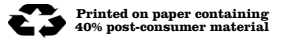




THE CITY RECORD

Official Journal of The City of New York

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TABLE OF CONTENTS

PUBLIC HEARINGS & MEETINGS

Board Meetings	989
Bronx Borough President	989
Queens Borough President	989
City Council	990
City Planning Commission	1003
Community Boards	1005
Deputy Mayor for Economic Development	1005
Employees Retirement System	1005
Industrial Development Agency	1005
Information Technology and Telecommunications	1006

Landmarks Preservation Commission	1006
Mayor's Office of Operations	1007
Build NYC Resource Corporation	1007
Transportation	1008

PROPERTY DISPOSITION

Citywide Administrative Services	1008
Asset Management	1008
Auction	1008
Municipal Supply Services	1008
Sale by Sealed Bid	1008
Housing Preservation and Development	1008
Police	1008

PROCUREMENT

Administration for Children's Services	1008
--	------

Citywide Administrative Services	1008
Municipal Supply Services	1008
Vendor Lists	1008
Comptroller	1008

Asset Management	1008
Design and Construction	1008
Health and Hospitals Corporation	1009
Health and Mental Hygiene	1009
Agency Chief Contracting Officer	1009
Housing Authority	1009
Housing Preservation and Development	1009
Division of Neighborhood Preservation	1009
Tenant Resources	1009

Information Technology and Telecommunications	1009
Executive Division	1009
Parks and Recreation	1009
Revenue and Concessions	1009
Transportation	1009

AGENCY RULES

Campaign Finance Board	1010
Housing Preservation and Development	1010

SPECIAL MATERIALS

Labor Relations	1010
Changes in Personnel	1020

LATE NOTICE

Economic Development Corporation	1020
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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOARD MEETINGS

NOTICE OF MEETINGS

City Planning Commission

Meets in Spector Hall, 22 Reade Street, New York, New York 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.

City Council

Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, New York 10007, at 1:30 P.M.

Contract Awards Public Hearing

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

Design Commission

Meets at 253 Broadway, 5th Floor, New York, New York 10007. For meeting schedule, please visit nyc.gov/designcommission or call (212) 788-3071.

Department of Education

Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

Board of Elections

32 Broadway, 7th Floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner.

Environmental Control Board

Meets at 40 Rector Street, OATH Lecture Room, 14th Floor, New York, NY 10006 at 9:15 A.M., once a month at the call of the Chairman.

Board of Health

Meets in Room 330, 125 Worth Street, Manhattan, New York 10013, at 10:00 A.M., at the call of the Chairman.

Health Insurance Board

Meets in Room 530, Municipal Building, Manhattan, New York 10007, at call of the Chairman.

Board of Higher Education

Meets at 535 East 80th Street, Manhattan, New York 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

Citywide Administrative Services

Division Of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, N.Y. 10004.

Commission on Human Rights

Meets on 10th floor in the Commission's Central Office, 40 Rector Street, New York, New York 10006, on the fourth Wednesday of each month, at 8:00 A.M.

In Rem Foreclosure Release Board

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Franchise And Concession Review Committee

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Wednesdays, commencing 2:30 P.M., and other days, times and location as warranted.

Real Property Acquisition And Disposition

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Landmarks Preservation Commission

Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise noticed by the Commission. For current meeting dates, times and agendas, please visit our website at www.nyc.gov/landmarks.

Employees' Retirement System

Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, New York 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

Housing Authority

Board Meetings take place every other Wednesday at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, New York (unless otherwise noted). For Board Meeting dates and times, please visit NYCHA's Website at nyc.gov/nycha or contact the Office of the Secretary at (212) 306-6088. Copies of the Calendar are available on NYCHA's Website or can be picked up at the Office of the Secretary at 250 Broadway, 12th Floor, New York, New York, no earlier than 3:00 P.M. on the Friday before the upcoming Wednesday Board Meeting. Copies of the Disposition are also available on NYCHA's Website or can be picked up at the Office of the Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting. Any changes to the schedule will be posted here and on NYCHA's Website to the extent practicable at a reasonable time before the meeting. These meetings are open to the public. Pre-registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first. Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Secretary at (212) 306-6088 no later than five business days before the Board Meeting. For additional information, please visit NYCHA's Website or contact (212) 306-6088.

Parole Commission

Meets at its office, 100 Centre Street, Manhattan, New York 10013, on Thursday, at 10:30 A.M.

Board of Revision of Awards

Meets in Room 603, Municipal Building, Manhattan, New York 10007, at the call of the Chairman.

Board of Standards and Appeals

Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

Tax Commission

Meets in Room 936, Municipal Building, Manhattan, New York 10007, each month at the call of the President.

BRONX BOROUGH PRESIDENT

PUBLIC HEARINGS

A PUBLIC HEARING IS BEING CALLED by the President of the Borough of The Bronx, Honorable Ruben Diaz Jr. for Tuesday, April 24, 2012, commencing at 2:00 P.M. (please note afternoon time) in the office of the Borough President 851 Grand Concourse, Room 206, The Bronx, New York 10451 on the following item:

ULURP APPLICATION NO: C 120161 HAX - IN THE MATTER OF AN application submitted by the Department of Housing Preservation and Development (HPD):

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

a) the designation of property located at 493 Brook Avenue and 457/467 East 147th Street (Block 2292, Lots 49 and 50) as an Urban Development Action Area; and

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

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

To facilitate development of a five-story building and a seven story building with a total of approximately 66 dwelling units and 1,710 square feet of commercial space, to be developed under the Department of Housing Preservation and Development's Low-Income Rental Program.

ANYONE WISHING TO SPEAK MAY REGISTER AT THE HEARING. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS MATTER TO THE BOROUGH PRESIDENT'S OFFICE (718) 590-6124.

a17-23

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, April 26, 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.

CD11 - BSA #808-55 BZ — IN THE MATTER of an application submitted by Sheldon Lobel, P.C. on behalf of 35 Bell Realty Inc., pursuant to Section 11-411 of the NYC Zoning Resolution, to reopen and amend a previously granted variance to extend the term of variance and allow for the continued uses of an automotive service station with accessory uses in an C2-2/R4 district located at 35-04 Bell Boulevard, Block 6169, Lot 6, Zoning Map 11a, Bayside, Borough of Queens.

CD07 - BSA #64-96 BZ — IN THE MATTER of an application submitted by Vassalotti Associates Architects LLP on behalf of Michael Koloniaris and Nichol Koloniaris, pursuant to Section 11-411 of the NYC Zoning Resolution, to reopen and extend the term of variance for an additional ten (10) years for an existing automobile repair shop in an R3A/C1-2 district located at 148-20 Cross Island Parkway, Block 4645, Lot 3, Zoning Map 7d, Whitestone, Borough of Queens.

CD09 - BSA #02-12 BZ — IN THE MATTER of an application submitted by Rothkrug Rothkrug & Spector LLP on behalf of Tehila Development LLC, pursuant to Section 72-21 of the NYC Zoning Resolution, for variances to permit construction of a cellar and three-story, two-family dwelling on a vacant lot in R5 district located at 95-36 115th Street, Block 9416, Lot 24, Zoning Map 18a, Richmond Hill, Borough of Queens.

CD09 - BSA #10-12 BZ — IN THE MATTER of an application submitted by Rothkrug Rothkrug & Spector LLP on behalf of Natalie Hardeen pursuant to Section 72-21 of the NYC Zoning Resolution, for legalization of an existing cellar and two-story two-family detached dwelling that does not provide required front yards and a side yard in an R5 district located at 114-01 95th Avenue, Block 9400, Lot 37, Zoning Map 18a, Richmond Hill, Borough of Queens.

CD05 - BSA #26-12 BZ — IN THE MATTER of an application submitted by Sheldon Lobel, PC on behalf of Michael Elmnic, LLC, pursuant to Section 73-52 of the NYC Zoning Resolution, for a special permit to allow use group 5 accessory parking in the residential portion of a split zoning

lot in C1-2/ R6B and R4-1 district located at 73-49 Grand Avenue, Block 2491, Lot 40, Zoning Map 13c, Maspeth, Borough of Queens.

CD11 - BSA #49-12 BZ — IN THE MATTER of an application submitted by Sheldon Lobel, P.C. on behalf of Laterra, Inc., pursuant to Sections 32-31 and 73-36 of the NYC Zoning Resolution for a special permit permitting the continued operation of a physical culture establishment in an R5B/C2-2 district located at 43-09 Francis Lewis Boulevard, Block 6077, Lot 1, Zoning Map 10c, Bayside, Borough of Queens.

a20-26

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 Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, April 24, 2012:

ZONE GREEN TEXT AMENDMENT

CITYWIDE N 120132 ZRY 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 that would remove zoning impediments to green building features that will help promote energy efficient building envelopes; renewable energy, stormwater detention, reduction of carbon emissions and provide for a healthier New York City. To incorporate these goals, various sections of the Zoning Resolution will be amended.

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

Article I General Provisions

11-13 Public Parks

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

Chapter 2 Construction of Language and Definitions

12-10 Definitions

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

An #accessory use# includes:

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

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

(21) Solar energy systems.

Floor area (2/2/11)

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

(n) floor space in exterior balconies if more than 67 percent of the perimeter of such balcony is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony.

(o) any other floor space not specifically excluded.

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

(10) floor space in exterior balconies provided that not more than 67 percent of the perimeter of such balcony is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony.

* * *

(12) exterior wall thickness, up to 8 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 part of an exterior wall constructed after (date of adoption), equal to the number of inches by which the wall's total thickness exceeds 8 inches, provided the above-grade exterior walls of the #building# envelope are more energy efficient than required by the New York City Energy Conservation Code (NYCECC) as determined 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 the maximum fenestration area referenced in the NYCECC for the calculation of the baseline energy code requirement, whichever is less.

For the purposes of calculating compliance with this paragraph (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. The total area of wall thickness excluded from the calculation of #floor area# shall be reflected on the next issued temporary or final Certificate of Occupancy for the building, as well as all subsequent Certificates of Occupancy.

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

(14) floor space on a sun control device, where such space is inaccessible other than for maintenance.

* * *

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 not more than 18 inches from a #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 from a #building# wall of 2 feet, 6 inches; and

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

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

(bd) Breezeways;

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

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

(g) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall

existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to 1 inch of thickness for every foot of existing #open space# width, up to a maximum thickness of 8 inches.

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

(i) Solar energy systems:

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

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

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

(gk) Terraces, unenclosed, fire escapes, or 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 not more than 18 inches from a #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 from a #building# wall of 2 feet, 6 inches; and

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

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

(5) Canopies

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

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

(8) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (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 1 inch of thickness for every foot of existing #yard# width, up to a maximum thickness of 8 inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to 1 inch for every foot of existing open area on the #zoning lot#.

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

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

- (9) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots#, a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;
- (10) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;
- (11) Flagpoles;
- (12) Overhanging portions of a #building# in R4 and R5 Districts, except R4A, R4-1, R4B, R5A, R5B or R5D Districts, which are above the first #story# including the #basement# and which project not more than three feet into the required 18 foot #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;
- (13) Parking spaces for automobiles or bicycles, off-street, open, #accessory#, within a #side# or #rear yard#;
- (14) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:
 - (i) in R1, R2, 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 nonrequired and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof.
- However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached building# in an R3-1 or R4-1 District.
- (15) Ramps for persons with physical disabilities;
- (16) 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;
- (17) 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#;
- (18) 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#;
- (19) Terraces or porches, open;
- (20) 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:
 - (1) 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#;
 - (2iii) 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, ~~not including #accessory# off-street parking spaces~~, 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 from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 23-62 (Permitted Obstructions).

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project.
 - (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);
 - (ed) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
 - (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
 - (ef) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached single-# or #two-family residence#;
 - (eg) Elevators or stair bulkhead, roof water tanks (including enclosures), each having an #aggregate

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

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

- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to 4 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 8 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, (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 8 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 or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
- (k) Roof thickness, up to 8 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 8 inches;
- (l) Skylights, clerestories or other day lighting devices, not more than 4 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 8 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 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 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 6 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 6 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 portions of #buildings# with a height of 100 feet or greater, provided:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) the diameter of the swept area of the rotor does not exceed 15 feet;
- (q) Window washing equipment mounted on a roof;
- (r) Wire, chain link or other transparent fences.

23-621 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 4 feet or less in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher. However, on a roof with a slope greater than 20 degrees, such systems shall be limited to 18 inches in height as measured perpendicular to the roof surface.
- (3) Wind energy systems shall not be allowed as permitted obstructions.
- (4) Window washing equipment shall not be allowed as permitted obstructions.

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 4 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 8 inches of exterior wall thickness, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A non-complying distance of 8 feet or less shall be limited to a total reduction of 1 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 from a #building# wall of 2 feet, 6 inches; and
 - (2) shall have solid surfaces that in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (c) Eaves, gutters, downspouts, window sills, or similar projections extending into such #court# not more than four inches;
- (d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (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 1 inch of thickness for every foot of existing #court# width, up to a maximum thickness of 8 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, skylights, parapet walls, roof thickness, solar energy systems up to 4 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 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 1 inch of thickness for every foot of existing #yard# width, up to a maximum thickness of 8 inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to 1 inch for every foot of existing open area on the #zoning lot#.

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#.
- (7) Fences;
- (8) Flagpoles;
- (9) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
- (10) Solar energy systems, on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (11) Steps, and ramps for people with disabilities;
- (12) Terraces or porches, open;
- (13) Walls, not exceeding eight feet in height and not roofed or part of a #building#;

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

- (1) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (2) Breezeways;
- (3) Any #building# or portion of a #building# used for #community facility uses#, including #accessory# parking spaces for bicycles within such #building#, provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#, and further provided that the area within such #building# dedicated to #accessory# parking spaces for bicycles shall not exceed the area permitted to be excluded

from #floor area#, pursuant to Section 25-85 (Floor Area Exemption). In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs pursuant to Section 24-51 (Permitted Obstructions), shall be permitted above such an #accessory building#, or portion thereof. However, the following shall not be permitted obstructions:

- (i) in all #Residence Districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;
- (ii) in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, any portion of a #building# used for any #community facility use#;
- (iii) in all #Residence 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 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;
- (7) Recreation or drying yard equipment;
- (8) Sheds, tool rooms or other similar #accessory buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
- (9) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#, up to 4 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 from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;

- (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
- (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 23-62 (Permitted Obstructions).

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

- (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, (e), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;~~

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

- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to 4 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 8 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 8 inches, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such

#enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.

- (eh) Flagpoles or aerials;
- (fi) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (gj) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
- (k) Roof thickness, up to 8 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 8 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 4 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 8 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 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 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 6 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 6 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 portions of #buildings# with a height of 100 feet or greater, provided:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) the diameter of the swept area of the rotor does not exceed 15 feet;
- (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 4 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 8 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 1 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 from a #building# wall of 2 feet, 6 inches; and
 - (2) shall have solid surfaces that in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (c) Eaves, gutters, downspouts, window sills or similar projections, extending into such #court# not more than four inches;
- (d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (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 1 inch of thickness for every foot of existing #court# width, up to a maximum thickness of 8 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.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to 4 feet high, vegetated roofs and weirs as set forth in Section 24-51 (Permitted Obstructions) shall be permitted.

* * *

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 8 feet and a height of 8 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 3 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 from a #building# wall of 2 feet, 6 inches; and
 - (ii) shall have solid surfaces that in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (3) Canopies
- (4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
- (5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
- (6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (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 1 inch of thickness for every foot of existing #yard# width, up to a maximum thickness of 8 inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to 1 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 4 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 from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 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 4 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 8 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 8 inches, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.

(eh) Flagpoles or aerials;

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

(gj) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the

accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;

(k) Roof thickness, up to 8 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 8 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 4 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 8 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 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 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 6 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 6 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 portions of #buildings# with a height of 100 feet or greater, provided:

- (1) the highest point of the wind turbine assembly does not exceed 55 feet;
- (2) no portion of the wind turbine assembly is closer than 10 feet 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;

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

34-232 Modification of side yard requirements

C1 C2 C3 C4 C5 C6

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

Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

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

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

(a) Permitted obstructions

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

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

35-52 Modification of Side Yard Requirements

C1 C2 C3 C4 C5 C6

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

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

35-53 Modification of Rear Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#. If the level of such #yard# is at or higher than the first #story#, decks, parapet walls, roof thickness, solar energy systems up to 4 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 8 feet and a height of 8 feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

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

37-53 Design Standards for Pedestrian Circulation Spaces

(a) Arcade

(3) Permitted obstructions

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

(b) #Building# entrance recess area

A #building# entrance recess area is a space that

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

(2) Permitted obstructions

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

(c) Corner arcade

(2) Permitted obstructions

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

(d) Corner circulation space

(2) Permitted obstructions

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

(f) Sidewalk widening

(3) Permitted obstructions

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

(h) Through #block# connection

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

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

37-721 Sidewalk frontage

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

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

37-726 Permitted obstructions

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

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

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

- For #public plazas# less than 10,000 square feet in area: 40 percent
- For #public plazas# less than 10,000 square feet in area with a permitted open air cafe: 50 percent
- For #public plazas# 10,000 square feet or more in area: 50 percent
- For #public plazas# 10,000 square feet or more in area with a permitted open-air cafe: 60 percent.

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

Trees planted flush-to-grade in accordance with the provisions of Section 37-742 (Planting and trees) and tree canopies do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions, except that lawn, turf or grass areas intended for public access and seating shall not count as obstructions, provided such lawns do not differ in elevation from the adjoining #public plaza# elevation by more than 6 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:

- ~~(1)~~(i) has a maximum area of 250 square feet;
- ~~(2)~~(ii) does not project into the #public plaza# more than 15 feet when measured perpendicular to the #building# facade;
- ~~(3)~~(iii) is located a minimum of 15 feet above the level of the #public plaza# adjacent to the #building# entrance; and
- ~~(4)~~(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 2 feet, 6 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 from a #building# wall of 2 feet, 6 inches; and
 - (ii) shall have solid surfaces that in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (3) Canopies
- (4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
- (5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
- (6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (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 1 inch of thickness for every foot of existing #yard# width, up to a maximum thickness of 8 inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to 1 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 4 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 from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
(3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 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 4 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 8 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, (e), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#.

- (f) Exterior wall thickness, up to 8 inches, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.
(eg) Flagpoles or aerials;
(eh) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
(fi) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
(j) Roof thickness, up to 8 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 8 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 4 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 8 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 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
(2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 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 6 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 portions of #buildings# with a height of 100 feet or greater, provided:
(1) the highest point of the wind turbine assembly does not exceed 55 feet;
(2) no portion of the wind turbine assembly is closer than 10 feet from any #lot line#; and
(3) in districts where #residences# new #joint living work quarters for artists# are permitted as-of-right, by special permit or authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet;
(r) Window washing equipment mounted on a roof;
(rs) Wire, chain link or other transparent fences.

44-42 Size and Identification of Spaces

M1 M2 M3

- (a) Size of spaces
In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.
Driveways used to access required parking spaces must be unobstructed for a width of at least 8 feet and a height of 8 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 #noncomplying 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 #noncompliance# 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 such portion of the #building# or 55 feet, whichever is less, as measured from the roof 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 10 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) is no more than 25 feet in height;
- (d) has roofs and walls consisting of at least 70 percent transparent materials, except as permitted pursuant to paragraph (f)(3) of this Section;
- (e) where exceeding #building# height limits, is set back from the perimeter wall of the #story# immediately below by at least 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 office or storage space #accessory# to the greenhouse, which shall be limited to 20 percent of the floor space of the greenhouse, and shall be exempt from the transparency requirement in paragraph (d) of this Section.

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

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

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 8 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 aerials
 - (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 or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;~~
 - (viii) Roof thickness, up to 8 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 8 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 4 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 8 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 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
- (2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 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 6 feet.
- (3) on walls existing on (date of adoption), projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

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

84-333 Limited height of buildings

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

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

- (a) the maximum height of any #building or other structure#, or portion thereof, shown as a #special height location# shall not exceed the height set forth in Appendix 3.2; and
- (b) Sections 23-62 and 33-42 (Permitted Obstructions)

are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:

- (1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:
 - (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# or a #building# at any level;
 - (ii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
 - (iii) Elevator or stair bulkheads, roof water tanks, cooling towers or other accessory mechanical equipment (including enclosure walls), ~~provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage at #curb level#, or the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet pursuant to Section 33-42 (Permitted Obstructions);~~
 - (iv) Fences, wire, chain link or other transparent type;
 - (v) Flagpoles and aerials;
 - (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 or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;~~
 - (vii) Roof thickness, up to 8 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 8 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 4 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 8 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 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (b) on the roof of a #building#, greater than 4 feet in height, as

measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 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 6 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 height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;

(2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and or other #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:

- (i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (b)(1) of this Section;
- (ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and
- (iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top.

(c) Notwithstanding the above, in no event, shall the height of any #building#, including permitted obstructions, exceed 800 feet above #curb level#.

