (4ii) in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, any portion of a #building# used for any #community facility use#;
- (4iii) in all #Residence #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);
- (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;
- (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, (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:
  - (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;
(f) 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;

- (t) Wire, chain link or other transparent fences.
\* \* \*
24-55 Required Side and Rear Setbacks
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-165 (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;
- (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, (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#;
- (gi) 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 (e)(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.

(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

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.

(dg) 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.

(en) 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;

(hs) 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 this 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, i~~n 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~~

(+) 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) (9) Subdistrict F

In Subdistrict F, the provisions of paragraph (4f) of Section 33-42 (Permitted Obstructions) shall ~~not~~ apply, ~~except that. In lieu thereof, the following shall apply:~~

(+) #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

- (3) 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\*;
- and
- 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 curblin of East 10th Street and the eastern curblin of Avenue A, continuing northerly along the eastern curblin 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 curblin of Avenue B, southerly along the western curblin of Avenue B to its intersection with the northern curblin of East 10th Street, westerly along the northern curblin 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 BROOKLYN

COMMUNITY BOARD NO. 14 - Thursday, March 1, 2012, 7:00 P.M., Community Board Office, 810 East 16th Street, Brooklyn, NY

A public hearing on the City's Preliminary Budget Statement and register of budget requests for FY 2013. f29-m1

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

#### BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 11 - Tuesday, March 6, 2012 at 7:00 P.M., Public School 121, 2750 Throop Avenue, Bronx, NY

This public hearing is to discuss an application by the Puerto Rican Family Institute, Inc. to establish an individualized residential alternative at 2726 Yates Avenue for young adults with disabilities. f29-m6

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

#### BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, March 5, 2012, 7:30 P.M., M.S. 158, 46-35 Oceania Street, Bayside, NY

##### #C 060539MMQ

IN THE MATTER OF an application submitted by Mel and Rosemary O'Donogue, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the city map; involving the elimination of Thebes Avenue between 248th Street and Overbrook Street and the adjustment of legal grades necessitated thereby including authorization for any acquisition or disposition of real property related thereto.

f28-m5

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

#### BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 10 - Wednesday, February 29, 2012 at 7:30 P.M., Community Board 10 Office, 3165 East Tremont Avenue, Bronx, NY

Preliminary Budget for Fiscal Year 2013, residents of the Board service areas are encouraged to attend this public hearing to learn how the City's Capital and Expense Budgets will affect their communities. f23-29

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

#### BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 07 - Tuesday, March 6, 2012 at 6:00 P.M., Jewish Home Lifecare, 120 West 106th Street (between Columbus and Amsterdam Aves.), New York, NY

Preliminary Budget for Fiscal Year 2013. f29-m6

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

#### BOROUGH OF STATEN ISLAND

COMMUNITY BOARD NO. 02 - Tuesday, March 6, 2012 at 7:30 P.M., Community Board 2 Office, 460 Brielle Avenue, Staten Island, NY

##### BSA# 21-12-A

55 Louise Lane  
 Application was filed with the Board of Standards and Appeals for approval of construction in the bed of a mapped street.

##### #N110054ZAR

163 Coventry Road  
 Application is to request authorization for modification of topography on a Tier I site, to facilitate the construction of a new single-family detached house and in-ground swimming pool with patio within the Special Natural Area District.

##### BSA# 40-12-BZ

Application to the NYC Board of Standards and Appeals for a special permit for a health club at 2385 Richmond Avenue not permitted as-of-right in a C2-1 zoning district. f29-m6

## BOARD OF EDUCATION RETIREMENT SYSTEM

### ■ MEETING

The next regular meeting of the Board of Education Retirement System (BERS) of the City of New York Trustees will meet on Thursday, March 1, 2012. This meeting will be held at Brooklyn Technical High School of Fashion Industries, located at 29 Fort Greene Place, Brooklyn, New York 11217.

The meeting will convene at 4:30 P.M. An agenda will be distributed to BERS Trustees prior to the meeting.

If you need more information, please contact Noro Healy at (718) 935-4529 or email: nhealy@bers.nyc.gov f23-29

## LANDMARKS PRESERVATION COMMISSION

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **March 6, 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 12-4580 - Block 2103, lot 65-151 Lafayette Avenue - Fort Greene Historic District  
 A transitional French Second Empire style rowhouse designed by Thomas H. Brush and built in 1874. Application is to alter the entrance. 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 12-7630 - Block 501, lot 15-130 Prince Street - SoHo-Cast Iron Historic District  
 A garage building built in 1925. Application is to alter the ground floor and install storefront infill. Zoned M1-5A. 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 12-6141 - Block 583, lot 29-32 Morton Street - Greenwich Village Historic District  
 A utilitarian building designed by Hobart B. Upjohn and built in 1920. Application is to enlarge window openings at the penthouse. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
 BOROUGH OF MANHATTAN 12-8128 - Block 795, lot 44-641 6th Avenue - Ladies' Mile Historic District  
 A Beaux Arts style department store building designed by William H. Hume & Son and built in 1900-02. Application is to alter the facade, install new storefronts and louvers, and install a marquee. Community District 4.

CERTIFICATE OF APPROPRIATENESS  
 BOROUGH OF MANHATTAN 12-4961 - Block 823, lot 65-40 West 22nd Street - Ladies' Mile Historic District  
 A neo-Renaissance style store and loft building designed by Korn & Zipkes and built in 1909-10. Application is to install a marquee. 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 built in 1896. Application is to construct a rooftop addition. Zoned C6-2A & C6-4A. Community District 5.

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, and replace windows. Community District 6.

CERTIFICATE OF APPROPRIATENESS  
 BOROUGH OF MANHATTAN 12-7901 - Block 1296, lot 46-150 East 42nd Street - Socony-Mobil Building - Individual Landmark  
 An International Style skyscraper designed by Harrison & Abramowitz and John B. Peterlin, built in 1953-56. Application is to replace ground floor infill. Community District 6.

CERTIFICATE OF APPROPRIATENESS  
 BOROUGH OF MANHATTAN 12-4278 - Block 1120, lot 38-12 West 68th Street - Upper West Side/Central Park West Historic District  
 A Queen Anne style house designed by Louis Thouvard and built in 1895, with an attached studio building designed by Edwin C. Georgi and built in 1925. Application is to demolish a rooftop addition constructed without Landmarks Preservation Commission permits, and alter the facade and construct a new rooftop addition. Zoned R8 and R10A. Community District 7.

CERTIFICATE OF APPROPRIATENESS  
 BOROUGH OF MANHATTAN 12-5665 - Block 1407, lot 57-1016 Lexington Avenue - Upper East Side Historic District - Extension  
 A neo-Grec style rowhouse designed by Thom and Wilson and built in 1880-81 with later alterations. Application is to legalize the installation of an awning without Landmarks Preservation Commission permits. Community District 8.

CERTIFICATE OF APPROPRIATENESS  
 BOROUGH OF MANHATTAN 12-1671 - Block 1720, lot 108-17 West 120th Street - Mount Morris Park Historic District  
 A rowhouse designed by Alfred Barlow and built in 1887-88. Application is to legalize window replacement and facade alterations performed without Landmarks Preservation Commission permits. Community District 10. f22-m6

## BOARD OF STANDARDS AND APPEALS

### ■ PUBLIC HEARINGS

**MARCH 20, 2012, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, **March 20, 2012, 10:00 A.M.**, at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

#### SPECIAL ORDER CALENDAR

**442-42-BZ**  
**APPLICANT** – Eric Palatnik, P.C., for Cropsey 20th Avenue Corp., owner.  
**SUBJECT** – Application November 17, 2011 – Pursuant to



(§11-412) an Amendment to enlarge the existing building and to legalize the conversion of the automotive repair bays of an existing gasoline service station (Shell) to an accessory convenience store. R-5 zoning district.

PREMISES AFFECTED – 2001/2011 Cropsey Avenue, northeast corner of 20th Avenue and Cropsey Avenue, Block 6442, Lot 5, Borough of Brooklyn.  
**COMMUNITY BOARD #11BK**

**1259-79-BZ**

APPLICANT – Sheldon Lobel, P.C., for Arabara, LLC, owner. SUBJECT – Application August 13, 2009 – Extension of Time to complete construction and obtain a certificate of occupancy and Waiver of the Rules of a previously granted Variance (72-21) for the conversion of all floors above the first floor from manufacturing lofts into residential dwellings which expired on October 6, 1984. M1-6 zoning district.

PREMISES AFFECTED – 29 West 26th Street, north side of West 26th Street, 350' east of Sixth Avenue, Block 826, Lot 16, Borough of Manhattan.  
**COMMUNITY BOARD #5M**

**286-00-BZ**

APPLICANT – Law Offices of Mitchell S. Ross, for Whitewall Properties II, LLC, owner; New York Health and Racquet Club, lessee.