* * *

87-31 Permitted Obstructions

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

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

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

* * *

93-41 Rooftop Regulations

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

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Subdistricts A through E, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions

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

(b) (2) Subdistrict F

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

(+) #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 or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
- (h) Pipes and supporting structures;
- (i) Railings;
- (j) Roof thickness, up to 8 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 8 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 4 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 8 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 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
- (2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 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 6 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, 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) Window washing equipment mounted on the roof;
- (r) 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 #noncomplying building# subject to the applicable provisions of Article V (Non-Conforming Uses and Non-Complying Buildings) in accordance with the underlying district regulations.

**111-20
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7**

- (d) Area A4, A5, A6 and A7
- Except as set forth herein, the bulk regulations of the underlying district shall apply.
- (2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

**114-121
Special rooftop regulations**

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

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

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

**115-231
Permitted obstructions**

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

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

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

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

**116-231
Special rooftop regulations**

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

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

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

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

**121-32
Height of Street Walls and Maximum Building Height**

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

**125-31
Rooftop Regulations**

(a) Permitted obstructions

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

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

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

(b) ~~Screening requirements for mechanical equipment~~

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

* * *

**128-31
Rooftop Regulations**

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

(a) ~~Permitted obstructions~~

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

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

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

(b) ~~Screening requirements for mechanical equipment~~

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

* * *

**131-40
HEIGHT AND SETBACK REGULATIONS**

**131-41
Rooftop Regulations**

(a) ~~Permitted obstructions~~

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

(b) ~~Screening requirements for mechanical equipment~~

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

END OF AMENDMENT TEXT

QUEENS PLAZA SIGN REGULATIONS

QUEENS CB - 1 and 2 **N 110223 ZRQ**
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 shall apply, except that such #sign# regulations may be modified to permit a non-#flashing sign# on the rooftop of a #non-residential building#, provided that such #sign# directs attention to a business conducted within such #building#, where such business occupies at least 20 percent of the #floor area# within such #building#, or a minimum of 50,000 square feet of #floor area# within such #building#, whichever is less. In addition, the following rules shall apply:

(a) such #sign# shall be located on the rooftop of a #building# with frontage on Queens Plaza South, Queens Boulevard, Queens Plaza East or Queens Plaza North, and the height of the rooftop on which the #sign# is affixed shall be at least 70 feet but not more than 150 feet above #curb level#:

(b) there shall be no more than one such #sign# on a #zoning lot#, and no more than one such #sign# per establishment on any #sign# structure:

(c) such #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;

(d) all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #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

(e) any illumination from a rooftop #sign# 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#.

* * *

**119-03 SPRINGFIELD BOULEVARD
QUEENS CB - 13 C 090466 ZMQ**

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.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, April 24, 2012.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, April 24, 2012.

a18-24

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held at the Auditorium of the National Museum of the American Indian, 1 Bowling Green New York, New York, on Wednesday, April 25, 2012 at 10:00 A.M.

**No. 1
WOODHAVEN-RICHMOND HILL REZONING
CD 9 C 120195 ZMQ**

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 14b, 14d, 17c, 18a and 18c:

1. eliminating from an existing R3-1 District a C1-2 District bounded by a line 100 feet northerly of Jamaica Avenue, 85th Street, a line 150 feet northerly of Jamaica Avenue, Woodhaven Boulevard, 86th Drive, 94th Street, a line 150 feet northerly of Jamaica Avenue, 98th Street, a line 150 feet southerly of Jamaica Avenue, 85th Street, a line 100 feet southerly of Jamaica Avenue, 80th Street, Jamaica Avenue, and 80th Street;
2. eliminating from an existing R3-1 District a C2-2 District bounded by:

- a. a line 100 feet northerly of Jamaica Avenue, 76th Street, a line 150 feet northerly of Jamaica Avenue, 80th Street, Jamaica Avenue, 80th Street, a line 100 feet southerly of Jamaica Avenue, 78th Street, a line 150 feet southerly of Jamaica Avenue, 75th Street, a line 100 feet southerly of Jamaica Avenue, and Dexter Court and it's southerly centerline prolongation;
 - b. a line 150 feet northwesterly of Atlantic Avenue, 112th Street, a line 100 feet northwesterly of Atlantic Avenue, and 108th Street; and
 - c. and a line 150 feet northwesterly of Atlantic Avenue, 121st Street, a line 100 feet northwesterly of Atlantic Avenue, and 114th Street;
3. eliminating from an existing R5 District a C2-2 District bounded by a line 100 feet northwesterly of Atlantic Avenue, 121st Street, Atlantic Avenue, Lefferts Boulevard, 94th Avenue, 120th Street, a line 150 feet southeasterly of 94th Avenue, Lefferts Boulevard, a line 150 feet southeasterly of Atlantic Avenue, 107th Street, Atlantic Avenue, and 108th Street;
 4. changing from an R3-1 District to an R3A District property bounded by:
 - a. a line 100 feet southerly of Jamaica Avenue, a line 80 feet northeasterly of 90th Street, 88th Avenue, a line 100 feet southwesterly of Woodhaven Boulevard, 89th Avenue, Woodhaven Boulevard, 91st Avenue, 88th Street, a line 80 feet northerly of 91st Avenue, and a line midway between 88th Street and 89th Street; and
 - b. Park Lane South, the northeasterly boundary line of the Long Island Railroad right-of-way (Rockaway Beach Division), a line 100 feet northerly of Jamaica Avenue, 98th Street, a line 250 feet northerly of Jamaica Avenue, and a line 100 feet easterly of 96th Street;
 5. changing from an R3-1 District to an R3X District property bounded by:
 - a. Park Lane South, 89th Street, a line 150 feet southerly of 85th Road, a line midway between 88th Street and 89th Street, a line 100 feet northerly of Jamaica Avenue, 86th Street, 86th Avenue, a line 290 feet northeasterly of Forest Parkway, a line 100 feet northerly of Jamaica Avenue, Forest Parkway, southeasterly street line of 86th Road and its northeasterly prolongation, and a line 100 feet southwesterly of Forest Parkway;
 - b. Park Lane South, a line 100 feet easterly of 96th Street, a line 150 feet northerly of Jamaica Avenue, 96th Street, a line 100 feet southerly of 86th Road, 94th Street, 86th Drive, Woodhaven Boulevard, 86th Road, 91st Street, a line 150 feet northerly of 85th Road, and a line midway between 91st Street and 90th Street; and
 - c. a line 100 feet southerly of Jamaica Avenue, 98th Street, a line 175 feet southerly of Jamaica Avenue, a line 140 feet northeasterly of 98th Street, a line 225 feet southeasterly of 91st Avenue, 98th Street, a line 100 feet northwesterly of Atlantic Avenue, 96th Street, 91st Avenue, 96th Street, 89th Avenue, and Woodhaven Boulevard;
 6. changing from an R5 District to an R4-1 District property bounded by:
 - a. 95th Avenue, 104th Street, 94th Avenue, a line 90 feet northeasterly of 104th Street, 95th Avenue, a line midway between 106th Street and 105th Street, a line 100 feet northwesterly of 101st Avenue, and 102nd Street;
 - b. a line 100 feet southeasterly of 101st Avenue, a line midway between 112th Street and 113th Street, a line 100 feet northwesterly of 103rd Avenue, and a line midway between 101st Street and 102nd Street; and
 - c. Atlantic Avenue, 124th Street, a line 100 feet northwesterly of 95th Avenue, and 121st Street;
 7. changing from an M1-1 District to an R4-1 District property bounded by 94th Avenue, 104th Street, 95th Avenue, and 102nd Street;
 8. changing from an R3-1 District to an R4A District property bounded by a line 100 feet southeasterly of Jamaica Avenue, a line midway between 114th Street and 115th Street, a line perpendicular to the southwesterly street line of 115th Street distant 290 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Jamaica Avenue and the southwesterly street line of 115th Street, 115th

- Street, a line 200 feet southeasterly of Jamaica Avenue, 116th Street, a line 100 feet southeasterly of Jamaica Avenue, Lefferts Boulevard, 89th Avenue, 121st Street, a line 100 feet northwesterly of Atlantic Avenue, 112th Street, 89th Avenue and its southwesterly centerline prolongation, and 113th Street;
9. changing from an R5 District to an R4A District property bounded by:
- a. Atlantic Avenue, 96th Street, 95th Avenue, and Woodhaven Boulevard;
 - b. 94th Avenue, 106th Street, a line 100 feet southeasterly of Atlantic Avenue, Lefferts Boulevard, a line 200 feet northwesterly of 95th Avenue, 120th Street, a line 150 feet northwesterly of 95th Avenue, 121st Street, a line 100 feet southeasterly of 95th Avenue, 124th Street, 94th Avenue, 125th Street, Atlantic Avenue, 127th Street, 94th Avenue, 129th Street, a line 150 feet southeasterly of Atlantic Avenue, 130th Street, a line 100 feet southeasterly of Atlantic Avenue, a line 100 feet northeasterly of 134th Street, a line 100 feet northwesterly of 95th Avenue, a line 100 feet southwesterly of the Van Wyck Expressway, a line 100 feet northwesterly of 101st Avenue, a line midway between 105th Street and 106th Street, 95th Avenue, and a line 90 feet northeasterly of 104th Street; and
 - c. a line 100 feet southeasterly of 101st Avenue, 135th Street, 102nd Avenue, Van Wyck Expressway, a line 100 feet northwesterly of 103rd Avenue, 133rd Street, 103rd Avenue, 127th Street, a line 90 feet northwesterly of 103rd Avenue, 114th Street, a line 100 feet northwesterly of 103rd Avenue, and a line midway between 112th Street and 113th Street;
10. changing from an R5 District to an R4B District property bounded by a line 100 feet northwesterly of 95th Avenue, 124th Street, a line 100 feet southeasterly of 95th Avenue, and 121st Street;
11. changing from an R3-1 District to an R6A District property bounded by:
- a. a line 100 feet northerly of Jamaica Avenue, a line 85 feet westerly of 76th Street, a line 100 feet northerly of Jamaica Avenue, Woodhaven Boulevard, 86th Drive, 94th Street, a line 100 feet southerly of 86th Road, 96th Street, a line 150 feet northerly of Jamaica Avenue, a line 100 feet easterly of 96th Street, a line 250 feet northerly of Jamaica Avenue, 98th Street, a line 100 feet southerly of Jamaica Avenue, and Dexter Court and its southerly centerline prolongation;
 - b. a line 150 feet southerly of Jamaica Avenue, a line 100 feet southwesterly of 102nd Street, a line 175 feet southerly of Jamaica Avenue, and 98th Street; and
 - c. a line 100 feet southeasterly of Jamaica Avenue, 116th Street, a line 200 feet southeasterly of Jamaica Avenue, 115th Street, a line perpendicular to the southwesterly street line of 115th Street distant 290 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Jamaica Avenue and the southwesterly street line of 115th Street, and a line midway between 114th Street and 115th Street;
12. changing from an R3-2 District to an R6A District property bounded by a line 130 feet northerly of Jamaica Avenue, a line 85 feet westerly of 76th Street, a line 100 feet northerly of Jamaica Avenue; and Dexter Court;
13. changing from an R5 District to an R6A District property bounded by a line midway between 93rd Avenue and Atlantic Avenue and its northeasterly prolongation, 108th Street, a line 100 feet northwesterly of Atlantic Avenue, 121st Street, Atlantic Avenue, Lefferts Boulevard, a line 100 feet southeasterly of Atlantic Avenue, 106th Street, 94th Avenue, and a line 100 feet northeasterly of 104th Street;
14. changing from a C8-1 District to an R6A District property bounded by:
- a. Jamaica Avenue, the southerly prolongation of Dexter Court, a line 100 feet southerly of Jamaica Avenue, and Eldert Lane; and
 - b. a line 100 feet northerly of Jamaica Avenue, the northeasterly boundary line of the Long Island Railroad right-of-way (Rockaway Beach Division), a line perpendicular to the southwesterly street line of 101st Street distant 240 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Jamaica

- 15. Avenue to the southwesterly street line of 101st Street, 101st Street, Jamaica Avenue, a line 100 feet southwesterly of 102nd Street, a line 150 feet southerly of Jamaica Avenue, and 98th Street;
 - 16. establishing within a proposed R4A District a C2-3 District bounded by a line 150 feet southeasterly of Jamaica Avenue, Lefferts Boulevard, a line 535 feet southeasterly of Jamaica Avenue, and a line midway between Lefferts Boulevard and 118th Street;
 - 17. establishing within an existing R5 District a C2-3 District bounded by:
 - a. 94th Avenue, 120th Street, a line 100 feet southeasterly of 94th Avenue, and Lefferts Boulevard;
 - b. Atlantic Avenue, a line 100 feet northeasterly of 130th Street, a line 100 feet southeasterly of Atlantic Avenue, 129th Street, 94th Avenue, and 127th Street;
 - c. Atlantic Avenue, 134th Street, a line 100 feet southeasterly of Atlantic Avenue, and 133rd Street; and
 - d. a line 100 feet southeasterly of Atlantic Avenue, the southwesterly service road of Van Wyck Expressway, a line 100 feet southeasterly of 95th Avenue, a line 100 feet southwesterly of Van Wyck Expressway, and a line 100 feet northwesterly of 95th Avenue, and a line 100 feet northeasterly of 134th street; - 18. establishing within a proposed R6A District a C1-4 District bounded by a line 100 feet northerly of Jamaica Avenue, Woodhaven Boulevard, 86th Drive, 94th Street, a line 100 feet southerly of 86th Road, 96th Street, a line 100 feet northerly of Jamaica Avenue, 98th Street, a line 100 feet southerly of Jamaica Avenue, 80th Street, Jamaica Avenue, and 80th Street;
 - 19. establishing within a proposed R6A District a C2-4 District bounded by:
 - a. Jamaica Avenue, Dexter Court, a line 130 feet northerly of Jamaica Avenue, a line 85 feet westerly of 76th Street, a line 100 feet northerly of Jamaica Avenue, 80th Street, Jamaica Avenue, 80th Street, a line 100 feet southerly of Jamaica Avenue, and Eldert Lane; and
 - b. a line 100 feet northerly of Jamaica Avenue, the northeasterly boundary line of the Long Island Railroad right-of-way (Rockaway Beach Division), a line perpendicular to the southwesterly street line of 101st Street distant 240 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Jamaica Avenue to the southwesterly street line of 101st Street, 101st Street, Jamaica Avenue, a line 100 feet southwesterly of 102nd Street, a line 175 feet southerly of Jamaica Avenue, and 98th Street;
- Borough of Queens, Community District 9, as shown on a diagram (for illustrative purposes only) dated February 27, 2012, and subject to the conditions of CEQR Declaration E-281.
- BOROUGH OF MANHATTAN**
Nos. 2, 3, 4 & 5
NEW YORK UNIVERSITY CORE
No. 2
- CD 2 C 120077 MMM**
IN THE MATTER OF an application submitted by New York University, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:
- the narrowing, by elimination, discontinuance and closing, of Mercer Street between West Houston Street and West 4th Street, and of LaGuardia Place between Bleecker Street and West 3rd Street;
 - the elimination, discontinuance and closing of portions of Mercer Street, West 3rd Street and West 4th Street below an upper limiting plane;
 - the establishment of parks west of Mercer Street and east of LaGuardia Place between Bleecker Street and West 3rd Street above lower-limiting planes; and
 - the adjustment of legal grades necessitated thereby,
- including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. 30230 through 30235, dated December 22, 2011 and signed by the Borough President.
- No. 3**
CD 2 C 120122 ZMM
IN THE MATTER OF an application submitted by New

York University pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c:

1. eliminating from within an existing R7-2 District a C1-5 District bounded by a line 340 feet northerly of Bleecker Street, a line 125 feet easterly of LaGuardia Place, a line 131 feet southerly of Bleecker Street, and LaGuardia Place;
2. changing from an R7-2 District to a C1-7 District property bounded by West 3rd Street, Mercer Street*, West Houston Street, LaGuardia Place, Bleecker Street, and LaGuardia Place*;
3. changing from a C6-2 District to an R7-2 District property bounded by West 4th Street, Mercer Street*, West 3rd Street, and the former centerline of Mercer Street*;
4. changing from a C6-2 District to a C1-7 District property bounded by West 3rd Street, Mercer Street*, West Houston Street, and the former centerline of Mercer Street*; and
5. establishing within an existing R7-2 District a C1-5 District bounded by a line 100 feet southerly of East 8th Street, Mercer Street, West 4th Street, and Washington Square East, Waverly Place, and University Place;

as shown on a diagram (for illustrative purposes only) dated January 3, 2012.

*Note: Mercer Street and LaGuardia Place are proposed to be narrowed under a concurrent related application (C 120077 MMM) for a change in the City Map.

No. 4
CD 2 C 120123 ZRM
IN THE MATTER OF an application submitted by New York University pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning special permit regulations for large scale general developments relating to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications) on the zoning lots bounded by West Third Street, Mercer Street, West Houston Street, and LaGuardia Place.

Matter Underlined is new, to be added;
Matter in ~~Strikeout~~ 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

74-742
Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

~~When a #large-scale general development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, a special permit may be applied for and granted under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section.~~

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

- (a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, or
- (b) partially under city ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in city ownership.

74-743
Special provisions for bulk modification

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

Within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street # for the purposes of applying all #use# and #bulk# regulations of this Resolution.

* * *

No. 5

CD 2 C 120124 ZSM
IN THE MATTER OF an application submitted by New York University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743* of the Zoning Resolution:

1. to allow the distribution of total allowable floor area without regard for zoning lot lines; and
2. to allow the location of buildings without regard for the applicable height and setback, yards and distance between buildings;

to facilitate the development of four new buildings, within a Large-Scale General Development generally bounded by West 3rd Street, Mercer Street***, West Houston Street, and LaGuardia Place*** (Block 533, Lots 1 & 10, and Block 524, Lots 9 & 66), in a C1-7** District.

*Note: Section 74-743 is proposed to be changed under a concurrent related application (N 120123 ZRM) for a zoning text amendment.

**Note: The site is proposed to be rezoned from an R7-2 and R7-2/C1-5 Districts to a C1-7 District under a concurrent related application (C 120122 ZMM) for a change in the Zoning Map.

***Note: Mercer Street and LaGuardia Place are proposed to be narrowed under a concurrent related application (C 120077 MMM) for a change in the City Map.

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

NOTICE

On Wednesday, April 25, 2012, at 10:00 A.M., in the National Museum of the American Indian at the historic Alexander Hamilton U.S. Custom House located at One Bowling Green, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by New York University for a zoning map amendment and zoning text amendments as well as a special permit for a large-scale general development project (LSGD). The zoning map amendment would rezone the two blocks between LaGuardia Place, Mercer Street, West Houston Street, and West Third Street from R7-2 and R7-2/C1-5 to C1-7. It would also rezone several blocks between Washington Square East / University Place, Mercer Street, West Fourth Street, and the northern boundary of the existing R6-2 zoning district near East Eighth Street from R7-2 to R7-2/C1-5. The zoning text amendments would allow applications for LSGD special permits within the former Washington Square Southeast Urban Renewal Area to be submitted without meeting normally-applicable ownership requirements and allow public parks in the former Washington Square Southeast Urban Renewal Area to be treated as a street for all zoning purposes. The applicant is also requesting a special permit under ZR Section 74-74 to waive certain bulk requirements for their LSGD. Also being requested by the applicant under a concurrent application is a change to the City Map that would eliminate, discontinue and close (“demap”) four areas within the mapped rights-of-way of Mercer Street, LaGuardia Place, West 3rd Street and West 4th Street, and the subsequent disposition of portions of those demapped areas along with easements in other portions to the applicant, and the mapping of portions of two of the demapped areas as a public park. The proposed actions would facilitate a proposal by the applicant to expand their facilities at its academic core with two academic buildings, a mixed-use building containing academic, dormitory, hotel and conference space, faculty housing and retail uses, and a building containing academic and dormitory uses (the applicant anticipates making space available within this building to the New York City School Construction Authority for the provision of a public school). The proposal also includes below-grade space for academic use, an athletic center, and an accessory parking garage with 389 spaces; and approximately 3.8 acres of parkland and publicly-accessible open spaces. Comments are requested on the DEIS and will be accepted until Monday, May 7, 2012.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 11DCP121M.

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

a11-25

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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. 01 - Monday, April 23, 2012, 7:30 P.M., Staten Island Borough Hall, (Conference Room 125), Stuyvesant Place, Staten Island, NY

#N 120213NPY
 Staten Island Community Board’s 1, 2, and 3
 Revised Waterfront Revitalization Program public meeting.

a18-23

DEPUTY MAYOR FOR ECONOMIC DEVELOPMENT

■ PUBLIC MEETING

NOTICE OF PUBLIC SCOPING

The Office of the Deputy Mayor for Economic Development

Draft Scope of Work for an Environmental Impact Statement Cornell NYC Tech Campus

NOTICE IS HEREBY GIVEN THAT a public scoping meeting will be held on Tuesday, May 22, 2012, at the Manhattan Park Community Center, 8 River Road, Roosevelt Island, New York, at 6:30 P.M. The purpose of the scoping meeting is to provide the public with the opportunity to comment on the draft scope of work proposed to be used to develop an Environmental Impact Statement (EIS) for the proposed CornellNYC Tech Campus project. Written comments on the draft scope may also be submitted to the address below until 5:00 P.M., Friday, June 8, 2012.

Directing that an Environmental Impact Statement be prepared, the Environmental Assessment Statement, Positive Declaration, and draft Scope of Work were issued by the Office of the Deputy Mayor for Economic Development on April 18, 2012, and are available for review from the contact person listed below and on the websites of the Mayor’s Office of Environmental Coordination and the New York City Economic Development Corporation: www.nyc.gov/oec and www.nycdc.com, respectively.

The proposed project entails the development of a new applied sciences and engineering campus, CornellNYC Tech in collaboration with Technion-Israel Institute of Technology, on the site of the existing Goldwater Memorial Hospital on Roosevelt Island in the Borough of Manhattan. Beginning in 2014, over a period of approximately 24 years, Cornell University proposes development that would entail construction of three new Cornell academic research buildings, three new buildings for partner research and development facilities, three new residential buildings to house a portion of the Cornell academic population affiliated with the new campus, an academic-oriented hotel with conference facility, two central energy plants, a modest amount of campus-oriented retail space, and approximately 7.5 acres of publicly-accessible open space. In addition, parking may be provided for the hotel and the research and development facilities. The total amount of development would be approximately 2.13 million square feet in the anticipated completion year of 2038.

The first phase of development would be complete by 2018 and would encompass the demolition of the existing, vacated Goldwater Memorial Hospital, construction of approximately 200,000 square feet of academic research facilities, approximately 100,000 square feet of partner research and development space, approximately 300,000 square feet of residential space (approximately 442 dwelling units), approximately 170,000 square feet for the academic hotel/conference facility, approximately 20,000 square feet for the energy plant, and approximately 250 parking spaces. The remainder of the development would be built out over a period of approximately 20 years.

The project site is located on Block 1373, Lot 20 and a portion of Lot 1, on Roosevelt Island in the Borough of Manhattan bounded by a one-way ring road - to the north of the project site, the road is unnamed; to the east it is named East Road with southbound traffic flow; to the west it is named West Road with northbound traffic flow. The ring road meets Main Street north of the project site.

The project requires discretionary approvals from a number of agencies: (1) amendment of the New York City Health and Hospitals Corporation (NYCHHC) operating agreement with the City by the Corporation Board in order to surrender a portion of the project site; (2) disposition of City-owned property to the New York City Economic Development Corporation (NYCEDC) for a subsequent proposed long-term lease and potential future sale to Cornell; (3) Mayoral approval of the lease and sale terms of the disposition parcels pursuant to Section 384(b)(4) of the New York City Charter; (4) modification of the City’s lease with the Roosevelt Island Operating Corporation (RIOC); (5) zoning map amendment to change zoning on the project site from R7-2 to C4-5; (6) zoning text amendment to create the Special Southern Roosevelt Island District and to establish special bulk, use, parking, and waterfront controls for the rezoning area; and (7) City map amendment to map the one-way ring road surrounding the project site as a City street. Other potential approvals from the New York City Department of Environmental Protection, New York State Department of Environmental Conservation and/or the U.S. Environmental Protection Agency may also be required.

CEQR Reference #: 12DME004M

Lead Agency:
 Office of the Deputy Mayor for Economic Development
 Robert R. Kulikowski, Ph.D.
 Assistant to the Mayor
 253 Broadway - 14th Floor
 New York, NY 10007

Sponsoring Agency:
 New York City Economic Development Corporation
 Attn: Matt Mason 110 William Street

New York, New York 10038
 (212) 312-3718
mmason@nycdc.com

SEQRA/CEQR
 Classification: Type I

Location of Action:
 The project site is located on Block 1373, Lot 20 and a portion of Lot 1 on Roosevelt Island in the Borough of Manhattan.

This Notice of Public Meeting has been prepared pursuant to Article 8 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act (SEQRA)), its implementing regulations found at 6 NYCRR Part 617, and the Rules of Procedure for City Environmental Quality Review found at 62 RCNY Chapter 5, and Mayoral Executive Order 91 of 1977, as amended (CEQR).

a20-24

EMPLOYEES RETIREMENT SYSTEM

■ INVESTMENT MEETING

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees’ Retirement System has been scheduled for Tuesday, April 24, 2012 at 9:30 A.M. to be held at the New York City Employees’ Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

a17-23

INDUSTRIAL DEVELOPMENT AGENCY

■ PUBLIC HEARINGS

The New York City Industrial Development Agency (the “Agency”) is empowered under the New York State Industrial Development Agency Act (constituting Title 1 of Article 18-A of the General Municipal Law), and Chapter 1082 of the 1974 Laws of New York, as amended, to issue nonrecourse revenue bonds to provide financing for qualified projects, and to enter into industrial and small industry incentive program transactions and other straight-lease transactions for the benefit of qualified projects, and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York (the “State”) and to improve their prosperity and standard of living. The Agency has been requested (i) to make available the proceeds of its bonds to be issued in the approximate aggregate dollar amounts, to be used by the persons, for the purposes, and at the addresses identified below, and (ii) to participate in industrial and small industry incentive program straight-lease transactions and other straight-lease transactions for the purposes and at the addresses also identified below. As used herein, “bonds” are bonds, the interest on which may be exempt from local and/or State and/or Federal income taxes; and the “City” shall mean The City of New York. As used herein with reference to bond amounts, “approximately” shall be deemed to mean up to such stated bond amount or a greater principal amount not to exceed 10% of such stated bond amount.

Straight lease (Industrial Incentive Program) transaction for the benefit of Eli Equities LLC on behalf of Soho Studio Corp., a distributor and wholesaler of glass and tile mosaics in connection with the acquisition, renovation, equipping and/or furnishing of an approximately 48,000 square foot facility on an approximately 40,825 square foot parcel of land located at 800 Snediker Avenue (also known as 835 Van Sinderen Avenue), Brooklyn, New York 11207. The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes, and exemption from City and State sales and use taxes.

Straight lease (Industrial Incentive Program) transaction for the benefit of Idlewild 228th Street LLC, a real estate development company, in connection with the acquisition, demolition, construction, equipping and/or furnishing of an approximately 132,365 square foot facility on an approximately 106,000 square foot parcel of land located at 145-68 228th Street, Queens, New York. The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Straight lease (Industrial Incentive Program) transaction for the benefit of 1635 Lex Realty Corp. on behalf of ReyCo Supermarkets LLC, a retail supermarket, in connection with the acquisition, construction, equipping and/or furnishing of an approximately 12,500 square foot facility within a 58,000 square foot building on an approximately 9,500 square foot parcel of land located at 1635 Lexington Avenue, New York, New York 10029. The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes, exemption of City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Straight lease (Industrial Incentive Program) transaction for the benefit of Royalton Realty Associates, LLC, a real estate holding company that owns, manages and rents for various commercial purposes, an approximately 75,000 square foot facility located on an approximately 7,500 square foot parcel of land located at 110-114 Leroy Street, New York, NY 10014, all in connection with the renovation, equipping and/or furnishing of such facility. The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes and exemption from City and State sales and use taxes.

Straight lease (Industrial Incentive Program) transaction for Wolfsgleek, LLC, a real estate holding company for the

benefit of Lobonav Corp., a New York corporation (d/b/a Pro Audio Star), a wholesale distributor of professional audio equipment, in connection with the acquisition, renovation, and equipping and/or furnishing of an approximately 22,000 square foot building located on an approximately 27,000 square foot parcel of land located at 217 Russell Street (also known as 225 Russell Street) and 758 Humboldt Street, Brooklyn, NY 11222. The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes, and exemption from City and State sales and use taxes.

A Hudson Yards Commercial Construction Project for the benefit of ERY Tenant LLC or its affiliate, a real estate development company, in connection with the construction of an approximately 2,111,243 gross square foot, LEED certified, class-A office tower, which will also consist of approximately 35,000 square feet of ground-level retail (the "Facility"). The Facility will be located on an approximately 112,500 square foot parcel of land constituting part of existing Block 702, Lots 1 and 50 (such lots subject to future revision), located between 501 and 551 West 30th Street, New York, New York 10001. The financial assistance proposed to be conferred by the Agency will consist of exemption from City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Pursuant to Section 859a of the General Municipal Law of the State of New York and Internal Revenue Code Section 147(f), the Agency will hold a hearing on the proposed financings and transactions set forth above at the office of New York City Economic Development Corporation ("NYCEDC"), 110 William Street, 4th Floor, New York, New York commencing at 10:00 A.M. on **Thursday, May 3, 2012**. Interested members of the public are invited to attend. The Agency will present information at such hearing on the proposed financings and transactions set forth above. Pursuant to subdivision 3 of the above-referenced Section 859a, the Agency will, in addition, provide an opportunity for the public to review at such hearing the project application and the cost-benefit analysis for each of the proposed financings and transactions. For those members of the public desiring to review project applications and cost benefit analyses before the date of the hearing, copies of these materials will be made available, starting on or about noon fourteen (14) days prior to the hearing. Persons desiring to obtain copies of these materials may visit the website of New York City Economic Development Corporation at www.nycedc.com or may call (212) 312-3598. Persons desiring to make a brief statement regarding the proposed financings and transactions should give prior notice to the Agency at the address or phone number shown below. Written comments may be submitted to the Agency to the attention of Ms. Frances Tufano at the address shown below. Please be advised that certain of the aforementioned proposed financings and transactions may possibly be removed from the hearing agenda prior to the hearing date. Information regarding such removals will be available by contacting ftufano@nycedc.com on or about noon on the Friday preceding the hearing.

New York City Industrial Development Agency
Attn: Ms. Frances Tufano
110 William Street, 5th Floor
New York, New York 10038
(212) 312-3598

a23

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

FRANCHISE ADMINISTRATION

■ PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, May 7, 2012 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan in the matter of approval of a change of control of mobile telecommunications franchisee Mobilitie Investments II, LLC ("Mobilitie") arising from the sale of all of the equity interests of Mobilitie by the parent company of Mobilitie, Mobilitie Holdings II, LLC to SBA Monarch Acquisition, LLC. Mobilitie's franchise from the City of New York ("the City") grants the non-exclusive right to install, operate and maintain telecommunications equipment and facilities on City owned and managed street light poles, traffic light poles, highway sign support poles and certain utility poles ("utility" being defined as it is defined in 47 U.S.C. Section 224). The franchise runs until November 14, 2019. The franchisee is limited to the use of 3,000 poles City-wide during the term of the franchise.

Copies of organizational charts reflecting the controlling ownership of the franchisee before and after the above-described change of control (including name changes for the franchisee and its parent), and a copy of Mobilitie's existing franchise agreement with the City, may be viewed at the Department of Information Technology and Telecommunications, 2 Metrotech Center, 4th Floor, Brooklyn, New York 11201, from April 16, 2012 through May 7, 2012, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of Mobilitie's franchise agreement with the City and copies of the organizational charts may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The franchise agreement and copies of the organizational charts may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th

Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYC Media Group channels.

a13-m7

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, **April 24, 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 MANHATTAN 12-9077 - Block 145, lot 7501-105 Chambers Street, aka 89-91 Reade Street & 160-170 Church Street - Cary Building - Individual Landmark - Tribeca South Historic District
An Italianate style store and loft building designed by King and Kellum and built in 1856-57. Application is to enlarge window openings. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-6363 - Block 145, lot 18-105-107 Reade Street - Tribeca South Historic District
An Italianate style store and loft building built in 1860-61. Application is to construct a rooftop addition and alter the rear facade. Zoned C6-3A. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5306 - Block 224, lot 27-464 Greenwich Street - Tribeca North Historic District
A store and loft building designed by Charles S. Clark and built in 1892. Application is alter the cast iron vault light platform and excavate the cellar. Zoned C6-2A/TMU. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0319 - Block 175, lot 4-78 Franklin Street - Tribeca East Historic District
An Italianate/Second Empire Style store and loft building designed by Samuel A. Warner and built in 1866-1868. Application is to replace ground floor infill and install a ramp. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0491 - Block 179, lot 51, 52-15 Leonard Street, aka 11-13 Leonard Street - Tribeca West Historic District
An early 20th century commercial style industrial workshop designed by Edward Schneider and built in 1920; and an altered industrial workshop designed by Charles Goldman and built in 1924. Application is to demolish the existing buildings and to construct a new building. Zoned C6-2A/TMU. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-4186 - Block 472, lot 11-251 Centre Street - SoHo-Cast Iron Historic District
Extension
A Renaissance Revival style store and loft building designed by Albert V. Porter and built in 1901-02. Application is to remove a sidewalk hatch and install a cellar access stair, railings, and gate. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-4848 - Block 530, lot 41-54 Bond Street - Bowerie Lane Theater, originally Bond Street Savings Bank - Individual landmark
A French Second Empire style building designed by Henry Engelbert and built in 1874. Application is to enlarge an existing rooftop addition. Zoned C6-1. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-6776 - Block 590, lot 11-277 Bleecker Street, aka 32 Jones Street - Greenwich Village Historic District- Extension II
An altered Romanesque/Renaissance Revival style tenement building with a commercial ground floor designed by Max Muller and built in 1899-1901. Application is to install a sidewalk railing, a cellar storefront, and modify the ground floor storefront. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7101 - Block 590, lot 29-168 West 4th Street - Greenwich Village Historic District-Extension II
An altered Renaissance Revival style tenement dwelling, with a commercial ground floor. Application is to alter an existing rear yard addition. Zoned C1-5. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9621 - Block 607, lot 1-134-146 West 12th Street - Greenwich Village Historic District
A utilitarian brick and stone building designed by Eggers and Higgins and built in 1953-54. Application is to modify the facade and construct additions. Zoned C6-2, R8. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7860 - Block 588, lot 12-30 Grove Street - Greenwich Village Historic District
A vernacular Greek Revival style townhouse with early Italianate style and transitional features built in 1851-52.

Application is construct rooftop and rear yard additions and alter the ironwork. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5928 - Block 744, lot 8-357 West 20th Street - Chelsea Historic District
An Italianate style rowhouse built in 1858. Application is to alter the rooftop dormers. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9583 - Block 822, lot 49-12 West 21st Street - Ladies' Mile Historic District
A neo-Renaissance style store and loft building designed by Buchman & Fox and built in 1907. Application is to install storefront infill. Community District 5.

ADVISORY REPORT
BOROUGH OF MANHATTAN 13-0241 - Block 1257, lot 2-Bryant Park - Scenic Landmark
A formal French-style garden designed in 1933 by Lusby Simpson and reconstructed and partially redesigned by Hanna/Olin in 1988-91. Application is to establish a master plan governing seasonal installations. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9608 - Block 815, lot 21-104 West 40th Street - Spring Mills Building - Individual Landmark
An office tower designed by Harrison and Abramovitz, and Charles H. Abbe, and built in 1961-63. Application is to establish a master plan governing the future installation of mechanical louvers. Community District 5.

BINDING REPORT
BOROUGH OF MANHATTAN 12-9479 - Block 1111, lot 1-Central Park, Mineral Spring Building and Central Park Zoo - Central Park-Scenic Landmark
An English Romantic style public park designed by Frederick Law Olmsted and Calvert Vaux in 1856; a comfort station and concession building built c. 1959; and a zoo remodeled from a menagerie in 1936 and again in the 1980s. Application is to install wifi antennas. Community District 5,7,8,10,11.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7504 - Block 1143, lot 58-162 West 72nd Street - Upper West Side/Central Park West Historic District
A neo-Renaissance style office building designed by Henry Ives Cobb and built in 1909-10. Application is to install a ramp and modify storefront infill. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5565 - Block 1128, lot 50-30 West 76th Street- Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse with Romanesque style elements designed by Gilbert A. Schellenger and built in 1891. Application is to alter the areaway entrance. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-3115 - Block 1249, lot 38-308 West 88th Street - Riverside-West End Historic District
A Flemish Revival style rowhouse designed by Joseph H. Taft and built in 1889-1890. Application is to construct rooftop and rear yard additions. Zoned R-8. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7632 - Block 1378, lot 126-31 East 63rd Street - Upper East Side Historic District
A rowhouse built in 1877-79 and altered in 1938 by Treanor & Fatio. Application is to alter the front facade and construct a rooftop bulkhead and rear yard addition. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0335 - Block 1399, lot 8-121 East 64th Street - Upper East Side Historic District
A residence originally designed by John McCool and built in 1876-77, altered by James E. Casale with a neo-Tudor style facade in 1919-22. Application is to alter the facade and replace ironwork. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-8108 - Block 1384, lot 7501-28 East 70th Street - Upper East Side Historic District
A neo-Gothic style apartment hotel designed by Emory Roth and built in 1926-27. Application is to enlarge a window opening. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-8961 - Block 1523, lot 165-122 East 95th Street - Expanded Carnegie Hill Historic District
A Queen Anne style rowhouse designed by C. Abbott French & Co. and built in 1887-1888. Application is to replace windows and doors and construct a rooftop bulkhead. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-8742 - Block 1504, lot 31-1160 Park Avenue - Expanded Carnegie Hill Historic District
A neo-Renaissance-style apartment building designed by George F. Pelham and built in 1926. Application is to replace windows. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5776 - Block 1750, lot 34-81 East 125th Street - Mount Morris Bank - Individual Landmark
A Queen Anne/Romanesque Revival style bank building designed by Lamb and Rich and built in 1883-84 and enlarged 1889-90. Application is to reconstruct the partially demolished building. Zoned C6-3. Community District 11.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-0450 - Block 20, lot 1-29 Jay Street - DUMBO Historic District
A brick warehouse building built in 1975-77. Application is to alter the facade, and install signage and lighting. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-8288 - Block 1945, lot 8-

357 Waverly Avenue- Clinton Hill Historic District
A vernacular 19th century carriage house and residence.
Application is to construct a rear yard addition. Zoned R6B.
Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-7856 - Block 1964, lot 55-40
Cambridge Place - Clinton Hill Historic District
A vernacular French Second Empire style semi-detached
frame house, built circa 1866. Application is to construct a
rear addition, replace windows, and install solar panels.
Zoned R-6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-9066 - Block 942, lot 16-100
Park Place - Park Slope Historic District
A neo-Grec style rowhouse designed by Parfitt Brothers and
built in 1877. Application is to enlarge an existing tree pit by
removing bluestone paving. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-5844 - Block 1144, lot 56-588
Vanderbilt Avenue - Prospect Heights Historic District
A Romanesque Revival/Renaissance Revival style flats building
designed by Timothy Remsen and built in 1891. Application
is to legalize alterations to the stoop and replacement of
ironwork at the gate and areaway without Landmarks
Preservation Commission permits. Community District 8.

BINDING REPORT
BOROUGH OF BROOKLYN 12-9584 - Block 7917, lot 1-5816
Clarendon Road - Pieter Claesen Wyckoff House -
Individual Landmark
A Dutch Colonial vernacular style farmhouse built c. 1652,
with a main section added in 1740. Application is to construct
a new building on the site and alter pathways. Zoned C2-2.
Community District 17.

a11-24

MAYOR'S OFFICE OF OPERATIONS

REPORT AND ADVISORY BOARD REVIEW COMMISSION

NOTICE

PUBLIC HEARING NOTICE

The Report and Advisory Board Review Commission will hold its first public hearing to solicit public feedback on whether the Commission should waive the 21 reporting requirements and advisory boards listed below.

- **DATE:** Friday, May 11, 2012
- **TIME:** 2:00 P.M.
- **PLACE:** Department of City Planning, Spector Hall
22 Reade Street
MANHATTAN

Members of the public may also provide comments to Commission staff by email (ReportsandBoards@cityhall.nyc.gov), or by mail: The Report and Advisory Board Commission, Mayor's Office of Operations, Attn: Alexis Offen, 253 Broadway, 10th Floor, New York, NY, 10007. As of April 20, 2012, all new comments sent by mail or email to the Commission will be posted on a weekly basis to www.nyc.gov/ReportsandBoards. Publishing of comments is subject to policies posted on the Commission's website.

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

Press may contact the Mayor's Press Office at (212) 788-2958.

Background

In November 2010, New York City voters approved a Charter Revision Commission referendum proposal to review and assess the continued usefulness of certain reporting requirements and advisory boards. The Commission is chaired by the Director of the Mayor's Office of Operations and consists of representatives from the City Council, the Office of the Corporation Counsel, the Office of Management & Budget (OMB), and the Department of Information Technology and Telecommunications (DOITT).

More information about the Commission is available at www.nyc.gov/ReportsandBoards or by contacting the Commission staff at ReportsandBoards@cityhall.nyc.gov.