SUBJECT – Application January 27, 2012 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*New York Health and Racquet Club*) located on the first and second floors of a twenty story mixed-use building, which expired on March 27, 2011; waiver of the rules. C6-3A/C6-4M zoning district.

PREMISES AFFECTED – 60 West 23rd Street, northeast corner of Sixth Avenue and West 23rd Street, Block 824, Lot 11, Borough of Manhattan.  
**COMMUNITY BOARD #5M**

**203-07-BZ**

APPLICANT – Sheldon Lobel, P.C., for Gastar Inc., owner. SUBJECT – Application December 30, 2011 – Pursuant to ZR Sections 72-01 and 72-22 and seeks an amendment to the BSA-approved plans to permit changes to the interior layout of the proposed mixed-use building, including an increase in the number of dwelling units and parking spaces and to permit attended parking spaces that do not comply with the minimum 200sf per space per ZR Section 36-521.

PREMISES AFFECTED – 137-35 Elder Avenue, northwest corner of Main Street and Elder Avenue, Block 5140, Lot 40, Borough of Queens.  
**COMMUNITY BOARD #7Q**

**APPEALS CALENDAR****99-11-A**

APPLICANT – Eric Palatnik, P.C., for Naila Aatif, owner. SUBJECT – Application July 8, 2011 – To legalize an alteration of a two family residence which does not front upon a legally mapped street, contrary to General City Law 36. R6 Zoning District

PREMISES AFFECTED – 16 Brighton 7th Walk, between Brighton 7th Street and Brighton 8th Street, Block 8667, Lot 774, Borough of Brooklyn.  
**COMMUNITY BOARD #13Q**

**MARCH 20, 2012, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, **March 20, 2012, at 1:30 P.M.**, at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

**ZONING CALENDAR****102-11-BZ**

APPLICANT – H. Irving Sigman, for The New York Spa of College Point, LLC, owner.

SUBJECT – Application January 19, 2012 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*New York Spa*). C4-4 zoning district.

PREMISES AFFECTED – 131-23 31 Avenue, northwest corner of the intersection of 31 Avenue and Whitestone Expressway, Block 4361, Lot 27, Borough of Queens.  
**COMMUNITY BOARD #7Q**

**182-11-BZ**

APPLICANT – Sheldon Lobel, P.C., for 775 Broadway Acquisition LLC c/o The Jackson Group LLC, owner.

SUBJECT – Application December 5, 2011 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Planet Fitness*) on a portion of the first, second and third floors of the existing three-story building. C4-3 zoning district.

PREMISES AFFECTED – 777 Broadway, east corner of the intersection formed by Broadway and Summer Place, Block 3131, Lot 6, Borough of Brooklyn.  
**COMMUNITY BOARD #4BK**

*Jeff Mulligan, Executive Director*

☛ f29-m1

**TRANSPORTATION****■ PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, 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

**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, March 14, 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 New York University to continue to maintain and use conduits under and across Waverly Place, Washington Place and 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 July 1, 2012 to June 30, 2013 - \$26,922

For the period July 1, 2013 to June 30, 2014 - \$27,705

For the period July 1, 2014 to June 30, 2015 - \$28,488

For the period July 1, 2015 to June 30, 2016 - \$29,271

For the period July 1, 2016 to June 30, 2017 - \$30,054

For the period July 1, 2017 to June 30, 2018 - \$30,837

For the period July 1, 2018 to June 30, 2019 - \$31,620

For the period July 1, 2019 to June 30, 2020 - \$32,403

For the period July 1, 2020 to June 30, 2021 - \$33,186

For the period July 1, 2021 to June 30, 2022 - \$33,969

the maintenance of a security deposit in the sum of \$4,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#2** In the matter of a proposed revocable consent authorizing The Plaza Condominium to continue to maintain and use two lampposts, together with electrical conduits, on the south sidewalk of West 59th Street, west of Grand Army Plaza, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2010 to the date of approval - \$1,025/annum

From the date of approval to June 30, 2020 - \$300/annum.

the maintenance of a security deposit in the sum of \$2,700 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 The Therapy and Learning Center, Inc. to continue to maintain and use an accessibility ramp and stairs on the east sidewalk of Eighth Avenue, north of 18th Street, and a fenced-in area on the north sidewalk of 18th Street, east of Eighth Avenue, in the Borough of Brooklyn. 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 July 1, 2012 to June 30, 2013 - \$1,888