Items for Potential Waiver

Statutory provisions for the following can be found at www.nyc.gov/ReportsandBoards and the Charter and Administrative Code can be reviewed at the City Hall Library, 31 Chambers Street, Room 112, New York, NY, 10007:

Reports

1. Arson Strike Force Report (Administrative Code §15-303)
A report to be published annually on arson-related statistics.
2. Class Size Report (partial waiver) (Charter §522(c)-(f))
A report to be published twice a year comparing the number of classes by school, grade, and program to the number of students in the same categories, in order to show the average class size. Note: The Commission is considering a partial waiver of this report in order to change the frequency of the report from biannual to annual.
3. Criminal Justice Account Allocation of Funds Report (Administrative Code §5-605)
A report to be published annually on the allocation of funds from the criminal justice account and status of the implementation of the safe streets-safe city program.
4. Drug Enforcement/Drug Abuse Task Force Report (Administrative Code §3-111)
A report to be published quarterly on the task force's ongoing coordination activities, as well as a formal annual report on findings and recommendations of

the task force.

5. Horse Drawn Cab Stand Report (Administrative Code §19-174)
A report to be published annually on existing locations of horse draw cab stands, as well as any proposals to establish or eliminate horse drawn cab stands.
6. Industrial and Commercial Incentive Program Report (Administrative Code §11-267)
A report to be published annually on the status of the Industrial and Commercial Incentive Program and its effects in the City.
7. Outreach Programs Report (Charter §612(a)(7))
A report to be published quarterly on Department of Homeless Services or contractor outreach programs, and the number of chronically homeless individuals placed into permanent or temporary housing.
8. Permanent Housing Needs Report (Charter §614)
A report to be published annually on expected needs for permanent housing and transitional housing and services in the upcoming fiscal year.
9. Preliminary Mayor's Management Report (Charter §12)
A report to be published annually showing a mid-year snapshot of agency performance across all mayoral agencies.
10. Sustainable Stormwater Management Plan Report (Administrative Code §24-526.1)
A report to be published biennially on the status of the sustainable stormwater management plan.
11. Temporary and Non-Standard Classroom Report (Charter §522(b))
A report to be published annually on the use of non-standard classrooms within the public school system.
12. Ultra Low Sulfur Diesel Fuel for Ferries Report (Administrative Code §19-307)
A report to be published annually on the use of ultra low sulfur diesel fuel and the best available technology for reducing the emission of pollutants for diesel fuel-powered City ferries.
13. Use of Refuse Burning Equipment without Control Apparatus Report (Administrative Code §24-158)
A report to be published twice a year on the extent of compliance with the law prohibiting unauthorized incinerator use.
14. Zoning and Planning Report (Charter §192(f))
A report to be published every four years on the planning agenda and zoning reform of the Department of City Planning.

Advisory Boards

1. Arson Strike Force (Administrative Code §15-301)
A multi-agency strike force to foster cooperation in controlling incidences of arson.
2. Consumers Council (Charter §2204)
A council representing consumer interests to advise the Department of Consumer Affairs on needed programs, reports, and cooperative efforts.
3. Drug Enforcement and Drug Abuse Task Force (Administrative Code §3-111)
A multi-agency task force to foster cooperation and coordination in the battle against drug use and in providing abuse services.
4. Inter-Agency Advisory Council on Towing (Administrative Code §20-521)
A council to make recommendations to the Department of Consumer Affairs concerning the criteria for issuing towing company licenses and participation in the rotation tow and directed accident programs.
5. NYC Commission for the Foster Care of Children (Administrative Code §21-118)
A commission to study and recommend programs and standards addressing phases, facilities, and services of foster care.
6. Resource Recovery Task Force (Charter §1403)
A Department of Environmental Protection and Department of Sanitation task force to advise and make recommendations on the planning and implementation of energy and materials recovery for solid and liquid wastes.
7. Tattoo Regulation Advisory Committee (Administrative Code §17-361)
A Department of Health and Mental Hygiene committee to advise the Commissioner on health issues relating to tattooing.

a20-my11

BUILD NYC RESOURCE CORPORATION

PUBLIC HEARINGS

Build NYC Resource Corporation (the "Corporation") is a not-for-profit local development corporation organized under Sections 402 and 1411 of the Not-for-Profit Corporation Law of the State of New York. In accordance with the aforesaid law, and pursuant to its certificate of incorporation, the Corporation has the power to issue bonds and to make the proceeds of those bonds available for projects that promote community and economic development in The City of New York (the "City"), and to thereby create jobs in the non-profit and for-profit sectors of the City's economy. The Corporation has been requested to issue such bonds for the financings listed below in the approximate dollar amounts respectively indicated. As used herein, "bonds" are the bonds of the Corporation, the interest on which may be exempt from federal income taxes; and, with reference to the bond amounts provided herein below, "approximately" shall be deemed to mean up to such stated bond amount or a greater principal amount not to exceed 10% of such stated bond amount.

Approximately \$12,000,000 tax-exempt bond transaction for the benefit of Corlears School (the "School"), a not-for-profit education corporation chartered under the laws of the State of New York and exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, as borrower. Proceeds from the bonds, together with other funds of the School, will be used by the School to: (i) refinance a portion of a taxable loan previously incurred by the School, the proceeds of which were loaned to, and used by, the School to finance the acquisition, construction of a new top (fifth) floor, renovation, furnishing and equipping of

an approximately 6,300 square foot building on an approximately 2,125 square foot parcel of land, located at 322 West 15th Street, New York, New York; (ii) refinance a portion of a separate taxable loan previously incurred by the School, the proceeds of which were used by the School to finance the renovation, furnishing and equipping of the School's five story, approximately 15,100 square foot main building on an approximately 5,020 square foot parcel of land, located at 324 West 15th Street, New York, New York; and (iii) pay certain costs related to the issuance of the bonds. The properties described in this notice, which as a result of the renovations have been combined into a single 5-story facility of approximately 21,400 square feet, are owned and operated by the School for the purpose of providing educational services and programs. The financial assistance proposed to be conferred by the Corporation will be such tax-exempt bond financing and an exemption from City and State mortgage recording taxes.

Approximately \$9,000,000 tax-exempt bond transaction for the benefit of Metropolitan Montessori School (the "School"), a not-for-profit education corporation chartered under the laws of the State of New York and exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, as borrower. Proceeds from the bonds, together with other funds of the School, will be used by the School to (i) refinance a taxable loan previously incurred by the School, the proceeds of which were loaned to, and used by, the School to finance the acquisition of an approximately 11,520 square foot building on an approximately 5,000 square foot parcel of land, located at 325 West 85th Street, New York, New York (the "Facility") and (ii) pay certain costs related to the issuance of the bonds. The Facility is owned and operated by the School as a co-educational independent private school serving children between the ages of three and 12. The financial assistance proposed to be conferred by the Corporation will be such tax-exempt bond financing and an exemption from City and State mortgage recording taxes.

Approximately \$15,000,000 tax-exempt revenue bond transaction for the benefit of Wagner College (the "College"), a not-for-profit, education corporation chartered under the laws of the State of New York, and exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, as borrower. Proceeds of the bonds, together with other funds of the College, will be used by the borrower to provide for a plan of finance to finance the following project components: (i) the renovation, repair of, and improvements to the approximately 58,840 square foot Main Hall building located at 631 Howard Avenue, Staten Island, New York; (ii) the renovation, repair of, and improvements to the approximately 139,045 square foot Harborview Residence Hall Building located at One Campus Road, Staten Island, New York; and (iii) miscellaneous capital improvements or equipment, and to establish a debt service reserve fund for the bonds and pay certain costs related to the issuance of the bonds. All of the facilities described in this notice, which are located within the campus of the College, are owned and operated by the College. The financial assistance proposed to be conferred by the Corporation will be such tax-exempt bond financing, and an exemption from the City and State mortgage recording taxes.

Approximately \$5,300,000 tax-exempt refunding bond transaction for the benefit of Yeshiva Har Torah (the "School"), a not-for-profit education corporation chartered under the laws of the State of New York and exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, as borrower. Proceeds from the bonds, together with other funds of the School, will be used by the School to: (i) currently refund the outstanding New York City Industrial Development Agency Adjustable Fixed Rate Civic Facility Revenue Bonds (Yeshiva Har Torah Project), Series 2006A and 2006B, in the aggregate principal amount of approximately \$5,250,000, the proceeds of which, together with other funds of the School, were used to finance the costs of acquiring, constructing, furnishing and equipping an approximately 55,000 square foot, four-story building located at 250-10 Grand Central Parkway, Little Neck, New York, that is owned and operated by the School as a co-educational, non-residential, private school serving students from nursery school through grade eight; and (ii) pay certain costs of issuance of the bonds. The financial assistance proposed to be conferred by the Corporation will be such tax-exempt bond financing and an exemption from City and State mortgage recording taxes.

Pursuant to Internal Revenue Code Section 147(f), the Corporation will hold a public hearing on the proposed financings described hereinabove at the offices of the New York City Economic Development Corporation ("NYCEDC"), located at 110 William Street, 4th Floor, New York, New York 10038, commencing at 10:00 A.M. on **Thursday, May 3, 2012**. Interested members of the public are invited to attend. The Corporation will invite comments at such hearing on the proposed financings. In addition, at such hearing the Corporation will provide the public with an opportunity to review the financing application and the cost-benefit analysis for each of the proposed financings. For those members of the public desiring to review project applications and cost benefit analyses before the date of the hearing, copies of these materials will be made available, starting on or about noon on the Friday preceding the hearing. Persons desiring to obtain copies of these materials may visit the website of New York City Economic Development Corporation at www.nycedc.com or may call (212) 312-3598. Persons desiring to make a brief statement regarding the proposed financings and transactions should give prior notice to the Corporation at the address or phone number shown below. Written comments may be submitted to the Corporation to the attention of Ms. Frances Tufano at the address shown below. Comments, whether oral or written, must be submitted no later than the close of the public hearing. Please be advised that certain of the aforementioned proposed financings and transactions may possibly be removed from the hearing agenda prior to the hearing date. Information regarding such removals will be available by contacting ftufano@nycedc.com on or about noon on the Friday preceding the hearing.

Build NYC Resource Corporation
Attn: Ms. Frances Tufano
110 William Street, 5th Floor
New York, New York 10038
(212) 312-3598

TRANSPORTATION

PUBLIC HEARINGS

COMMUTER VAN SERVICE AUTHORITY APPLICATION Queens

Notice is hereby given that the Department of Transportation has received an application for an expansion of vans for an existing commuter van service authority in the Borough of Queens.

There will be a public hearing held on Friday, May 18, 2012 at the Queens Borough Hall, 120-55 Queens Blvd., Room 213, Part 1, Kew Gardens, New York 11424 from 2:00 P.M. - 4:00 P.M.

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

ASSET MANAGEMENT

AUCTION

PROPOSED SALE OF CERTAIN NEW YORK CITY REAL PROPERTY PARCELS BY PUBLIC AUCTION

PUBLIC NOTICE IS HEREBY GIVEN THAT The Department of Citywide Administrative Services, Asset Management proposes to offer the properties listed herein for sale at Public Auction.

In accordance with Section 384 of the New York City Charter, a Public Hearing was held on March 6, 2012 for these properties at Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan.

These properties will be sold in accordance with the Standard Terms and Conditions of Sale dated January 18, 2012. An asterisk (*) appears adjacent to those parcels subject to Special Terms and Conditions.

They have been approved for sale by the Mayor of the City of New York, and will be offered at public auction on May 10, 2012.

The brochure for this sale is available on the DCAS website at nyc.gov/dcas. Additionally, brochures are available at 1 Centre Street, 20th Floor South, New York, New York 10007, or by calling (212) 669-8888.

32 Parcels

Borough of The Bronx

Table with 3 columns: Block, Lot(s), Upset Price. Row 1: 3520, 34, \$374,500

Borough of Brooklyn

Table with 3 columns: Block, Lot(s), Upset Price. Multiple rows listing various lots and prices.

Borough of Queens

Table with 3 columns: Block, Lot(s), Upset Price. Multiple rows listing various lots and prices.

Borough of Staten Island

Table with 3 columns: Block, Lot(s), Upset Price. Multiple rows listing various lots and prices.

MUNICIPAL SUPPLY SERVICES

SALE BY SEALED BID

SALE OF: 18 LOTS OF USED PARKING METERS.

S.P.#: 12019 DUE: April 27, 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.

a16-27

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

ASSET SALES PROGRAM

REQUEST FOR OFFERS

The Department of Housing Preservation and Development ("HPD") of the City of New York (the "City") is issuing a Request for Offers for the purchase of occupied and vacant City-owned residential properties, in the following Boroughs/Community Boards.

Table mapping locations to Community Boards: Manhattan to Board 11, Bronx to Board 2, Brooklyn to Boards 4, 5, 8, 14, 16, 17 and 18, Queens to Boards 8, 10, 12 and 13, Staten Island to Board 3.

The buildings will be sold in their "as is" condition. After the sale, the new owner would be responsible for complying with all applicable building, zoning and other legal requirements.

The Request for Offers is available on HPD's website at www.nyc.gov/hpd from Monday, April 30, 2012, 10:00 A.M. through Friday, May 18, 2012, 5:00 P.M.

All sales will be subject to applicable governmental approvals.

Michael R. Bloomberg Mayor Mathew M. Wambua Commissioner a16-27

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.

Win More Contracts at 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.

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.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038. Patricia Chabla (212) 341-3505; Fax: (212) 341-3625; patricia.chabla@dfa.state.ny.us j1-n14

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

AWARDS

Goods

SAFE BOATS - Intergovernmental Purchase - PIN# 8571200495 - AMT: \$4,154,386.00 - TO: Safe Boats International Inc., 8800 Barney White Road, Port Orchard, WA 98367. GSA Contract #GS-07F-0038H.

Suppliers wishing to be considered for a contract with the General Services Administration of the Federal Government are advised to contact the Small Business Utilization Center, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 18-130, NY, NY 10278, or by phone: 212-264-1234.

a23

TOOLS: ELECTRIC, PORTABLE - Competitive Sealed Bids - PIN# 8571200148 - AMT: \$1,170,400.00 - TO: AW Meyer Co. Inc., 509 Broad Avenue, Ridgefield, NJ 07657.

a23

Services (Other Than Human Services)

MAINTENANCE FOR RICOH C900S WITH E80 CONTROLLER - Intergovernmental Purchase - PIN# 8571100642 - AMT: \$101,250.00 - TO: Ikon Office Solutions, Inc., One Penn Plaza, Suite 5420, New York, NY 10119. NYS Contract #PT59179.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone at 518-474-6717.

a23

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

COMPTRROLLER

ASSET MANAGEMENT

AWARDS

Services (Other Than Human Services)

INVESTMENT MANAGEMENT SERVICES - Renewal - PIN# 0157811102QF - AMT: \$2,026,000.00 - TO: Castle Ark Management LLC, 1 North Wacker Dr., Ste. 3950, Chicago, IL 60606.

a23

DESIGN & CONSTRUCTION

AWARDS

Construction / Construction Services

NEW YORK HALL OF SCIENCE REPLACEMENT OF THREE AIR HANDLING UNITS, QUEENS - Competitive Sealed Bids - PIN# 85012B0006 - AMT: \$1,281,049.00 - TO: Tomco Mechanical Corp., 125 State Street, Westbury, NY 11590. PROJECT ID: PV274-AHU. DDC PIN: 8502012PV0001C. a23

AGENCY RULES

CAMPAIGN FINANCE BOARD

NOTICE

REGULATORY AGENDA FOR FISCAL YEAR 2013

PURSUANT TO SECTION 1042 OF THE NEW YORK CITY CHARTER, the Campaign Finance Board hereby publishes its regulatory agenda:

1. The Board anticipates proposing rules to effect changes in the New York City Campaign Finance Program. Subject areas for proposed rules may include: simplifying and streamlining disclosure, reporting, and recordkeeping requirements; safeguarding the disbursement of public matching funds; transition and inaugural activities; penalty assessments; contributions by individuals and entities; contributions by persons doing business with the City; ethical guidelines for Board members and Board staff; codifying advisory opinions; voter assistance; the reporting of independent expenditures; and technical changes to existing rules. The Board, moreover, may propose amendments to the New York City Campaign Finance Act. Should these or other amendments be adopted, the Board would anticipate proposing rules in order to implement the amendments.

2. Under applicable law, many of the rules issued by the Board apply to all candidates for the offices of Mayor, Public Advocate, Comptroller, Borough President, and City Council member regardless whether they have chosen to participate in the Campaign Finance Program. Under Local Law No. 39 of 1998, the Board is authorized to issue rules to implement the regulation of inauguration and transition donations and expenditures which shall apply to every candidate elected to each such office, regardless whether the candidate is participating in the Campaign Finance Program. Under applicable law, the New York City Voter Guide rules apply to all candidates seeking the above-referenced offices, regardless whether they are participating in the Campaign Finance Program. Voter Guides are required to be mailed to all New York City households having at least one person registered to vote in the election covered by the Guide.

3. The following laws, among others, are relevant to rules promulgated and administered by the Campaign Finance Board:

Local Law No. 8 of 1988
Local Law No. 4 of 1989
Local Law No. 69 of 1990
Local Law No. 68 of 1993
Local Law No. 37 of 1994
Local Law No. 90 of 1996
Local Law No. 27 of 1998
Local Law No. 39 of 1998
Local Law No. 48 of 1998
Local Law No. 21 of 2001
Local Law No. 12 of 2003
Local Law No. 13 of 2003
Local Law No. 43 of 2003
Local Law No. 58 of 2004
Local Law No. 59 of 2004
Local Law No. 60 of 2004
Local Law No. 105 of 2005
Local Law No. 17 of 2006
Local Law No. 23 of 2007
Local Law No. 34 of 2007
Local Law No. 67 of 2007

New York City Charter Chapter 46, as last amended by the voters on November 2, 2010
New York State Election Law
Voting Rights Act (42 U.S.C.A. § 1973, *et seq.*)

4. Sue Ellen Dodell, General Counsel of the Campaign Finance Board, may be contacted at (212) 306-7100 concerning the subject areas of Board rulemakings.

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HOUSING PRESERVATION & DEVELOPMENT

NOTICE

2012-2013 Regulatory Agenda

1. §421-a Program

- a. Reason: To amend rules governing the 421-a Program.
- b. Summary:
- Contents: Amendments to clarify existing rules and implement legislation.
 - Objective: Clarify existing rules and implement legislation.
 - Legal Basis: Real Property Tax Law ("RPTL"), Charter, and Administrative Code.
- c. Parties Affected: Sponsors of projects eligible for exemption.
- d. Related Laws and Rules: RPTL §421-a and Administrative Code.
- e. Schedule for Adoption: On or before June 30, 2013.
- f. Contact Person: Miriam Colón (212) 863-6263.

2. J-51 Program

- a. Reason: To amend rules governing the J-51 Program and implement legislation.
- b. Summary:

- Contents: Amendments to change and clarify existing rules and implement legislation.
 - Objective: Change and clarify existing rules and implement anticipated legislation.
 - Legal Basis: RPTL, Charter, and Administrative Code.
- c. Parties Affected: Sponsors of projects eligible for tax benefits.
- d. Related Laws and Rules: RPTL §489 and Administrative Code.
- e. Schedule for Adoption: On or before June 30, 2013.
- f. Contact Person: Miriam Colón (212) 863-6263.

3. Mitchell-Lama Program

- a. Reason: To amend rules governing the Mitchell-Lama Program and implement legislation.
- b. Summary:
- Contents: Amendments to change and clarify existing rules and implement legislation.
 - Objective: Change and clarify existing rules and implement legislation.
 - Legal Basis: PHFL and Charter.
- c. Parties Affected: Owners and residents of Mitchell-Lama projects.
- d. Related Laws and Rules: PHFL Article II.
- e. Schedule for Adoption: On or before June 30, 2013.
- f. Contact Person: Julie C. Walpert (212) 863-6500.

4. Lead-Based Paint

- a. Reason: To make technical amendments to the rules implementing the Childhood Lead Poisoning Prevention Act of 2003.
- b. Summary:
- Contents: Technical amendments to rules implementing the Childhood Lead Poisoning Prevention Act.
 - Objective: To provide guidance to the regulated public.
 - Legal Basis: Administrative Code.
- c. Parties Affected: Owners and occupants of residential buildings; repair and renovation companies and workers.
- d. Related Law and Rules: Administrative Code and Health Code.
- e. Schedule for Adoption: On or before June 30, 2013.
- f. Contact Person: Mary-Lynne Rifenburg (212) 863-8341.

5. Relocation of Tenants from Public Improvements and Quasi-public Sites and City Assisted Urban Renewal Sites

- a. Reason: To amend rules providing relocation benefits.
- b. Summary:
- Contents: Amendments to update rules.
 - Objective: To update rules to reflect current economic data and other technical amendments.
 - Legal Basis: Charter.
- c. Parties Affected: Residential and commercial tenants who are permanently displaced as the result of City-funded urban renewal activity.
- d. Related Laws and Rules: Charter.
- e. Schedule for Adoption: On or before June 30, 2013.
- f. Contact Person: Anne-Marie Hendrickson (212) 863-7301.

6. Relocation of Tenants from Private Property as a Result of Vacate Orders

- a. Reason: To amend rules governing relocation benefits to tenants displaced as a result of vacate orders.
- b. Summary:
- Contents: Amendments changing and clarifying scope of and process for providing relocation benefits.
 - Objective: Change and clarify existing rules and procedures.
 - Legal Basis: Charter and

Administrative Code.

- c. Parties Affected: Tenants of building displaced by vacate orders.
- d. Related Laws and Rules: Charter and Administrative Code.
- e. Schedule for Adoption: On or before June 30, 2013.
- f. Contact Person: Mary-Lynne Rifenburg (212) 863-8341.

7. Inclusionary Housing Program

- a. Reason: To enact rules governing the inclusionary housing program.
- b. Summary:
- Contents: Rules for administering the inclusionary housing program.
 - Objective: To change and clarify existing rules and procedures for the general administration of the inclusionary housing program.
 - Legal Basis: Zoning Resolution §23-90, inclusive.

- c. Parties Affected: Developers and renters/purchasers of inclusionary housing affordable housing units.
- d. Related Law and Rules: Zoning Resolution.
- e. Schedule for Adoption: On or before June 30, 2013.
- f. Contact Person: Miriam Colón (212) 863-6263.

8. Alternative Enforcement Program

- a. Reason: To amend rules governing the Alternative Enforcement Program.
- b. Summary:
- Contents: Rules setting criteria for selecting buildings to participate in the program.
 - Objective: Modify criteria for selecting buildings to use resources more effectively and achieve better outcomes.
 - Legal Basis: Administrative Code §27-2153, as amended by Local Law #7 of 2011.
- c. Parties Affected: Owners of buildings selected for participation in the program.
- d. Related Law and Rules: Administrative Code §27-2153; 28 RCNY Chapter 36.
- e. Schedule for Adoption: On or before June 30, 2013.
- f. Contact Person: Mary-Lynne Rifenburg (212) 863-8341.

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SPECIAL MATERIALS

LABOR RELATIONS

NOTICE

2008-2010 CLERICAL AGREEMENT

AGREEMENT entered into this 13th day of April, 2012, by and between the **City of New York** and related public employers pursuant to and limited to their respective elections or statutory requirement to be covered by the New York City Collective Bargaining Law and their respective authorizations to the City to bargain on their behalf and the **New York City Health and Hospitals Corporation** (hereinafter referred to jointly as the "Employer"), and **District Council 37, AFSCME, AFL-CIO** (hereinafter referred to as the "Union"), (hereinafter referred to as the "Union"), for the twenty-four (24) month period from March 3, 2008 to March 2, 2010.

WITNESSETH:

WHEREAS, the parties hereto have entered into collective bargaining and desire to reduce the results thereof to writing,

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION

Section 1.

The Employer recognizes the Union as the sole and exclusive collective bargaining representative for the bargaining unit set forth below, consisting of employees of the Employer, wherever employed, whether full-time, part-time per annum, hourly or per diem, in the below listed title(s), and in any successor title(s) that may be certified by the Board of Certification of the Office of Collective Bargaining to be part

of the unit herein for which the Union is the exclusive collective bargaining representative and in any positions in Restored Rule X titles of the Classified Service the duties of which are or shall be equated by the City Personnel Director and the Director of the Budget for salary purposes to any of the below listed title(s):

NOTE: OTB titles included for salary purposes only.

Table with 2 columns: Title and Title Code Numbers. Lists various job titles and their corresponding codes, including Account Clerk, Administrative Assistant, Analyst, etc.

* For present incumbents only.

** Title deleted from City Classification April 21, 1996.

*** Title certified October 30, 2003.

**** Title certified December 2, 2004.

Section 2.

The terms "employee" and "employees" as used in this Agreement shall mean only those persons in the unit described in Section 1 of this Article.

ARTICLE II - DUES CHECKOFF

Section 1.

a. The Union shall have the exclusive right to the checkoff and transmittal of dues on behalf of each employee in accordance with the Mayor's Executive Order No. 98, dated May 15, 1969, entitled "Regulations Relating to the Checkoff of Union

Dues" and in accordance with the Mayor's Executive Order No. 107, dated December 29, 1986, entitled "Procedures for Orderly Payroll Check-Off of Union Dues and Agency Shop Fees."

b. Any employee may consent in writing to the authorization of the deduction of dues from the employee's wages and to the designation of the Union as the recipient thereof. Such consent, if given, shall be in a proper form acceptable to the City, which bears the signature of the employee.

Section 2.

The parties agree to an agency shop to the extent permitted by applicable law, as described in a supplemental agreement hereby incorporated by reference into this Agreement.

ARTICLE III - SALARIES

Section 1.

a. This Article III is subject to the provisions, terms and conditions of the Alternative Career and Salary Pay Plan Regulations, dated March 15, 1967 as amended, except that the specific terms and conditions of this Article shall supersede any provisions of such Regulations inconsistent with this Agreement subject to the limitations of applicable provisions of law.

b. Unless otherwise specified, all salary provisions of this Agreement, including minimum and maximum salaries, advancement or level increases, general increases, education differentials and any other salary adjustments, are based upon a normal work week of 35 hours. In accordance with Article IX, Section 24 of the 1995 - 2001 Citywide Agreement, an Employee who works on a full-time, per-diem basis shall receive their base salary (including salary increment schedules) and/or additions-to-gross payment in the same manner as a full-time, per-annum employee. An employee who works on a part-time per annum basis and who is eligible for any salary adjustments provided in this Agreement shall receive the appropriate pro-rata portion of such salary adjustment computed on the relationship between the number of hours regularly worked each week by such employee and the number of hours in the said normal work week, unless otherwise specified.

c. Employees who work on a part-time per diem or hourly basis and who are eligible for any salary adjustment provided in this Agreement shall receive the appropriate pro-rata portion of such salary adjustment computed as follows, unless otherwise specified:

Per diem rate - 1/261 of the appropriate minimum basic salary.

Hourly Rate - 35 hour week basis - 1/1827 of the appropriate minimum basic salary.

40 hour week basis - 1/2088 of the appropriate minimum basic salary.

d. The maximum salary for a title shall not constitute a bar to the payment of any salary adjustment or pay differentials provided for in this Agreement but the said increase above the maximum shall not be deemed a promotion.

Section 2.

Employees in the following titles shall be subject to the following specified salaries, salary adjustments, and/or salary ranges:

a. Effective March 3, 2008

Table with 4 columns: Title, (1) Hiring Rate, (2) Incumbent Rate, ii. Maximum. Lists salaries for various titles like Account Clerk, Administrative Assistant, Analyst, etc.

Table with 4 columns: Title, Rate, and other columns. Lists salaries for various titles like Correction Administrative Aide, Customer Communications Spec.(OTB), Department Librarian, etc.

Table with 4 columns: Job Title, Salary, and other details. Includes positions like Sprvsg Racing Data Coordinator (OTB), Sprvsg Voice Broadcast Specialist (OTB), and Telephone Operator (Incl. OTB).

NOTES:

- 1 See Article III, Section 4 (New Hires)
2 For present incumbents only.
3 Title deleted from City Classification April 21, 1996, and the duties assigned to Clerical Associate/ Secretary, as appropriate
4 Employees upon completion of five years of permanent continuous City service as a Clerical Aide, shall receive the minimum salary rate for Assignment Level II of Clerical Associate or their current basic salary plus the level increase,
5 Employees upon completion of one year of permanent continuous City service in Level Ia shall be assigned to Level Ib.
6 Employees upon completion of four years of permanent continuous City service in Level Ib shall be assigned to Level II.
7 Assignment to Level IV requires DCAS approval.
8 After five years of permanent service in title, Level III minimum or level increase shall apply, whichever is greater.
9 After five years of permanent service in title, Level II minimum or level increase shall apply, whichever is greater.
10 Employees meeting the stenography skills who are required to use stenography shall be appointed at Level Ib. All other employees upon completion of one year of permanent continuous City service in Level Ia shall be assigned to Level Ib.
11 Employees upon completion of four years of permanent continuous City service in Level Ib shall be assigned to Level Ia, except that employees who have met the stenography skills and are required to use stenography shall be assigned to Level Ib.
12 Level IIIb is restricted to employees who have met the stenography skills and are required to use stenography.
13 Level restricted to employee performing word processing as their major duty.
14 All employees must be appointed at Level Ia. After one year at Level Ia, employees performing Level Ib duties must be assigned to Level Ib.
15 After six months of satisfactory service at Level I shall be assigned to Level II.
16 After one year of satisfactory service at Level II shall be assigned to Level III.
Requires at least two years of experience and must pass certain typing and dictation speed proficiency tests.
Effective August 27, 2008, Incumbent Rate is increased by \$500.00

b. Effective March 3, 2009

Table with 4 columns: Job Title, Minimum Rate, Incumbent Rate, Maximum Rate. Includes positions like Account Clerk (incl. OTB), Administrative Assistant (CFB), Analyst (Campaign Finance Board), and various Librarian positions.

Table with 4 columns: Job Title, Salary, and other details. Includes positions like Duplicating Machine Operator Trainee (OTB), Electronic Office Equipment Repairer (OTB), Eligibility Specialist, Enrollment Sales Representative, and various Secretary and Librarian positions.

Table with 4 columns: Job Title, Salary, and other details. Includes Telephone Operator (Incl. OTB), Transcribing Typist, and Voice Broadcast Specialist (OTB).

NOTES:

- 1 See Article III, Section 4 (New Hires)
2 For present incumbents only.
3 Title deleted from City Classification April 21, 1996, and the duties assigned to Clerical Associate/ Secretary, as appropriate
4 Employees upon completion of five years of permanent continuous City service as a Clerical Aide, shall receive the minimum salary rate for Assignment Level II of Clerical Associate or their current basic salary plus the level increase,
5 Employees upon completion of one year of permanent continuous City service in Level Ia shall be assigned to Level Ib.
6 Employees upon completion of four years of permanent continuous City service in Level Ib shall be assigned to Level II.
7 Assignment to Level IV requires DCAS approval.
8 After five years of permanent service in title, Level III minimum or level increase shall apply, whichever is greater.
9 After five years of permanent service in title, Level II minimum or level increase shall apply, whichever is greater.
10 Employees meeting the stenography skills who are required to use stenography shall be appointed at Level Ib. All other employees upon completion of one year of permanent continuous City service in Level Ia shall be assigned to Level Ib.
11 Employees upon completion of four years of permanent continuous City service in Level Ib shall be assigned to Level Ia, except that employees who have met the stenography skills and are required to use stenography shall be assigned to Level Ib.
12 Level IIIb is restricted to employees who have met the stenography skills and are required to use stenography.
13 Level restricted to employee performing word processing as their major duty.
14 All employees must be appointed at Level Ia. After one year at Level Ia, employees performing Level Ib duties must be assigned to Level Ib.
15 After six months of satisfactory service at Level I shall be assigned to Level II.
16 After one year of satisfactory service at Level II shall be assigned to Level III.

d. In addition to the "service increments" provided in subsection 10(a) of this Article III which are based on service in the occupational group, the following increments shall be paid to employees in the titles set forth below based upon service in the indicated title:

Table with 4 columns: Title, Years of Service, 3/3/08, 3/2/10. Lists various Librarian positions and their corresponding salary increments.

Section 3. Wage Increases.

A. General Wage Increase

- a. The general increases, effective as indicated, shall be:
i. Effective March 3, 2008, Employees shall receive a general increase of 4 percent.
ii. Effective March 3, 2009, Employees shall receive an additional general increase of 4 percent.
iii. Part-time per annum, per session, hourly paid and part-time per diem Employees (including seasonal appointees) and Employees whose normal work year is less than a full calendar year shall receive the increases provided in subsections 3A(a)(i) and 3A(ii) on the basis of computations heretofore utilized by the parties for all such Employees.
b. The increases provided for in Section 3A(a) above shall be calculated as follows:
i. The general increase in Section 3A(a)(i) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on March 2, 2008;
ii. The general increase in Section 3A(a)(ii) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on March 2, 2009.

c. i. The general increases provided for in this Section 3 shall be applied to the base rates, incremental salary levels and the minimum "hiring rates," minimum "incumbent rates" and maximum rates (including levels), if any, fixed for the applicable titles.

ii. A general increase of 5.47%, effective on the last day of the Agreement, and consistent with the terms of the Stipulation of Settlement (A-13472-10; BCB 2864-10) shall be applied to the following "additions to gross": uniform maintenance allowances, assignment differentials, service increments, longevity differentials, longevity increments, advancement increases, assignment (level) increases, and experience, certification, educational, license, evening, or night shift differentials. Recurring increment payments and supplemental increment payments, are excluded from this provision.

Section 4. New Hires.

a. The appointment rate for an employee newly hired on or after March 3, 2008 and appointed at a reduced hiring rate shall be the applicable minimum "hiring rate" set forth in subsections 2(a)(i)(1) and 2(b)(i)(1). On the two year anniversary of the employee's original date of appointment, such employee shall be paid the indicated minimum "incumbent rate" for the applicable title that is in effect on such two year anniversary as set forth in subsection 2(a)(i)(2) and 2(b)(i)(2) of this Article III.

b. i. For a title subject to an incremental pay plan, the employee shall be paid the appropriate increment based upon the employee's length of service. Section 2 of this Article III reflects the correct amounts and has been adjusted in accordance with the provisions of Section 3(c)(i) of this Article III.

ii. Employees who change titles or levels before attaining two years of service will be treated in the new title or level as if they had been originally appointed to said title or level on their original hiring date.

c. For the purposes of Sections 4(a) and 4(b), employees 1) who were in active pay status before March 3, 2008, and 2) who are affected by the following personnel actions after said date shall not be treated as "newly hired" employees and shall be entitled to receive the indicated minimum "incumbent rate" set forth in subsections 2(a)(i)(2) and 2(b)(i)(2) of this Article III:

i. Employees who return to active status from an approved leave of absence.

ii. Employees in active status (whether full or part-time) appointed to permanent status from a civil service list, or to a new title (regardless of jurisdictional class or civil service status) without a break in service of more than 31 days.

iii. Employees who were laid off or terminated for economic reasons who are appointed from a recall/preferred list or who were subject to involuntary redeployment.

iv. Provisional employees who were terminated due to a civil service list who are appointed from a civil service list within one year of such termination.

v. Permanent employees who resign and are reinstated or who are appointed from a civil service list within one year of such resignation.

vi. Employees (regardless of jurisdictional class or civil service status) who resign and return within 31 days of such resignation.

vii. A provisional employee who is appointed directly from one provisional appointment to another.

viii. For employees whose circumstances were not anticipated by the parties, the First Deputy Commissioner of Labor Relations is empowered to issue, on a case-by-case basis, interpretations concerning application of this Section 4. Such case-by-case interpretations shall not be subject to the dispute resolution procedures set forth in Article VI of this Agreement.

d. The First Deputy Commissioner of Labor Relations may, after notification to the affected union(s), exempt certain hard to recruit titles from the provisions of subsection 4.

Section 5.

Each general increase provided herein, effective as of each indicated date, shall be applied to the rate in effect on the date as specified in Section 3 of this Article. In the case of a promotion or other advancement to the indicated title on the effective date of the general increase specified in Section 3 of this Article, such general increase shall not be applied, but

the general increase, if any, for the title formerly occupied, effective on the date indicated shall be applied.

Section 6.

In the case of an Employee on leave of absence without pay the salary rate of such Employee shall be changed to reflect the salary adjustments specified in Article III

Section 7.

a. A person permanently employed by the Employer who is appointed or promoted on a permanent, provisional, or temporary basis in accordance with Title 59, Appendix A of the Rules of the City of New York (City Personnel Director Rules) or, where Title 59, Appendix A is inapplicable to a public employer, such other Rules or Regulations as are applicable to the public employer, without a break in service to any of the following title(s) from another title in the direct line of promotion or from another title in the Career and Salary Plan, the minimum rate of which is exceeded by at least 8 percent by the minimum rate of the title to which appointed or promoted, shall receive upon the date of such appointment or promotion either the minimum basic salary for the title to which such appointment or promotion is made, or the salary received or receivable in the lower title plus the specified advancement increase, whichever is greater:

ADVANCEMENT INCREASES

Title	Effective 3/3/2008	Effective 3/2/2010
Associate Archivist	\$1,509	\$1,592
Associate Reporter/Stenographer (DA) Level I *	\$1,332	\$1,405
Associate Word Processor	\$1,163	\$1,227
Chief Office Assistant	\$1,163	\$1,227
Clerical Associate **	\$931	\$982
Department Principal Librarian	\$1,686	\$1,778
Department Senior Librarian	\$1,332	\$1,405
Department Supervising Librarian	\$1,509	\$1,592
Duplicating Machine Operator (OTB)	\$1,044	
Eligibility Specialist	\$1,163	\$1,227
Head Clerk (incl. OTB)	\$1,332	\$1,405
Office Associate	\$1,163	\$1,227
Prin. Customer Communication Spec. (OTB)	\$1,741	
Public Records Officer	\$1,163	\$1,227
Secretary	\$931	\$982
Secretary(CCRB)	\$1,392	\$1,468
Senior Account Clerk (OTB)	\$802	
Sr. Customer Communication Specialist (OTB)	\$1,332	
Sr. Duplicating Machine Operator (OTB)	\$1,276	
Senior Legal Secretary (OTB)	\$1,163	
Senior Office Appliance Maintainer	\$1,163	\$1,227
Senior Police Administrative Aide	\$1,392	\$1,468
Senior Secretary	\$1,163	\$1,227
Senior Tabulator Operator	\$931	\$982
Stenographic/Secretarial Associate (incl. OTB)	\$1,163	\$1,227
Supervising Parking Meter Collector	\$1,163	\$1,227
Supervising Police Communications Technician	\$1,392	\$1,468
Supervising Racing Data Coordinator (OTB)	\$1,741	
Supervising Voice Broadcast Specialist (OTB)	\$1,741	
Supervisor of Duplicating Services (OTB)	\$1,353	

NOTE:

* After 5 years of permanent service in the title there shall be an automatic maturation from Level I to Level II

** Employees promoted from Clerical Aide who have received the guaranteed minimum salary for 5 years of permanent service shall receive additional compensation upon promotion to Clerical Associate

b. An employee assigned to a higher assignment **level** shall receive as of the effective date of such assignment, either the appointment rate for the assigned **level** or the rate received in the former **level** plus the specified level increase set forth in Section 6(c), whichever is greater.

LEVEL INCREASES

Title	Effective 3/3/2008	Effective 3/2/2010
Associate Public Records Officer		
Level II	\$1,509	\$1,592
Associate Reporter/Stenographer (DA)		
Level II	\$1,507	\$1,589
Clerical Associate		
Level Ia ***	NONE	NONE
Level Ib ##	NONE	NONE
Level II	\$931	\$982
Level III	\$1,163	\$1,227
Level IV	\$1,163	\$1,227
Eligibility Specialist		
Level II	\$1,163	\$1,227
Level III	\$1,626	\$1,715
Office Aide		
Office Aide (TYPING)		
Level I *	NONE	NONE
Level II	\$931	\$982
Level III	\$931	\$982
Office Machine Aide		
Level I **	NONE	NONE
Level II	\$931	\$982
Paralegal Aide		
Level II	\$1,406	\$1,483
Secretary		
Level Ia ***	NONE	NONE
Level Ib ##	NONE	NONE
Level IIa	\$931	\$982
Level IIb	\$931	\$982
Level IIIa	\$1,163	\$1,227
Level IIIb	\$1,163	\$1,227
Level IV	\$1,163	\$1,227
Secretary (CCRB) L II	\$1,392	\$1,468
Stenographic/Secretarial Associate		
Level II	\$931	\$982
Stenographer/Secretary		

Level I **	NONE	NONE
Level II	\$1,406	\$1,483
Level III	\$1,163	\$1,227
Technical Support Aide		
Level Ib	\$931	\$982
Level II	\$931	\$982
Level III	\$1,163	\$1,227
Word Processor		
Level II	\$931	\$982
Level III	\$1,163	\$1,227

NOTE:

Level Increase - Denotes payment due to assignment to a higher Level within a title.

* After 5 years of permanent service in the title, Level III minimum or level increase shall apply, whichever is greater, provided employee has not already been assigned to higher level.

** After 5 years of permanent service in the title, Level II minimum or Level increase shall apply, whichever is greater, provided employee has not already been assigned to higher level.

*** Upon completion of one year of permanent continuous City service in Level Ia of Clerical Associate or Secretary, employees shall receive the minimum salary rate for Level Ib of their respective new titles or their current salaries, whichever is greater.

Upon completion of four years of permanent continuous City service in Level Ib of Clerical Associate or Secretary, employees shall receive the minimum salary rate for Level II of their respective new titles or have the applicable level increase added to their salaries, whichever is greater.

c. An employee promoted from Enrollment Sales Representative Assistant to Enrollment Sales Representative, or affirmatively assigned by the Employer to a higher assignment **level** of Enrollment Sales Representative, shall receive as of the effective date of such promotion or assignment no less than a 5% adjustment in salary.