For the period July 1, 2013 to June 30, 2014 - \$1,941

For the period July 1, 2014 to June 30, 2015 - \$1,994

For the period July 1, 2015 to June 30, 2016 - \$2,047

For the period July 1, 2016 to June 30, 2017 - \$2,100

For the period July 1, 2017 to June 30, 2018 - \$2,153

For the period July 1, 2018 to June 30, 2019 - \$2,206

For the period July 1, 2019 to June 30, 2020 - \$2,259

For the period July 1, 2020 to June 30, 2021 - \$2,312

For the period July 1, 2021 to June 30, 2022 - \$2,365

the maintenance of a security deposit in the sum of \$3,500 and the filing of an insurance policy in the minimum amount of \$500,000/\$200,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

**#4** In the matter of a proposed revocable consent authorizing Timothy de Illy and Victoria Touchberry to continue to maintain and use a fenced-in area on the west sidewalk of St. Nicholas Avenue, north of 146th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides among others terms and condition for compensation payable to the city according to the following schedule:

For the period from July 1, 2009 to June 30, 2019 - \$25/annum.

the maintenance of a security deposit in the sum of \$1,000 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.

f23-m14

**PROPERTY DISPOSITION****CITYWIDE ADMINISTRATIVE SERVICES****MUNICIPAL SUPPLY SERVICES****■ SALE BY AUCTION****PUBLIC AUCTION SALE NUMBER 12001-M**

**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, March 7, 2012 (SALE NUMBER 12001-M). Viewing is on auction day only from 8:30 A.M. until 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 date 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.

f22-m7

## SALE BY SEALED BID

### SALE OF: 3 LOTS OF MISCELLANEOUS SUPPLIES AND EQUIPMENT, UNUSED.

S.P.#: 12014 DUE: March 6, 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.

f22-m6

## POLICE

### OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.  
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

### INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

### FOR MOTOR VEHICLES

(All Boroughs):

- \* College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- \* Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

### FOR ALL OTHER PROPERTY

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

## PROCUREMENT

**“Compete To Win” More Contracts!**  
Thanks to a new City initiative - “Compete to Win” - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

- Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)

**“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City’s prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”**

## 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@dca.state.ny.us](mailto:patricia.chabla@dca.state.ny.us)

j1-n14

## CITY UNIVERSITY

### SOLICITATIONS

Goods

**“DE” POOL FILTER** – Competitive Sealed Bids – PIN# 1772104 – DUE 03-14-12 AT 1:00 P.M. – No installation, per the “Specification/Requirements Sheet”

Mandatory site visit - Attendance will be taken - Monday, March 5th, 2012 at 10:00 A.M. Meet at the College Service Building, Buildings and Grounds Office, Room 215, 222-05 56th Avenue, Bayside, NY 11364, (718) 631-6231.

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.

Queensborough Community College, 222-05 56th Avenue, Room A-406, Bayside, NY 11364.

Macarthur Marshall (718) 631-6625; Fax: (718) 281-5152;  
[mmarshall@qcc.cuny.edu](mailto:mmarshall@qcc.cuny.edu)

Jeffrey M. Connors (718) 281-5025; Fax: (718) 281-5152;  
[jconnors@qcc.cuny.edu](mailto:jconnors@qcc.cuny.edu)

f29

## CITYWIDE ADMINISTRATIVE SERVICES

### MUNICIPAL SUPPLY SERVICES

#### SOLICITATIONS

Goods

**GRP: MYER SNOW PLOWS** – Competitive Sealed Bids – PIN# 8571200434 – DUE 03-26-12 AT 10:30 A.M.

● **GRP: FERRARA FIRE APPARATUS** – Competitive Sealed Bids – PIN# 8571200437 – DUE 03-26-12 AT 10:30 A.M.

Vendors interested in obtaining copies of the bid should contact Anna Wong - Tel. No. (212) 669-8610;  
Fax: (212) 669-7603; [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov)

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.

Jeanette Cheung (212) 669-7729; Fax: (212) 313-3382;  
[jcheung@dcas.nyc.gov](mailto:jcheung@dcas.nyc.gov)

f29

### AWARDS

Goods

**GYMNASIUM AND EXERCISE EQUIPMENT (BRAND SPECIFIC)** – Competitive Sealed Bids – PIN# 8571200164 – AMT: \$952,287.45 – TO: Life Fitness Inc., 5100 North River Road, Schiller Park, IL 60176.

f29

### 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

## COMPROLLER

### ASSET MANAGEMENT

#### AWARDS

Services (Other Than Human Services)

**INVESTMENT MANAGEMENT SERVICES** – Renewal – PIN# 0150157811107QF – AMT: \$4,397,000.00 – TO: Seizert Capital Partners LLC, 185 Oakland Avenue, Ste. 100, Birmingham, MI 48009.

● **INVESTMENT ADVISORY SERVICES** – Renewal – PIN# 0150488304TP – AMT: \$163,000.00 – TO: State Street Bank and Trust, One Lincoln Street, Boston, MA 02111-2900.

● **INVESTMENT ADVISORY SERVICES** – Renewal – PIN# 0150387104IE – AMT: \$17,615,000.00 – TO: State Street Global Advisors, One Lincoln Street, Boston, MA 02111.

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## DESIGN & CONSTRUCTION

### SOLICITATIONS

Construction Related Services

**LRCA11LPA, THE NEW YORK PUBLIC LIBRARY - LIBRARY FOR THE PERFORMING ARTS - FACADE TRAVERTINE RESTORATION, MANHATTAN** – Sole Source – Available only from a single source - PIN# 8502012LN0004P – DUE 03-07-12 AT 4:00 P.M. – The Department of Design and Construction intends to enter into a Sole Source contract with the New York Public Library - Library for the Performing Arts for the above project. The contractor must have unique knowledge of the site, and must guarantee the assumption of all costs above the estimated

cost of construction. Any firm which believes that it is also qualified to provide these services would like to provide such services in the future is invited to indicate by letter to: Steven Wong, Program Director, 5th Floor, 30-30 Thomson Avenue, Long Island City, New York 11101, (718) 391-2550; [wongs@ddc.nyc.gov](mailto:wongs@ddc.nyc.gov)

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 Design and Construction, 30-30 Thomson Avenue, 4th Floor, Long Island City, NY 11101. Carlo DiFava (718) 391-1541; [difavac@ddc.nyc.gov](mailto:difavac@ddc.nyc.gov)

f23-29

## EDUCATION

### CONTRACTS AND PURCHASING

#### INTENT TO AWARD

Human / Client Services

**TUTORING SERVICES** – Other – PIN# E1599040 – DUE 03-07-12 AT 5:00 P.M. – The Department of Education (DOE), Division of Contracts and Purchasing, has been asked for approval to enter into a contract with Blue Engine, Inc., for a term of 8/1/11 through 6/30/12, at a total contract cost not-to-exceed \$68,575. Blue Engine provides full-time tutoring services to high school students and support for classroom teachers in an effort to accelerate academic achievement and prepare students for college success. This contract will allow Mott Hall Bronx High School to continue to provide tutoring services to approximately eighty 9th grade students in Algebra and English/Language Arts. Other organizations interested in providing these services to the DOE in the future are invited to indicate their ability to do so in writing to Jay G. Miller at: Department of Education, 65 Court Street, Room 1201, Brooklyn, New York 11201; (718) 935-2300; [VendorHotline@schools.nyc.gov](mailto:VendorHotline@schools.nyc.gov).

f29

## ENVIRONMENTAL PROTECTION

### AGENCY CHIEF CONTRACTING OFFICER

#### INTENT TO AWARD

Services (Other Than Human Services)

**1296-NR** – Sole Source – Available only from a single source - PIN# 8261201296NR – DUE 03-15-12 AT 4:00 P.M. – DEP, Bureau of Wastewater Treatment intends to enter into an Agreement with ABB Inc. for 1296-NR: Service and repair of the Distributed Control System at the North River WPCP. The ABB Control System at the North River WPCP is in place to monitor and control critical processes and equipment that treat wastewater at the plant. Since this system ensures that certain New York State regulatory permits are met at the plant, proper maintenance is necessary to ensure that it is operating correctly at all times in order to ensure the health and safety of the public and the protection of the environment. Proper operation of this control system will also enable the plant to monitor, control and optimize key treatment plant equipment, thereby reducing power and fuel consumption. A contract of this type will enable the plant to maintain this equipment without interruption to its monitoring capabilities and also protect the \$14 million capital investment already made in the system. The North River plant currently has an overall maintenance contract in place that includes the upgrades and maintenance tasks that monitor, control, and optimize the critical processes and equipment that are necessary for sewage treatment at the plant. However, this contract will expire in April 2012. Failure to have continuous service on the North River control system would render this system inoperable resulting in detrimental process upsets, equipment breakdowns, and possible regulatory permit violations with monetary penalties. ABB is the only company which can provide a properly trained and qualified Service Engineer that can satisfactorily maintain this specialized system. In addition, only ABB can provide supplementary service technicians, compatible software and specialized parts necessary to keep this very critical process monitoring and control system in good operating condition. As a result, the repair and maintenance of the ABB Control System at the North River plant has been determined to be a Sole Source Procurement. Any firm which believes it can also provide the required service in the future is invited to do so, indicated by letter to: Department of Environmental Protection, Agency Chief Contracting Officer, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373. Debra Butlien (718) 595-3423; Fax: (718) 595-3208; [dbutlien@dep.nyc.gov](mailto:dbutlien@dep.nyc.gov)