Section 8. - Training Fund:

A training fund contribution at the rate of \$25.00 per annum shall continue to be made to the District Council 37 Education Fund on behalf of each full-time per annum employee, except for all titles in the Off-Track Betting Corporation, Board of Higher Education, and Urban Center employees unless such titles previously had a training fund, or unless required by law, provided, however, that no contribution shall be made to such fund during any period in which the separate agreement between the Employer and District Council 37 relating to the operation of such fund is of no force or effect.

Employees of non-Mayoral agencies shall be covered by such contribution provided the affected agency elects to have its employees so covered and becomes an employer party to the agreement between the Employer and the Union dated July 13, 1971, concerning the District Council 37 Education Fund. This Section shall be subject to the waiver in Article IV, Section 1(b) of this Agreement.

Section 9. - Assignment Differentials:

a. An assignment differential in the pro-rata annual amounts indicated below shall be continued for each person employed in the class of positions of Office Appliance Operator in the Department of Social Services who is assigned regularly on a continuing basis to the Reproduction Section:

Effective 3/3/2008	Effective 3/2/2010
\$1,215	\$1,281

b. An assignment differential in the pro-rata annual amounts indicated below shall be continued for Office Aides Level III and Clerical Associates Level II, who are regularly assigned to the preparation, reconciliation, certification and/or auditing of payrolls of City personnel, in the office titles of Payroll Clerk or Payroll Examiner, as determined by the agency head.

Effective 3/3/2008	Effective 3/2/2010
\$727	\$767

c. An assignment differential in the pro-rata annual amounts indicated below shall be continued for Office Associates and Clerical Associates Level III, who are regularly assigned to the preparation, reconciliation, certification and/or auditing of payrolls of City personnel, in the office titles of Payroll Clerk or Payroll Examiner, as determined by the agency head.

Effective 3/3/2008	Effective 3/2/2010
\$969	\$1,022

d. An assignment differential in the pro-rata annual amounts indicated below shall be continued to be paid to Office Associates and Clerical Associates Level III while assigned to supervise the overall Toll Collection function of the Department of Business Services/Small Business Services:

Effective 3/3/2008	Effective 3/2/2010
\$1,215	\$1,281

e. An assignment differential in the pro-rata annual amounts indicated below shall be continued for employees of the Health and Hospitals Corporation assigned to the Central Support Group for rotating assignments or assigned as Emergency Room Registration Clerks or Admitting Office Clerks for collecting financial and biographical data from patients.

Effective 3/3/2008 \$849
Effective 3/2/2010 \$895

f. An assignment differential in the pro-rata annual amounts indicated below shall be continued to be paid to employees in the class of positions of Legal Secretarial Assistant Level I who perform stenographic services:

Effective 3/3/2008 \$1,215
Effective 3/2/2010 \$1,281

g. Pursuant to the Consent Decree between the City of New York & DC 37 dated April 19, 1991, the Police Communications Technician Dispatch Bonus shall continue to be paid according to the following schedule:

YEARS OF SERVICE IN PCT TITLE	60% OR MORE	40% 59.99% OF	20% 39.99% OF
	OF FULL SCHEDULE ON DISPATCH	FULL SCHEDULE ON DISPATCH	FULL SCHEDULE ON DISPATCH

Effective 3/3/2008

less than 1 year	\$1,953.81	\$1,297.32	\$656.48
1 to 2 years	\$3,126.07	\$2,078.87	\$1,047.23
2 to 3 years	\$3,907.63	\$2,610.26	\$1,297.32
3 or more years	\$4,298.37	\$3,641.88	\$1,828.77

Effective 3/2/2010

less than 1 year	\$2,060.68	\$1,368.28	\$692.39
1 to 2 years	\$3,297.07	\$2,192.58	\$1,104.51
2 to 3 years	\$4,121.38	\$2,753.04	\$1,368.28
3 or more years	\$4,533.49	\$3,841.09	\$1,928.80

h. An assignment differential in the pro-rata annual amounts indicated below shall be continued to be paid to Office Aides, Clerical Aides and Clerical Associates Levels Ia, Ib or II who are assigned to the Cashiering Unit of the Department of Health's Division of Vital Records who perform cashiering duties (part-time employees in the above class of positions who work a minimum of thirty (30) hours per week in said cashiering unit and perform cashiering duties shall receive a pro rata portion of the assignment differential):

Effective 3/3/2008 \$1,003
Effective 3/2/2010 \$1,058

i. An assignment differential in the pro-rata annual amounts indicated below shall be continued to be paid to Office Aides Level III and Clerical Associates Level II assigned to an undercare group at an Income Maintenance Center and performing the duties of the group clerk as described in the IS Procedures Manual or classified as a "unit clerk" servicing a unit of Caseworkers and Supervisors in the Child Welfare Administration.

Effective 3/3/2008 \$1,171
Effective 3/2/2010 \$1,235

j. An assignment differential in the pro-rata annual amounts indicated below shall be continued to be paid to employees of HRA or DHS in the titles of Office Aide, Office Associate, Clerical Aide and Clerical Associate Levels Ia, Ib, II or III who are assigned to work in shelters in Special Services for Adults, Crisis Intervention Services, and the Emergency Assistance Units, as well as in the Crisis Unit, Family Hotel Program and Single Room Occupancy Program, in positions either with direct client contact or with responsibility for the supervision of employees with direct client contact.

Effective 3/3/2008 \$1,356
Effective 3/2/2010 \$1,430

k. An assignment differential in the pro-rata annual amounts indicated below shall be continued to be paid to full-time per annum employees of Mayoral agencies paid as Office Aide Level III, Office Associate, Police Administrative Aide, Senior Police Administrative Aide, Shop Clerk, or Clerical Associate Levels II or III who are assigned on a regular basis to prepare, reconcile, and code the time records directly utilized under the Payroll Management System to generate employee paychecks.

This differential shall be extended to cover full-time per annum employees of the New York City Health and Hospitals Corporation in the titles of Office Aide Level III, Office Associate or Clerical Associate Levels Ia, Ib, II or III who perform the duties set forth above utilizing the codes directly utilized by the Automated Time and Leave System to generate employee paychecks.

To qualify for said differential, such assignment must constitute the majority of the employee's work duties. Employees shall *not* be eligible to receive both the "timekeeping differential" and the "payroll differential" at the same time nor shall employees currently receiving the "payroll differential" be permitted to claim eligibility for the "timekeeping differential."

Effective 3/3/2008 \$1,171
Effective 3/2/2010 \$1,235

l. An assignment differential in the pro-rata annual amounts set forth below shall be paid to each full-time Office Aide, Clerical Aide, or Clerical Associate Level Ia, Ib or II with five or more years of continuous service who is assigned to perform the

duties of ward clerk in an inpatient nursing unit or employed in a Hospital Emergency Room.

Effective 3/3/2008 \$1,496
Effective 3/2/2010 \$1,578

m. An assignment differential in the pro-rata annual amounts set forth below shall be paid to Office Aides, Office Associates and Clerical Associates Levels Ia, Ib or II in the Office of the City Clerk who are assigned to issue marriage certificates in prisons and municipal hospitals.

Effective 3/3/2008 \$849
Effective 3/2/2010 \$895

n. An assignment differential in the pro-rata annual amounts set forth below shall be paid to shall be established for Office Aides, Office Associates, Clerical Aides and Clerical Associates Levels Ia, Ib, II or III assigned to perform coding of death certificates in the Vital Statistics Unit of the Department of Health.

Effective 3/3/2008 \$1,171
Effective 3/2/2010 \$1,235

o. An assignment differential in the pro-rata annual amounts set forth below shall be paid to Police Communication Technicians and Supervising Police Communication Technicians assigned to work on the Meridian and/ or TDD system.

Effective 3/3/2008 \$720
Effective 3/2/2010 \$759

p. An assignment differential in the pro-rata annual amounts set forth below shall be paid to employees performing the duties of a "Shop Clerk" in the Department of Sanitation.

Effective 3/3/2008 \$849
Effective 3/2/2010 \$895

q. An assignment differential in the pro-rata annual amounts set forth below shall be paid to clerical employees employed by HHC assigned to an Ambulatory Surgical Unit.

Effective 3/3/2008 \$849
Effective 3/2/2010 \$895

r. An assignment differential in the pro rata annual amount set forth below shall be paid to an employee in the title of Eligibility Specialist Level III while assigned on a regular basis to perform duties of an Assistant to the Supervisor in a restructured Undercare group in an Income Support Center operating under the caseload system (see Article XXI, Section 4).

Effective 3/3/2008 \$2,092
Effective 3/2/2010 \$2,206

s. An assignment differential in the pro rata amount set forth below shall be paid to an employee in the title of Eligibility Specialist Level II while assigned on a regular basis to perform duties related to the "Family Health Plus Program" and "Child Health Plus Program" in the Community Applications Offices and Central Eligibility Division of HRA's Medical Assistance Program.

Effective 3/3/2008 \$1,161
Effective 3/2/2010 \$1,225

t. Effective June 30, 2002, an assignment differential shall be established in the pro rata amount set forth below to be paid to an employee in the title of Clerical Associate (all levels) and Secretary while assigned on a regular basis to perform duties in the Office of Payroll Administration.

Effective 3/3/2008 \$1,161
Effective 3/2/2010 \$1,225

u. Effective June 30, 2002, an assignment differential shall be established in the pro rata amount set forth below to be paid to an employee in the title of Police Communication Technician while assigned on a regular basis to perform duties related to "6/WYRES" and "DARP".

Effective 3/3/2008 \$1,161
Effective 3/2/2010 \$1,225

v. An assignment differential in the pro-rata annual amount indicated below shall be established for employees of the Health and Hospitals Corporation in the title of Enrollment Sales Representative Assistant who are assigned on a full-time basis as "Support Drivers" in MetroPlus.

Effective 3/1/2010 \$1,000
Effective 3/2/2010 \$1,055

w. Unless otherwise specified in this Agreement, the assignment differentials set forth in this Section 9 shall be continued only for the duration of the applicable assignment. In the event that an affected employee is removed from an eligible assignment,

such assignment differential shall be discontinued. Payment of an assignment differential shall not be considered as a promotion or change in title.

Section 10. Service Increments:

a. The following service increments shall continue to be paid to employees in the classes of positions of Department Librarian, Department Senior Librarian, Department Supervising Librarian, and Department Principal Librarian based upon length of service in the occupational group. Affected employees shall become eligible for such increments on the January 1st, April 1st, July 1st, or October 1st subsequent to said employee's anniversary date. Such service increment shall not be pensionable until the employee has received it for two (2) years.

Years of Service	3/3/08	3/2/10
After 5 years -	\$904	\$953
After 10 years - (an additional)	\$1,811 (\$907)	\$1,910 (\$957)
After 15 years - (an additional)	\$2,713 (\$902)	\$2,861 (\$951)

b. The following service increments shall continue to be paid to employees assigned to the position of Eligibility Specialist Level III. Affected employees shall become eligible for such increments on the January 1st, April 1st, July 1st, or October 1st subsequent to said employee's anniversary date. Such service increment shall not be pensionable until the employee has received it for two (2) years.

Years of Service	3/3/08	3/2/10
After 1 year	\$2,187	\$2,307
After 3 years	\$2,891 (+\$704)	\$3,049 (+\$742)

c. The following service increments shall be continue to be paid (in addition to the 15 year MCMEA/ DCEA longevity) to employees in the classes of positions of Public Record Aide, Public Records Officer and Associate Public Records Officer. Affected employees shall become eligible for such increments on the January 1st, April 1st, July 1st, or October 1st subsequent to said employee's anniversary date. Such service increment shall not be pensionable until the employee has received it for two (2) years.

Years of Service	3/3/08	3/2/10
After 5 years	\$781	\$824
After 10 years	\$1,563 (+\$782)	\$1,648 (+\$824)

d. The following service increments shall be continue to be paid (in addition to the 15 year MCEA/DCEA longevity) to employees in the title of Cashier.

Years of Service	3/3/08	3/2/10
After 5 years	\$359	\$379
After 10 years	\$720 (+\$361)	\$759 (+\$380)
After 15 years	\$1,078 (+\$358)	\$1,137 (+\$378)

e. The following service increment shall be paid to employees assigned to the position of Eligibility Specialist Level I and Level II after five (5) years of service. Affected employees shall become eligible for such increments on the January 1st, April 1st, July 1st, or October 1st subsequent to said employee's anniversary date. Such service increment shall not be pensionable until the employee has received it for two (2) years.

Years of Service	3/3/08	3/2/10
After 5 years	\$1,765	\$1,862

This shall be in addition to the 15 year MCEA/DCEA longevity described in Article III, Section 11.

Section 11. Longevity Increment:

a. Employees with 15 years or more of "City" service in pay status (except those eligible for a service increment pursuant to Section 10 a. and b.) shall receive a longevity increment of \$800 per annum.

b. The rules for eligibility for the longevity increment described above in Section 11(a), shall be set forth in Appendix A of this Agreement and are incorporated by reference herein.

Section 12. Recurring Increment Payment

a. Full-time employees in the following titles/levels shall be eligible to receive the Recurring Increment Payments ("RIP") set forth below:

- i. Covered Titles/Levels:**
Associate Word Processor
Clerical Associate Levels II, III, IV and IVa
Office Aide III
Office Associate
Secretary Levels IIa, IIb, IIIa, IIIb and IV
Shop Clerk
Stenographer/Secretary Levels II and III
Stenographer/Secretarial Associate Levels I and II
Technical Support Aide Levels 1b, II and III
Word Processor Level III

ii. Recurring Increment Payments:

Effective March 3, 2008

Years of City Service	Increment	Total RIP
After 6 years	\$700	\$700
After 9 years	\$700	\$1,400
After 12 years	\$705	\$2,105
After 15 years	\$379	\$2,484
After 18 years	\$811	\$3,295

Effective March 3, 2009

Years of City Service	Increment	Total RIP
After 6 years	\$728	\$728
After 9 years	\$728	\$1,456
After 12 years	\$733	\$2,189
After 15 years	\$394	\$2,583
After 18 years	\$843	\$3,426

iii. Effective July 1, 2002, in addition to the Covered Titles/Levels listed in Section 12. a.i. above, full time per annum and full-time per diem employees in the following titles/levels shall also be eligible to receive the Recurring Increment Payments ("RIP") set forth above:

- Covered Titles
 Chief Clerk (OTB)
 Customer Communications Specialist
 Paralegal Aide
 Reporter/Stenographer, Level IA and II, (former Associate Reporter/Stenographer)
 Betting Clerk (OTB)
 Administrative Assistant (CFB)
 Cashier
 Police Administrative Aide
 Senior Police Administrative Aide
 Public Records Officer
 Associate Public Records Officer
 Public Records Aide
 Department Librarian
 Department Senior Librarian
 Department Supervising Librarian
 Department Principal Librarian

v. Effective April 1, 2005, in addition to the Covered Titles/Levels listed in Section 12. a.i. above, full-time per annum and full-time per diem employees in the following title shall also be eligible to receive the Recurring Increment Payments ("RIP") set forth above:

- Covered Title
 Call Center Representative

v. Effective March 2, 2008, in addition to the Covered Titles/Levels listed in Section 12. a.i. above, full time per annum and full-time per diem employees in the following title shall also be eligible to receive the Recurring Increment Payments ("RIP") set forth above:

- Covered Title
 Police Communications Technician
 Supervising Police Communications Technician
 Secretary (CCRB) Level I, II

vi. The RIPs shall be based upon years of City service and shall be paid in addition to the longevity increment set forth in Section 11. RIPs shall be payable on the January 1, April 1, July 1, or October 1 subsequent to the qualifying employee's anniversary date, subject to the rules for eligibility set forth in Appendix B of this Agreement.

Section 13. Supplemental Increment Payment

Effective June 30, 2002, the following title/level shall be eligible to receive the Supplemental Increment Payment set forth below:

Years of Service	Office Aide, Level I *			
	3/3/08 Increment	3/3/08 Total Payment	3/3/09 Increment	3/3/09 Total Payment
After 1 year through 5 years	\$929	\$929	\$966	\$966

* Only individuals employed by the Brooklyn Public Library, the New York Public Library, or the Queens Borough Public Library.

Only full-time per annum and full-time per diem employees in the above title shall be eligible to receive the Supplemental Increment Payment set forth above. The supplemental increment shall be based upon years of City ("Library") service and shall be paid after 1 year of service through 5 years of service. The supplemental increment shall be payable January 1, April 1, July 1, or October 1 subsequent to the qualifying employee's anniversary date, and shall be subject to the rules set forth in Appendix B ("RIPs") of this Agreement.

ARTICLE IV - WELFARE FUND

Section 1.

- a. In accordance with the election by the Union pursuant to the provisions of Article XIII of the Citywide Agreement between the City of New York and related public employers and District Council 37, AFSCME, AFL-CIO, the Welfare Fund provisions of the 1995-2001 Citywide Agreement, as amended or any successor agreement(s) thereto, shall apply to Employees covered by this Agreement.
- b. When an election is made by the Union pursuant to the provisions of Article XIII, Section l(b), of the Citywide Agreement between the City of New York and related public employers and District Council 37, AFSCME, AFL-CIO, the provisions of Article XIII, Section l(b) of the 1995-2001 Citywide Agreement, as amended or any successor agreement(s) thereto, shall apply to Employees covered by this Agreement, and when such election is made, the Union hereby waives its right to training, education and/or legal services contributions provided in this Agreement, if any. In no case shall the single contribution provided in Article XIII, Section l(b) of the 1995-2001 Citywide Agreement, as amended or any successor agreement(s) thereto, exceed the total amount that the Union would have been entitled to receive if the separate contributions had continued.

Section 2.

The Unions agree to provide welfare fund benefits to domestic partners of covered employees in the same manner

as those benefits are provided to spouses of married covered employees.

Section 3.

In accordance with the Health Benefits Agreement dated January 11, 2001, each welfare fund shall provide welfare fund benefits equal to the benefits provided on behalf of an active employee to widow(er)s, domestic partners and/or children of any employee who dies in the line of duty as that term is referenced in Section 12-126(b)(2) of the New York City Administrative Code. The cost of providing this benefit shall be funded by the Stabilization Fund.

ARTICLE V - PRODUCTIVITY AND PERFORMANCE

Introduction

Delivery of municipal services in the most efficient, effective and courteous manner is of paramount importance to the Employer and the Union. Such achievement is recognized to be a mutual obligation of both parties within their respective roles and responsibilities. To achieve and maintain a high level of effectiveness, the parties hereby agree to the following terms:

Section 1. - Performance Levels

- a. The Union recognizes the Employer's right under the New York City Collective Bargaining Law to establish and/or revise performance standards or norms notwithstanding the existence of prior performance levels, norms or standards. Such standards, developed by usual work measurement procedures, may be used to determine acceptable performance levels, to prepare work schedules and to measure the performance of each employee or group of employees. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on employees are within the scope of collective bargaining. The Employer will give the Union prior notice of the establishment and/or revision of performance standards or norms hereunder.
- b. Employees who work at less than acceptable levels of performance may be subject to disciplinary measures in accordance with applicable law.

Section 2. - Supervisory Responsibility

- a. The Union recognizes the Employer's right under the New York City Collective Bargaining Law to establish and/or revise standards for supervisory responsibility in achieving and maintaining performance levels of supervised employees for employees in supervisory positions listed in Article I, Section 1, of this Agreement. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on employees are within the scope of collective bargaining. The Employer will give the Union prior notice of the establishment and/or revision of standards for supervisory responsibility hereunder.
- b. Employees who fail to meet such standards may be subject to disciplinary measures in accordance with applicable law.

Section 3. - Training For Improved Effectiveness and Efficiency

- a. The parties agree to cooperate in the development and implementation of a training program to improve the effectiveness and efficiency of employees and enhance their job satisfaction, including but not limited to the following:
- i. Upgrading of work skills - such as typing, transcribing, shorthand, secretarial techniques, telephone techniques, machine operation, meeting and servicing the public, etc;
 - ii. Language - development of bilingual employees for improved service to the public;
 - iii. High School equivalency training;
 - iv. Supervisory responsibilities and techniques;
 - v. Preparation for advancement and upgrading.
- b. A maximum of twenty (20) hours per year of training in an approved training course may be required of each employee by the Employer. One-half of any required time shall be during working hours and one-half outside of working hours on the employee's own time. Approved courses shall be those conducted by the DC 37 AFSCME Education Fund or those conducted by the Employer for which the employee is eligible.
- c. The training fund provided in Article III of this Contract shall be utilized by the DC 37 AFSCME Education Fund to assist in achieving the above goals for employees covered by such funds.
- d. Failure to complete a required training course without just cause shall be deemed a failure to meet performance standards for the purpose of Section 1 of this Article.

Section 4. - Orientation and Training

The parties recognize the Employer's right to give any permanent employee appointed or assigned to new duties orientation and training during working hours as to the duties and responsibilities of his or her new position or assignment.

Section 5. Performance Compensation

The Union acknowledges the Employer's right to pay additional compensation for outstanding performance.

The Employer agrees to notify the Union of its intent to pay such additional compensation.

ARTICLE VI - GRIEVANCE PROCEDURE

Section 1. - Definition:

The term "Grievance" shall mean:

- a. A dispute concerning the application or interpretation of the terms of this Agreement;
- b. A claimed violation, misinterpretation or misapplication of the rules or regulations, written policy or orders of the Employer applicable to the agency which employs the grievant affecting terms and conditions of employment; provided, disputes involving the Personnel Rules and Regulations of the City of New York or the Rules and Regulations of the Health and Hospitals Corporation with respect to those matters set forth in the first paragraph of Section 7390.1 of the Unconsolidated Laws shall not be subject to the grievance procedure or arbitration;
- c. A claimed assignment of employees to duties substantially different from those stated in their job specifications;
- d. A claimed improper holding of an open-competitive rather than a promotional examination;
- e. A claimed wrongful disciplinary action taken against a permanent employee covered by Section 75(1) of the Civil Service Law or a permanent employee covered by the Rules and Regulations of the Health and Hospitals Corporation upon whom the agency head has served written charges of incompetence or misconduct while the employee is serving in the employee's permanent title or which affects the employee's permanent status.
- f. Failure to serve written charges as required by Section 75 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation upon a permanent employee covered by Section 75(1) of the Civil Service Law or a permanent employee covered by the Rules and Regulations of the Health and Hospitals Corporation where any of the penalties (including a fine) set forth in Section 75(3) of the Civil Service Law have been imposed.
- g. A claimed wrongful disciplinary action taken against an eligible provisional employee of a Mayoral agency who has served without a break in service for two years in the same or similar title or related occupational group in the same agency on a full-time per annum or full-time per diem basis and assigned regularly to work the normal, full-time work week established for that title.
- h. A claimed wrongful disciplinary action taken against an employee appointed pursuant to Rule 3.2.11 of the Personnel Rules and Regulations of the City of New York who has served continuously for two years in the same or similar title or related occupational group in the same agency.
- i. A claimed wrongful disciplinary action taken against a full-time non-competitive employee with one year of service in title, except for employees during the period of a mutually agreed upon extension of probation.

Section 2.

The Grievance Procedure, except for grievances as defined in Sections l(d), l(e), and l(g) of this Article, shall be as follows: Employees may at any time informally discuss with their supervisors a matter which may become a grievance. If the results of such a discussion are unsatisfactory, the employees may present the grievance at **Step I**.

All grievances must be presented in writing at all steps in the grievance procedure. For all grievances as defined in Section l(c), no monetary award shall in any event cover any period prior to the date of the filing of the **Step I** grievance unless such grievance has been filed within thirty (30) days of the assignment to alleged out-of-title work. No monetary award for a grievance alleging a miscalculation of salary rate resulting in a payroll error of a continuing nature shall be issued unless such grievance has been filed within the time limitation set forth in **Step I** below for such grievances; if the grievance is so filed, any monetary award shall in any event cover only the period up to six years prior to the date of the filing of the grievance.

Step I The employee and/or the Union shall present the grievance in the form of a memorandum to the person designated for such purpose by the agency head no later than 120 days after the date on which the grievance arose except that grievances alleging a miscalculation of salary rate resulting in a payroll error of a continuing nature shall be presented no later than 120 days after the first date on which the grievant discovered the payroll error. The employee may also request an appointment to discuss the grievance and such request shall be granted. The person designated by the Employer to hear the grievance shall take any steps necessary to a proper disposition of the grievance and shall issue a determination in writing by the end of the third work day following the date of submission.

NOTE: *The following STEP I(a) shall be applicable only in the Health and Hospitals Corporation in the case of*

grievances arising under Sections 1(a), 1(b), 1(c) and 1(f) of this Article and shall be applied prior to Step II of this Section:

STEP I(a) An appeal from an unsatisfactory determination at **Step I** shall be presented in writing to the person designated by the agency head for such purpose. The appeal must be made within five (5) work days of the receipt of the **Step I** determination. A copy of the grievance appeal shall be sent to the person who initially passed upon the grievance. The person designated to receive the appeal at this Step shall meet with the employee and/or the Union for review of the grievance and shall issue a determination to the employee and/or the Union by the end of the fifth work day following the day on which the appeal was filed.

STEP II An appeal from an unsatisfactory determination at **STEP I** or **STEP I(a)**, where applicable, shall be presented in writing to the agency head or the agency head's designated representative who shall not be the same person designated in **STEP I**. The appeal must be made within five (5) work days of the receipt of the **STEP I** or **STEP I(a)** determination. The agency head or designated representative, if any, shall meet with the employee and/or the Union for review of the grievance and shall issue a determination in writing by the end of the tenth work day following the date on which the appeal was filed.

STEP III An appeal from an unsatisfactory determination at **STEP II** shall be presented by the employee and/or the Union to the Commissioner of Labor Relations in writing within ten (10) work days of the receipt of the **STEP II** determination. The grievant or the Union should submit copies of the **STEP I** and **STEP II** grievance filings and any agency responses thereto. Copies of such appeal shall be sent to the agency head. The Commissioner of Labor Relations or the Commissioner's designee shall review all appeals from **STEP II** determinations and shall issue a determination on such appeals within fifteen (15) work days following the date on which the appeal was filed.

STEP IV An appeal from an unsatisfactory determination at **STEP III** may be brought solely by the Union to the Office of Collective Bargaining for impartial arbitration within fifteen (15) work days of receipt of the **STEP III** determination. In addition, the Employer shall have the right to bring directly to arbitration any dispute between the parties concerning any matter defined herein as a "grievance". The Employer shall commence such arbitration by submitting a written request therefor to the Office of Collective Bargaining. A copy of the notice requesting impartial arbitration shall be forwarded to the opposing party. The arbitration shall be conducted in accordance with the Title 61 of the Rules of the City Of New York. The costs and fees of such arbitration shall be borne equally by the Union and the Employer.

The arbitrator's decision, order or award (if any) shall be limited to the application and interpretation of the Agreement, and the arbitrator shall not add to, subtract from or modify the Agreement. The arbitrator's award shall be final and binding and enforceable in any appropriate tribunal in accordance with Article 75 of the Civil Practice Law and Rules. The arbitrator may provide for and direct such relief as the arbitrator deems necessary and proper, subject to the limitations set forth above and any applicable limitations of law.

Section 3.

As a condition to the right of the Union to invoke impartial arbitration set forth in this Article, including the arbitration of a grievance involving a claimed improper holding of an open-competitive rather than a promotional examination, the employee or employees and the Union shall be required to file with the Director of the Office of Collective Bargaining a written waiver of the right, if any, of the employee and the Union to submit the underlying dispute to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award.

Section 4.

a. Any grievance under Section 1(d) relating to a claimed improper holding of an open-competitive rather than a promotional examination shall be presented in writing by the employee or the Union representative to the Commissioner of Labor Relations not later than thirty (30) days after the notice of the intention to conduct such open-competitive examination, or copy of the appointing officer's request for such open-competitive examination, as the case may be, has been posted in accordance with Section 51 of the Civil Service Law. The grievance shall be considered and passed upon within ten (10) days after its presentation. The determination shall be in writing, copies of which shall be transmitted to both parties to the grievance upon issuance.

b. A grievance relating to the use of an open-competitive rather than a promotional examination which is unresolved by the Commissioner of Labor Relations may be brought to impartial arbitration as provided in Sections 2 and 3 above. Such a grievance shall be presented by the Union, in writing, for arbitration within 15 days of the presentation of such grievance to the Commissioner of Labor Relations, and the arbitrator shall decide such grievance within 75 days of its presentation to the arbitrator. The party requesting such arbitration shall send a copy of such request to the other party. The costs and fees of such arbitration

shall be borne equally by the Employer and the Union.

Section 5. Disciplinary Procedure for Employees Subject to Section 75

In any case involving a grievance under Section 1(e) of this Article, the following procedure shall govern upon service of written charges of incompetence or misconduct:

STEP A Following the service of written charges, a conference with such employee shall be held with respect to such charges by the person designated by the agency head to review a grievance at **STEP I** of the Grievance Procedure set forth in this Agreement. The employee may be represented at such conference by a representative of the Union. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference.

If the employee is satisfied with the determination in **STEP A** above, the employee may choose to accept such determination as an alternative to and in lieu of a determination made pursuant to the procedures provided for in Section 75 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation. As a condition of accepting such determination, the employee shall sign a waiver of the employee's right to the procedures available to him or her under Sections 75 and 76 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation.

STEP B(i) If the employee is not satisfied with the determination at **STEP A** above then the Employer shall proceed in accordance with the disciplinary procedures set forth in Section 75 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation. As an alternative, the Union with the consent of the employee may choose to proceed in accordance with the Grievance Procedure set forth in this Agreement, including the right to proceed to binding arbitration pursuant to **STEP IV** of such Grievance Procedure. As a condition for submitting the matter to the Grievance Procedure the employee and the Union shall file a written waiver of the right to utilize the procedures available to the employee pursuant to Sections 75 and 76 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation or any other administrative or judicial tribunal, except for the purpose of enforcing an arbitrator's award, if any. Notwithstanding such waiver, the period of an employee's suspension without pay pending hearing and determination of charges shall not exceed thirty (30) days.

STEP B(ii) If the election is made to proceed pursuant to the Grievance Procedure, an appeal from the determination of **STEP A** above, shall be made to the agency head or designated representative. The appeal must be made in writing within five (5) work days of the receipt of the determination. The agency head or designated representative shall meet with the employee and the Union for review of the grievance and shall issue a determination to the employee and the Union by the end of the tenth work day following the day on which the appeal was filed. The agency head or designated representative shall have the power to impose the discipline, if any, decided upon, up to and including termination of the accused employee's employment. In the event of such termination or suspension without pay totaling more than thirty (30) days, the Union with the consent of the grievant may elect to skip **STEP C** of this Section and proceed directly to **STEP D**.

STEP C If the grievant is not satisfied with the determination of the agency head or designated representative the grievant or the Union may appeal to the Commissioner of Labor Relations in writing within ten (10) days of the determination of the agency head or designated representative. The Commissioner of Labor Relations shall issue a written reply to the grievant and the Union within fifteen (15) work days.

STEP D If the grievant is not satisfied with the determination of the Commissioner of Labor Relations, the Union with the consent of the grievant may proceed to arbitration pursuant to the procedures set forth in **STEP IV** of the Grievance Procedure set forth in this Agreement.

Section 6. Disciplinary Procedure for Provisional Employees

In any case involving a grievance under Sections 1(g) or 1(h) of this Article, the "Disciplinary Procedure for Provisional Employees", including side-letter, appended, shall govern.

Section 7. Disciplinary Procedure for Non-Competitive Employees

In any case involving a grievance under Sections 1(i) of this Article, the following procedures shall apply upon service of charges of incompetence or misconduct.

The provisions contained in this section shall not apply to any of the following categories of employees covered by this contract:

- Per diem employees.
- Temporary employees.
- Probationary employees.
- Trainees, provisionals.
- Non-competitive employees with less than one year of service in the title.
- Competitive class employees.
- Employees covered by section 75(1) of the Civil Service Law or Section 7:5:1 of the Rules and

Regulations of the Health and Hospitals Corporation. h. Non-competitive employees hired under Personnel Rule 3.2.1 or Section 3:3:3 or 3:3:4 of the New York City Health and Hospital Corporation's Personnel Rules and Regulations.

Step I(n) - Following the service of written charges upon an employee a conference shall be held with respect to such charges by a person who is designated by the agency head to review such charges. The employee may be represented at such conference by a representative of the Union. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a decision in writing by the end of the fifth day following the date of the conference.

Step II(n) - If the employee is dissatisfied with the decision in the step I above, he may appeal such decision. The appeal must be within five (5) working days of the receipt of such decision. Such appeal shall be treated as a grievance appeal beginning with step II of the Grievance Procedure set forth herein.

Note: The foregoing provision shall not be available to employees who are returned to duty pursuant to a "last chance agreement" as referenced in the attached side-letter.

Section 8.

A grievance concerning a large number of employees and which concerns a claimed misinterpretation, inequitable application, violation or failure to comply with the provisions of this Agreement may be filed directly at **STEP III** of the grievance procedure except that a grievance concerning employees of the Health and Hospitals Corporation may be filed directly at **STEP II** of the grievance procedure. Such "group" grievance must be filed no later than 120 days after the date on which the grievance arose, and all other procedural limits, including time limits, set forth in this Article shall apply. All other individual grievances in process concerning the same issue shall be consolidated with the "group" grievance.

Section 9.

If a determination satisfactory to the Union at any level of the Grievance Procedure is not implemented within a reasonable time, the Union may re-institute the original grievance at **STEP III** of the Grievance Procedure; or if a satisfactory **STEP III** determination has not been so implemented, the Union may institute a grievance concerning such failure to implement at **STEP IV** of the Grievance Procedure.

Section 10.

If the Employer exceeds any time limit prescribed at any step in the Grievance Procedure, the grievant and/or the Union may invoke the next step of the procedure, except that only the Union may invoke impartial arbitration under **STEP IV**.

Section 11.

The Employer shall notify the Union in writing of all grievances filed by employees, all grievance hearings, and all determinations. The Union shall have the right to have a representative present at any grievance hearing and shall be given forty-eight (48) hours' notice of all grievance hearings.

Section 12.

Each of the steps in the Grievance Procedure, as well as time limits prescribed at each step of this Grievance Procedure, may be waived by mutual agreement of the parties.

Section 13.

A non-Mayoral agency not covered by this Agreement but which employs employees in titles identical to those covered by this Agreement may elect to permit the Union to appeal an unsatisfactory determination received at the last step of its Grievance Procedure prior to arbitration on fiscal matters only to the Commissioner of Labor Relations. If such election is made, the Union shall present its appeal to the Commissioner of Labor Relations in writing within ten (10) work days of the receipt of the last step determination. The Union should submit copies of the grievance filings at the prior steps of its Grievance Procedure and any agency responses thereto. Copies of such appeals shall be sent to the agency head. The Commissioner of Labor Relations, or the Commissioner's designee, shall review all such appeals and answer all such appeals within fifteen (15) work days. An appeal from a determination of the Commissioner of Labor Relations may be taken to arbitration under procedures, if any, applicable to the nonMayoral agency involved.

Section 14.

The grievance and the arbitration procedure contained in this Agreement shall be the exclusive remedy for the resolution of disputes defined as "grievances" herein. This shall not be interpreted to preclude either party from enforcing the arbitrator's award in court. This Section shall not be construed in any manner to limit the statutory rights and obligations of the Employer under Article XIV of the Civil Service Law.

Section 15.

Notwithstanding any other provision of this Agreement, the parties agree that Section 1(c) of this Article VI shall be available to any employee who claims to be aggrieved by an alleged assignment of any City employee, whether within or without the collective bargaining unit defined in Article I, Section 1 of this Agreement, to clerical duties which are stated in the aggrieved employee's job specifications **but are substantially different from the duties stated in the job specifications for the title held by such other City employee**. Light duty assignments of permanent City employees, within or without the collective bargaining unit defined in Article I, Section 1 of this Agreement, who have been certified by the appropriate procedures, shall be

excluded from this provision. Grievances arising pursuant to this provision may be taken directly to **STEP IV** of Section 2 of this Article VI upon election by the Union.

Section 16. Expedited Arbitration Procedure.

- a. The parties agree that there is a need for an expedited arbitration process which would allow for the prompt adjudication of grievances as set forth below.
- b. The parties voluntarily agree to submit matters to final and binding arbitration pursuant to the New York City Collective Bargaining Law and under the jurisdiction of the Office of Collective Bargaining. An arbitrator or panel of arbitrators, as agreed to by the parties, will act as the arbitrator of any issue submitted under the expedited procedure herein.
- c. The selection of those matters which will be submitted shall include, but not limited to, out-of-title cases concerning all titles, disciplinary cases wherein the proposed penalty is a monetary fine of one week or less or written reprimand, and other cases pursuant to mutual agreement by the parties. The following procedures shall apply:
 - i. **SELECTION AND SCHEDULING OF CASES:**
 - (1) The Deputy Chairperson for Disputes of the Office of Collective Bargaining shall propose which cases shall be subject to the procedures set forth in this Section 14 and notify the parties of propose hearing dates for such cases.
 - (2) The parties shall have ten business days from the receipt of the Deputy Chairperson's proposed list of cases and hearing schedule(s) raise any objections thereto.
 - (3) If a case is not proposed by the Deputy Chairperson for expedited handling, either party may, at any time prior to the scheduling of an arbitration hearing date for such case, request in writing to the other party and to the Deputy Chairperson of Disputes of the Office of Collective Bargaining that said case be submitted to the expedited procedure. The party receiving such request shall have ten business days from the receipt of the request to raise any objections thereto.
 - (4) No case shall be submitted to the expedited arbitration process without the mutual agreement of the parties.
 - ii. **CONDUCT OF HEARINGS:**
 - (1) The presentation of the case, to the extent possible, shall be made in the narrative form. To the degree that witnesses are necessary, examination will be limited to questions of material fact and cross examination will be similarly limited. Submission of relevant documents, etc., will not be unreasonably limited and may be submitted as a "packet" exhibit.
 - (2) In the event either party is unable to proceed with hearing a particular case, the case shall be rescheduled. However, only one adjournment shall be permitted. In the event that either party is unable to proceed on a second occasion, a default judgment may be entered against the adjourning party at the Arbitrator's discretion absent good cause shown.
 - (3) The Arbitrator shall not be precluded from attempting to assist the parties in settling a particular case.
 - (4) A decision will be issued by the Arbitrator within two weeks. It will not be necessary in the Award to recount any of the facts presented. However, a brief explanation of the Arbitrator's rationale may be included. Bench decisions may also be issued by the Arbitrator.
 - (5) Decisions in this expedited procedure shall not be considered as precedent for any other case nor entered into evidence in any other forum or dispute except to enforce the Arbitrator's award.
 - (6) The parties shall, whenever possible, exchange any documents intended to be offered in evidence at least one week in advance of the first hearing date and shall endeavor to stipulate to the issue in advance of the hearing date.

ARTICLE VII - BULLETIN BOARDS: EMPLOYER FACILITIES

The Union may post notices on bulletin boards in places and locations where notices usually are posted by the Employer for the employees to read. All notices shall be on Union stationery, and shall be used only to notify employees of matters pertaining to Union affairs. Upon request to the responsible official in charge of a work location, the Union may use Employer premises for meetings during employees' lunch hours, subject to availability of appropriate space and provided such meetings do not interfere with the Employer's business.

ARTICLE VIII - NO STRIKES

In accordance with the New York City Collective Bargaining Law, as amended, neither the Union nor any employee shall induce or engage in any strikes, slowdowns, work stoppages, mass absenteeism, or induce any mass resignations during the term of this Agreement.

ARTICLE IX - CITYWIDE ISSUES

This Agreement is subject to the provisions, terms and conditions of the Agreement which has been or may be

negotiated between the City and the Union recognized as the exclusive collective bargaining representative on Citywide matters which must be uniform for specified employees, including the employees covered by this Agreement. Employees in Rule X titles shall receive the benefits of the *Citywide Agreement* unless otherwise specifically excluded herein.

ARTICLE X - UNION ACTIVITY

Time spent by employee representatives in the conduct of labor relations with the City and on Union activities shall be governed by the terms of Executive Order No. 75, as amended, dated March 22, 1973, entitled "Time Spent on the Conduct of Labor Relations between the City and Its employees and on Union Activity" or any other applicable Executive Order.

ARTICLE XI - LABOR-MANAGEMENT COMMITTEE

Section 1.

The Employer and the Union, having recognized that cooperation between management and employees is indispensable to the accomplishment of sound and harmonious labor relations, shall jointly maintain and support a labor-management committee in each of the agencies having at least fifty employees covered by this Agreement.

Section 2.

Each labor-management committee shall consider and recommend to the agency head changes in the working conditions of the employees within the agency who are covered by this Agreement. Matters subject to the Grievance Procedure shall not be appropriate items for consideration by the labor-management committee.

Section 3.

Each labor-management committee shall consist of six members who shall serve for the term of this Agreement. The Union shall designate three members and the agency head shall designate three members. Vacancies shall be filled by the appointing party for the balance of the term to be served. Each member may designate one alternate. Each committee shall select a chairperson from among its members at each meeting. The chairpersonship of each committee shall alternate between the members designated by the agency head and the members designated by the Union. A quorum shall consist of a majority of the total membership of a committee. A committee shall make its recommendations to the agency head in writing.

Section 4.

The labor-management committee shall meet at the call of either the Union members or the Employer members at times mutually agreeable to both parties. At least one week in advance of a meeting the party calling the meeting shall provide, to the other party, a written agenda of matters to be discussed. Minutes shall be kept and copies supplied to all members of the committee.

ARTICLE XII - FINANCIAL EMERGENCY ACT

The provisions of this Agreement are subject to applicable provisions of law, including the New York State Financial Emergency Act for the City of New York as amended.