f28-m5

### WATER SUPPLY OPERATION

#### SOLICITATIONS

Services (Other Than Human Services)

**MAINTENANCE AND REPAIR OF SUMP PUMPS AND ASSOCIATED DRAIN SYSTEMS IN THE SUBTERRANEAN CHAMBERS, CITY WATER TUNNEL #3, NYC** – Competitive Sealed Bids – PIN# 826120MDP105 – DUE 03-28-12 AT 11:30 A.M. – CONTRACT MDP-104: Document Fee \$80.00. There will be a pre-bid conference, which is highly recommended on 3/14/12 at 10:00 A.M. at 59-17 Junction Boulevard, 12th Fl. Conference Room, Flushing, New York 11373. There will be a site visit on 3/21/12, information on the time, location and identification requirements will be provided at the pre-bid meeting. The Project Manager is George Mathai (718) 595-6609. Please be advised, this contract includes an Apprenticeship Participation Requirement.

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

Department of Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373. Greg Hall (718) 595-3236; [ghall@dep.nyc.gov](mailto:ghall@dep.nyc.gov)

f29

**WASTEWATER TREATMENT**

■ SOLICITATIONS

*Construction / Construction Services*

**CORRECTION: JOB ORDER CONTRACT - ELECTRICAL WORK FOR THE EAST REGION, BROOKLYN AND QUEENS** – Competitive Sealed Bids – PIN# 82612WPC1250 – DUE 03-20-12 AT 11:30 A.M. – CORRECTION: JOC-12-EE. Document Fee: \$100.00. There will be a pre-bid conference, which is highly recommended on 3/9/12 at 10:00 A.M., 96-05 Horace Harding Expressway, 2nd Floor Conference Room #4, Flushing, NY 11373. Project Manager, Kavita Sazawal, (718) 595-5538. Bidders are hereby advised that this contract is subject to a Project Labor Agreement. This contract is also subject to the Local Law 129 M/WBE requirements.

*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, Flushing, NY 11373.  
 Greg Hall (718) 595-3236; ghall@dep.nyc.gov

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**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

■ SOLICITATIONS

*Goods*

**MEDICAL SURGICAL SUPPLIES** – Competitive Sealed Bids – PIN# 22212042 – DUE 03-07-12 AT 3:00 P.M. – No bids will be mailed out after 3-5-2012.

*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.*  
 Lincoln Hospital Center, 234 East 149th Street, Bronx, NY 10451. Erik Bryan (718) 579-5532; Fax: (718) 579-4746; erik.bryan@nychhc.org

☛ f29

*Services (Other Than Human Services)*

**MEMBER NEWSLETTER SERVICES** – Request for Proposals – PIN# 100912R085 – DUE 03-23-12 AT 4:00 P.M.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 MetroPlus Health Plan, 160 Water Street, 3rd Floor, New York, NY 10038. Kathleen Nolan (212) 908-8730; Fax: (212) 908-8620; nolank@nychhc.org

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**MATERIALS MANAGEMENT**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**ARMORED COURIER PICKUP AND SAME DAY DEPOSIT SERVICES AND DELIVERY OF CURRENCY AND COINS** – Competitive Sealed Bids – PIN# 033-0005 – DUE 03-20-12 AT 10:00 A.M.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Health and Hospitals Corporation, 346 Broadway, 5th Floor, Room 516, New York, NY 10013-3990.  
 Sherry Lloyd (212) 442-3863; Fax: (212) 442-3872; sherry.lloyd@nychhc.org

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**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# 81608PO076300R0X00-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.  
 Huguetta Beauport (347) 396-6633; hbeauport@health.nyc.gov

a6-s17

**HOUSING AUTHORITY**

■ SOLICITATIONS

*Construction / Construction Services*

**SPRAY FOAM ROOFING SYSTEM IN MANHATTAN** – Competitive Sealed Bids – PIN# RF1201136 – DUE 03-21-12 AT 10:00 A.M.

- **SPRAY FOAM ROOFING SYSTEM IN BRONX/QUEENS** – Competitive Sealed Bids – PIN# RF1201141 – DUE 03-22-12 AT 10:00 A.M.
- **SPRAY FOAM ROOFING SYSTEM IN BROOKLYN/STATEN ISLAND** – Competitive Sealed Bids – PIN# RF1201142 – DUE 03-23-12 AT 10:00 A.M.

Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA. Documents can also be obtained by registering with I-supplier and downloading 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.*  
 Housing Authority, 90 Church Street, 11th Floor, New York, NY 10007. Gloria Guillo, MPA, CPPO, (212) 306-3121; Fax: (212) 306-5151; gloria.guillo@nycha.nyc.gov

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**PURCHASING**

■ SOLICITATIONS

*Goods*

**SCO-STEEL WOOL #00, #02, #03** – Competitive Sealed Bids – SCO# 29309 RS – DUE 03-08-12 AT 10:45 A.M. – Blanket Purchase Agreement.

Note to Suppliers. This is a RFQ for (3 of years) year blanket order agreement. The awarded bidder/vendor agrees to have (what is being bid) readily available for delivery within (10 of days) days after receipt of order on an “as needed basis” during the duration of the contract period. The quantities provided are estimates based on current usage and the New York City Housing Authority may order less or more depending on our needs. All price adjustable RFQ’s are fixed for one year after award date. One price adjustment per year will be allowed with mfg. supporting documentation only. Please note: NYCHA reserves the right to make award by line or by class as indicated. Samples may be required to be provided within 10 days of request. Failure to do will result in bid being considered non-responsive.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Housing Authority, 23-02 49th Avenue, 5th Floor, Long Island City, NY 11101. Robin Smith (718) 707-5446.

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**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

**FRANCHISE ADMINISTRATION**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**MOBILE TELECOM SUBWAY FRANCHISE** – Other – PIN# 85812FRANCHI – DUE 12-31-14 AT 3:00 P.M. – Solicitation of Proposals for Franchises for the installation of Fiber Optic Cables and Related Equipment in City Streets in connection with the Provision of Mobile Telecommunications Services to underground subway stations in New York City.

*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 Information Technology and Telecommunications, 75 Park Place, New York, NY 10007.  
 Brett Sikoff (212) 788-6781; bsikoff@doitt.nyc.gov  
 2 Metrotech Center, 4th Floor, Brooklyn, NY 11201.

f21-m5

**OFFICE OF THE MAYOR**

■ INTENT TO AWARD

*Services (Other Than Human Services)*

**CORRECTION: NOT-FOR-PROFIT DEVELOPMENT SERVICES** – Sole Source – Available only from a single source - PIN# 0212S0001 – DUE 03-16-12 AT 4:00 P.M. – CORRECTION: The Office of the Mayor intends to enter into sole source negotiations with the Mayor’s Fund to Advance New York City to raise support for City programs and improvements. Any firm which believes it can also provide these services is invited to indicate so, by letter, no later than

03/16/12, 4:00 P.M. sent to: the Office of the Mayor/Fiscal Operations, 100 Gold Street, 2nd Floor, New York, N.Y. 10038, Attention: Marie Delus or faxed to (212) 788-2406.

*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.*  
 Mayor’s Office, 100 Gold Street, 2nd Floor, New York, NY 10038. Marie Delus (212) 788-2680; Fax: (212) 788-2406; mdelus@cityhall.nyc.gov

f27-m2

**PARKS AND RECREATION**

**CAPITAL PROJECTS**

■ INTENT TO AWARD

*Construction Related Services*

**DESIGN AND CONSTRUCTION OF PLUMB BEACH** – Government to Government – PIN# 84612T0001001 – DUE 03-12-12 AT 10:00 A.M. – Department of Parks and Recreation, Capital Projects Division, intends to enter into Government-to-Government negotiations with the US Army Corps of Engineers Research and Development Center, located at 26 Federal Plaza, Room 2127, New York, NY 10278, for Design and Construction of the Plumb Beach Beneficial Use of Dredged Materials Project in Brooklyn. The Government and Non-Federal Sponsor have the full authority and capability to perform and intend to cooperate in cost-sharing and financing of the Project in accordance with the terms of the Agreement.

Any firms that would like to express their interest in providing services of similar projects in the future may do so. All expressions of interest must be in writing to the address listed here and received by March 12, 2012. You may join the City Bidders list by filling out the “NYC-FMS Vendor Enrollment Application”, available on-line at “NYC.gov/selltonyc” and in hard copy by calling the Vendor Enrollment Center (212) 857-1680.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Parks and Recreation, Olmsted Center, Room 61, Flushing Meadows-Corona Park, Flushing, NY 11368.  
 Grace Fields-Mitchell, (718) 760-6687; Fax: (718) 760-6885; grace.fieldsmitchell@parks.nyc.gov

f28-m5

**REVENUE AND CONCESSIONS**

■ AWARDS

*Services (Other Than Human Services)*

**NEWSSTAND AT UNION SQUARE PARK** – Public Bid – PIN# M89-C-NS – AMT: \$819,876.00 – TO: Nizam Uddin, 1731 Matthews Ave., 2nd Fl., Bronx, NY 10462. The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Nizam Uddin, 1731 Matthews Ave., 2nd Fl., Bronx, NY 10462, for the renovation, operation and maintenance of a newsstand at Union Square Park, Manhattan. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a six (6) year term. Compensation to the City will be as follows: Year 1: \$102,000; Year 2: \$117,000; Year 3: \$129,000; Year 4: \$144,492; Year 5: \$157,692; Year 6: \$169,692. Concessionaire 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.

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**POLICE**

**EQUIPMENT SECTION**

■ SOLICITATIONS

*Goods*

**UNIFORM SHIRTS** – Competitive Sealed Bids – PIN# 05612ES00001 – DUE 03-14-12 AT 11:00 A.M. – The New York City Police Department, Equipment Section, is seeking bids from manufacturers for NYPD Dark Blue Uniform Shirts (3,000/6,000) which all conforms to the Police Department Specifications. Bid openings will take place at the NYPD Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007 on Wednesday, March 14, 2012 at 11:00 A.M. For further information, please contact the New York City Police Department’s Equipment Section, One Police Plaza, Room #110B, New York, NY 10038, telephone (646) 610-5940. All potential vendors who wish to bid are required to enclose one (1) sample of the short sleeve female uniform shirt and one (1) sample of the short sleeve male uniform shirt at the time of bid opening. Failure to submit sample will result in rejection of submitted sealed bid. All potential vendors who wish to bid are required to enclose a certified check for \$1,000.00 made payable to the Police Commissioner, City of New York with their sealed bid at the time of bid opening. Failure to submit a certified check will result in rejection of submitted sealed bid.

*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.*  
 Police Department, One Police Plaza, Room 110B, New York, NY 10038. Sgt. G. Molloy (646) 610-5940.  
 NYPD, CAU, 51 Chambers Street, Room 310, New York, New York 10007.

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**SCHOOL CONSTRUCTION AUTHORITY**

**CONTRACT ADMINISTRATION**

■ SOLICITATIONS

*Construction Related Services*

**CULINARY ARTS ROOM** – Competitive Sealed Bids – PIN# SCA12-13955D-1 – DUE 03-20-12 AT 11:00 A.M. – Non-refundable bid document charge: \$100.00, certified check

or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA. (Range: \$2,030,000.00 to \$2,140,000.00).

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

TRANSPORTATION

SOLICITATIONS

Construction / Construction Services

RECONSTRUCTION OF THE BUILDING ENVELOPE AT THE STATEN ISLAND FERRY MAINTENANCE FACILITY - Competitive Sealed Bids - PIN# 84111SIS1566 - DUE 03-29-12 AT 11:00 A.M. - A printed copy of the solicitation and drawing set can also be purchased.

A pre-bid meeting (optional) will be held on March 13, 2012 at 1:00 P.M. at 55 Water Street, Ground Floor Conference Room, New York, NY 10041.

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.

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:

Table with 3 columns: Damage Parcel No., Block, Lot. Lists parcels 1 through 28 with corresponding block and lot numbers.

acquired in the proceeding, entitled: Albee Avenue, Amboy Road, Annadale Road, Etc. subject to any liens and encumbrances of record on such property.

JOHN C. LIU
Comptroller

f15-29

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Rm. 629, New York, NY 10007 on March 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:

Table with 3 columns: Damage Parcel No., Block, Lot. Lists parcel 1 with block 5133 and lot Part of 1.

Acquired in the proceedings, entitled: South Richmond Bluebelt, Phase 3 subject to any liens and encumbrances of record on such property.

John C. Liu
Comptroller

f29-m14

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