ARTICLE XIII - APPENDICES

The Appendix or Appendices, if any, attached hereto and either referenced herein or initialed by the undersigned shall be deemed a part of this Agreement as if fully set forth herein.

ARTICLE XIV - SAVINGS CLAUSE

In the event that any provision of this Agreement is found to be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions of this Agreement.

ARTICLE XV - CONTRACTING-OUT CLAUSE

The problem of "Contracting Out" or "Farming Out" of work normally performed by personnel covered by this Agreement shall be referred to the Labor-Management Committee as provided for in Article XI of this Agreement.

ARTICLE XVI - SENIORITY

In all agencies where seniority is used as the basis for differentiation among a given group of employees in the same title, seniority among such group of employees shall be determined by the date of permanent appointment to the title, except where otherwise provided in this Agreement or by law.

ARTICLE XVII - PHYSICAL WORKING CONDITIONS

The Employer agrees to provide for all Mayoral agencies and Health and Hospitals Corporation employees covered by this Agreement, the following:

- a. Adequate, clean, structurally safe and sanitary working facilities shall be provided for all employees.
- b. Where necessary, first aide chests, adequately marked and stocked shall be provided by the Employer in sufficient quantity for the number of employees likely to need them and such chests shall be reasonably accessible to the employee.
- c. If the size of the affected staff warrants, a lounge area in:
 - i. a building where the Employer moves into newly rented offices;
 - ii. a newly constructed building owned by the Employer; and
 - iii. Employer offices in existence at the time

of the signing of the Contract where space is available.

- d. A sufficient supply of typewriters and other necessary equipment.

ARTICLE XVIII - NEW EQUIPMENT

Where new equipment which must be operated by employees in the bargaining unit is installed in Mayoral agencies during the term of this Agreement, the Employer agrees to reopen this Agreement for the sole purpose of negotiating with the Union on the practical impact, if any, such equipment has on the affected employees. Such negotiation shall not delay or prevent the installation and continued operation of the equipment. Agreement reached on a pay differential, if any, shall be paid retroactively to the date the affected employees first were assigned to the equipment, including any required period of training. Such negotiations shall be subject to the impasse procedures of the New York City Collective Bargaining Law.

ARTICLE XIX - POSTING OF VACANCIES

The Employer agrees that when vacancies in the titles covered by this Agreement in Mayoral agencies and the Health and Hospitals Corporation are authorized to be filled, and the agency with vacancies decides to fill them, a notice of such vacancies shall be posted in all relevant areas by the agency involved at least four (4) days prior to filling, except when such vacancy is to be filled on an emergency basis.

ARTICLE XX - CIVIL SERVICE AND CAREER DEVELOPMENT

A joint committee composed of representatives of the Office of Management and Budget, the Office of Labor Relations, the Department of Citywide Administrative Services, the Health and Hospitals Corporation, and the Union shall meet to study problems related to career development and retention of personnel, and, where deemed necessary, make recommendations to the appropriate City officials.

ARTICLE XXI - SPECIAL PROVISIONS APPLICABLE TO EMPLOYEES IN INCOME MAINTENANCE

Section 1.

Except for temporary special projects or for limited periods of time the immediate supervision of Clerks assigned to the Income Maintenance function shall be performed by Clerical Administrative supervisory employees.

Section 2.

Positions evaluated in Clerical-Administrative occupational groups shall not be filled by personnel in the title of Case Aide.

Section 3. Caseload

- a. In Income Support Centers *operating pursuant to the caseload system*, the Employer shall hire sufficient Eligibility Specialists Level III ("ES IIIs") to permit the equalization of the caseloads of ES IIIs working in Undercare Units at such individual IS Centers to a maximum level of 175 cases per ES III. The caseload level shall be calculated by dividing the aggregate number of active cases assigned to all of the Undercare Units at such individual IS Center by the total number of ES III positions assigned to all of the Undercare Units.
- b. Once sufficient ES IIIs have been hired to permit the initial equalization of caseloads to a level of 175 in the Undercare Units at an individual IS Center *operating pursuant to the caseload system*, the Employer shall equalize caseloads in such Undercare Units at said IS Center to a maximum level of 175 cases per ES III every six months. The number of cases which comprise a caseload may fluctuate during the six month interval between such equalizations. The workers shall be supplied, on a monthly basis, with a printout of each case and their distribution.
- c. The frequency of equalizations shall be the subject of future agency level labor/management discussions.
- d. The Employer will supply sufficient staff so that uncovered caseloads will be covered as quickly as practicable following the date on which such caseloads were deemed to be uncovered.
- e. Each ES III in an Undercare Unit who is assigned to a caseload, shall be assigned and required to perform a maximum of thirty-six (36) face-to-face recertifications per month. HRA procedures governing the pre-scheduling of recertifications scheduled to occur during an employee's vacation and those procedures governing the work performed by "emergency workers" shall not be modified by this section.

f. Definitions:

- i. The term "caseload" shall mean those cases which have been assigned by the Employer to an ES III working in an Undercare Unit of IS Centers operating pursuant to the caseload system. Suffixes shall be counted as one case.
- ii. The term "equalize/equalization" shall mean the adjustment of the caseloads assigned to ES IIIs in the Undercare Units of individual IS Centers to a maximum level of 175 cases.
- iii. The term "uncovered caseload" shall mean those cases which were assigned to ES IIIs who were terminated, retired, resigned, or off payroll in excess of 23 work days.
- g. The side letter agreement between Alan R. Viani,

on behalf of DC 37 AFSCME, and Bruce McIver, on behalf of the City of New York, dated June 15, 1981, which is known to the parties as the "Caseload Agreement" is hereby terminated.

- h.** The side letter agreement between Robert W. Linn, on behalf of the City of New York, and Victor Gotbaum, on behalf of DC 37 AFSCME, dated June 26, 1985, and incorporated by reference into "1984-87 Municipal Coalition Economic Agreement" is hereby terminated.
- i.** Nothing contained herein shall limit or diminish the Employer's or the Union's rights pursuant to §12-307(b) of the New York City Collective Bargaining Law, except as specifically provided herein.
- j.** The provisions of this Section 3 may be modified by the mutual written consent of the parties.

Section 4. Income Support Units Reorganization

- a.** An employee in the title of Eligibility Specialist Level III who is assigned on a regular basis to perform duties of an Assistant to the Supervisor in a restructured Undercare group in an Income Support Center *operating under the caseload system* shall assist Supervisor in reviewing processes actions (e.g. recertifications, emergency grants and budgeting of income); assist in monitoring timely completion of actions (e.g. recertifications, referrals from Homeless Diversion Teams and Fair Hearings); assist in tracking of actions returned to staff for correction and timely completion; and assist in training.
- b.** An employee in the title of Eligibility Specialist Level III while assigned on a regular basis to perform duties of an Assistant to the Supervisor in a restructured Undercare group in an Income Support Center operating under the caseload system shall not be assigned or required to perform more than thirty (30) face-to-face recertifications per month; shall not be required evaluate subordinate staff, handle disciplinary matters or sign off on time sheets; and shall not be assigned to perform the duties of an "E-Worker."
- c.**
- i.** A labor/management committee shall meet regularly to discuss and resolve issues related to the implementation of the income support reorganization.
- ii.** Should the combined monthly number of recertifications and applications performed by ES IIIs in the restructured Undercare units increase beyond the thirty-six (36) face-to-face recertifications performed by ES IIIs under the current Undercare structure, the parties shall reopen discussions regarding impact.
- iii.** The union may ask for a review by the Deputy Commissioner for Income Support Operations of assignments to Assistant to Supervisor positions which appear arbitrary but such review shall not be subject to the grievance/arbitration procedures.
- iv.** HRA shall provide the union with monthly statistics on recertifications and applications performed by ES IIIs.
- v.** Any issues concerning the application of the Quarterly Reporting System ("QRS") will be referred to center-based labor/management committees.
- d.** The provisions of this Section 4 may be modified by the mutual written consent of the parties.

ARTICLE XXII - SPECIAL PROVISIONS APPLICABLE TO EMPLOYEES IN THE DEPARTMENT OF SOCIAL SERVICES

Section 1. Hours and Schedules

- a.** One full uninterrupted duty free hour shall be allowed for lunch for all employees except in emergencies. Authorized and ordered time worked during the lunch hour under emergencies shall be considered time worked. Such authorizations shall be in writing.
- b.** The Department, when administratively possible, shall grant an alternate work schedule to an employee who requests such schedule for good and sufficient reason. The decision on such request shall be made by the agency head or his designee. Rejection of such request shall be subject to the grievance machinery.
- c.** In the scheduling of vacations pursuant and subject to established vacation policy and procedures, all authorized vacation picks for employees shall be by seniority in Civil Service title, including all uninterrupted provisional and temporary time. Choice for employees assigned to work units which require unit-wide coverage shall be determined by title seniority among employees in the respective unit. Choice for employees assigned to work units which require location-wide coverage shall be determined by title seniority among employees in the respective locations. Choice for employees assigned to work units which required broader coverage shall be determined by title seniority among affected employees.
- d.** When an employee is ordered to report to Central Office or any other location at any time other than

his regular duty hours, such time spent shall be considered time worked.

Section 2. Personnel Practices

New employees and employees returning from leave-without-pay status who are not paid on the first pay day after their appointment shall, upon request, receive an advance each pay day in an amount equal to the amount specified in Procedure DSS 7235, as amended.

Section 3. Transportation and Reimbursement

Employees shall be reimbursed for actual expense for transportation in the field, on bus, subway, or elevated lines over the fastest route of such transportation when the distance to be traveled by any mode is six city blocks or the equivalent.

Section 4. Union Management Relations

- a.** The agency will make known and deliver to the Union prior to implementation all written statements or policy or procedure applicable to employees covered by this Agreement.
- b.** Upon request to the chief administrative officer of a Department of Social Services work location, the Union Chapter shall be permitted to meet within the location during the lunch hour provided that facilities for such a meeting are available without curtailing or disrupting ongoing activities. Union officials may attend such meetings.
- c.** The Department will grant super-seniority in all involuntary transfers to one duly designated and registered Union representative in each work location in the Department, except the Bureau of Medical Assistance at 330 West 34th Street where five such representatives shall be granted such super-seniority, one of whom shall be designated as Chief Union Representative. For the purposes of this Section 4, a work location shall be defined as a Bureau, Division, Social Service Center, or other premises used by the Department where more than twentyfive (25) employees work.
- d.** The Department will provide the Union with a seniority list every three (3) months for all employees covered by this Contract.

Section 5. Transfer of Personnel

a. DEFINITIONS OF TERMS USED IN THIS SECTION:

- i. TRANSFER:** The term "transfer" shall mean the shifting of an employee from one Bureau, Division, Social Service Center or other premises used by the Department of Social Services to another, without any significant change in duties, responsibilities and remuneration, except that no initial assignment of newly appointed employees, after an initial period of training, shall be a transfer.
- ii. SENIORITY:** The term "seniority" shall mean an employee's service in his present permanent title, including uninterrupted provisional service and temporary Civil Service. However, provisional employees in the same title shall have secondary seniority in title based on length of service in that title.
- iii. HARDSHIP:** The term "hardship" shall mean an undue burden to an employee resulting from a proposed involuntary transfer which results in:
- (1) An increase in travel time to fifty-five (55) minutes or more if the employee is a City resident;
 - (2) An increase in travel time to one and one-quarter (1-1/4) hours or more if the employee is not a City resident;
 - (3) Serious family problems, personal and/or medical.
- iv. TRAVEL TIME:** The term "travel time" shall mean running time established by the Transit Authority and/or any private carrier.
- v. VOLUNTARY TRANSFER REQUEST LIST:** The term "voluntary transfer request list" shall mean a list maintained by the Department of Social Services of all requests for transfers made by employees. All voluntary transfer requests shall expire at the end of the calendar year except for those submitted in the last three (3) months of the year. The requests shall remain in effect during the following calendar year.
- vi. NORMAL TRANSFER:** The term "normal transfer" shall mean a transfer which is made on a routine basis to meet normal staffing requirements.
- vii. NEW LOCATION TRANSFER:** The term "new location transfer" shall mean a transfer which is made to staff a new location which may be utilized by the Employer for the delivery of service.
- viii. REORGANIZATION TRANSFER:** The term "reorganization transfer" shall mean a transfer which is made pursuant to the

reorganization of the Department of Social Services to effectuate the separation of social service functions from income maintenance functions or any other reorganization.

- b. TRANSFER PROCEDURES:** When the Employer decides it is necessary to transfer employees in any title into or out of a particular work location or locations, such transfers shall be made in accordance with the following provisions:
- i. NORMAL TRANSFERS:** The following order of priority for normal transfers shall be followed, provided that the Employer may establish requirements limited to specialized skills or specialized training:
- (1) **Voluntary Transfers:**
 - (a) Employees from the voluntary transfer request list in order of date of submission of transfer requests.
 - (b) Any additional volunteers in seniority order.
 - (2) **Involuntary Transfers:**
 - (a) Non-volunteers by inverse order of seniority, except employees who fall within the subsections (b) through (f) below, shall for purposes of this Section 5(b)(2), be the last to be involuntarily transferred. If employees who fall within subsections (b) through (f) below are transferred involuntarily they shall be transferred in the order of subsections (b) through (f) below.
 - (b) Employees under extended probation or special evaluatory supervision who have received written notice of such status.
 - (c) Travel hardship cases.
 - (d) Employees with less than six (6) months of service in a title.
 - (e) Employees who have been transferred twice within the past twelve (12) months.
 - (f) Medical and personal hardships.
- ii. NEW LOCATION TRANSFERS:** When the Employer decides it is necessary to open a new location and transfer employees to such location, the following procedure shall be followed:
- (1) Volunteers shall be solicited to fill vacancies provided that the Employer may establish requirements for such vacancies limited to time-in-service, and specialized skills or specialized training. Volunteers meeting the requirements, if any, shall be transferred in order of seniority.
 - (2) If the Employer is unable to adequately staff a new location pursuant to Section 5(b)(ii)(1) above, the remaining vacancies shall be filled pursuant to the involuntary transfer provisions of Section 5(b)(i)(2) provided that the Employer may establish requirements for such vacancies limited to time-in-service, and specialized skills or specialized training.
- iii. REORGANIZATION TRANSFERS:** Priority to remain in the location shall be granted first to employees who have been involuntarily transferred twice within the past twelve (12) months. Secondary priority to remain in the location will be granted to other employees in seniority order.
- (1) Employees who are to be transferred shall be given a list of vacancies which are to be filled. The Employer may establish requirements for certain vacancies limited to time-in-service, and specialized skills or specialized training. The employees shall have the right in seniority order to select any such vacancy for which he meets the requirements, if any.
 - (2) Transfers made according to the provisions of this Section 5(b)(iii), entitled Reorganization Transfers, shall take precedence over the voluntary transfer request list provided for in Section 5(b)(i)(1)(a), entitled Normal Transfers.
- c. LIMITATIONS:**
- i.** The Employer shall grant normal transfers from the voluntary transfer request list on a regular routine basis. Such transfers may not be granted to

employees falling within the priority categories listed in Sections 5(b)(i)(2)(b), 5(b)(i)(2)(d) and 5(b)(i)(2)(f). Notwithstanding the preceding limitations, employees who have been involuntarily transferred twice within the last twelve (12) months may be granted a voluntary transfer.

- ii. The employer shall have the right to transfer an employee on an emergency basis for not more than fifteen (15) working days.
- iii. Transfers for medical reasons which are certified by the Medical Welfare Administrator shall not be subject to the provisions of this Article.
- iv. The Employer shall not transfer any employee as a penalty without the presentation of charges in accordance with established disciplinary procedures.
- v. Travel hardship cases shall be judged by the Department of Social Services based upon the employees last official address on file with the Department's personnel bureau. Employees notifying the Department's personnel bureau of a change in address shall receive a receipt attesting to the fact that they have filed the necessary changes.
- vi. Not less than once every two (2) weeks, the Employer shall furnish to the Union a list of all vacancies filled by transfer or promotions since the previous list.
- vii. Employees to be transferred involuntarily, pursuant to Section 5(b)(i) (Normal Transfer) or Section 5(b)(ii) (New Location Transfers) shall be given a list of vacancies which are to be filled. The Employer may establish requirements for certain vacancies limited to time-in-service, and specialized skills or specialized training. The employee shall have the right, in seniority order to select any such vacancy for which he/she meets the requirements, if any.
- viii. In the event that claimed hardship is invalidated or disallowed by the Employer the matter shall be subject to the grievance procedure directly to Step II or, at the option of the Union, directly to arbitration.

ARTICLE XXIII - SPECIAL PROVISIONS APPLICABLE TO THE POLICE DEPARTMENT

Section 1.

Vacation picks shall be offered to employees in order of their seniority in title.

Section 2.

The parties agree that if the Police Commissioner requires a uniform to be worn by the Police Administrative Aides and Senior Police Administrative Aides the parties shall re-open this Agreement solely as to this matter.

Section 3.

At the work location, where lockers and space are available, the Department will furnish lockers to civilians. It may be necessary that more than one person be assigned to a locker. Subsequently, should any of the lockers so assigned be required for police officers, they will be relinquished. This decision will be made by the unit commander or supervisor, but such decision shall not be made arbitrarily or capriciously.

Section 4.

The Police Department will supply to the Union all changes in the Patrol Guide.

Section 5.

Seniority shall be a factor to be weighted together with other factors usually considered in filling vacancies, making schedules, and determining assignments.

ARTICLE XXIV - SPECIAL PROVISIONS APPLICABLE TO THE HEALTH AND HOSPITALS CORPORATION

{Not applicable to "Enrollment Sales Representative" title series}

Section 1.

Sick Leave shall be used only for personal illness, injury or disability of the employee or for the purpose of securing medical or dental treatment. In this connection any visit by an employee to the Employees Health Service or clinics except for an emergency shall be charged to sick leave; a visit for an emergency shall not be charged to sick leave.

Section 2.

When an employee is required by the institution to wear a uniform or smock, the institution shall provide the employee with three (3) such uniforms or smocks per year.

Section 3. - TRANSFER POLICY:

a. POSTING:

At least five (5) working days prior to the filling of a vacancy which the institution or central office location is authorized to fill and decides to fill, notice of such vacancy shall be posted on the

bulletin board and a copy of such posting given to the local Union representative of that institution or central office location. The posting shall include a functional job description and may include specialized skills or knowledge not inconsistent with the job specifications. The vacancy shall be for specific hours and work days if so stated but in no event shall such work schedule be considered permanent.

Within five (5) working days of the posting of such notice, any qualified employee wishing to volunteer for such vacancy shall submit a written memorandum to the Personnel Director of the institution or central office location where the vacancy occurs, stating name, title, present position, length of time on staff and in a brief statement any other data which he/she believes to be relevant.

b. SENIORITY:

The term seniority as used in this Article shall mean an employee's service in his/her present permanent title, including uninterrupted provisional service and temporary Civil Service. However, provisional employees with more than one year of service in the title shall have secondary seniority in title based on length of service in the title. Secondary seniority shall mean that after consideration is given to permanent per annum employees who voluntarily request transfer between hospitals, change of shift, or change of work week schedule, consideration shall be given to provisional employees with more than one year of service who voluntarily request transfer between hospitals, change of shift or change of work week schedule.

c. CHANGE OF WORK WEEK SCHEDULE WITHIN A UNIT:

i. Any vacancy resulting from the filling of the posted vacancy shall be filled by means to be determined by the institution, consistent with applicable law and Health and Hospitals Corporation Personnel Rules and Regulations. This subsection is applicable where all of the following conditions exist and is to be utilized for the filling of the posted vacancy.

- (1) A unit of clerical-administrative employees provides coverage for two or more distinct work week schedules (i.e. days of the week) and where a rotation schedule is not used.
- (2) A vacancy which the institution is authorized to fill and decides to fill occurs on one of the work week schedules within the unit and is posted.
- (3) A clerical-administrative employee in the unit in the same title as the vacancy and on a different work week schedule from the vacancy, requests to fill that vacancy on the different work week schedule.
- (4) An employee who is on his/her probationary period following permanent appointment from the Civil Service list or a provisional employee with less than one year of service in his/her current title shall not covered by the provisions of this Section 3(c).

ii. If applications are received from employees with a satisfactory work record within the unit in the title to be filled on another work week schedule, and the applicants are found to be qualified, the most senior qualified applicant shall have his/her work week schedule changed to the one noted in the vacancy posting; however, if changes are directed out of seniority such changes shall not be arbitrary and capricious. Qualifications may include specialized skills or knowledge not inconsistent with the job specifications.

d. TRANSFERS BETWEEN HOSPITALS:

When a vacancy is to be filled by voluntary transfer between hospitals, it shall be made on the basis of greatest seniority in the hospital or other work location from among per annum employees in the same title as the vacancy who are qualified. Involuntary transfers shall be made on the basis of least seniority within a hospital. However, if transfers are directed out of seniority such transfers should not be arbitrary and capricious. Any complaint with respect to such transfers shall constitute a grievance subject to the grievance procedure under this Contract.

An employee who is on his/her probationary period following permanent appointment from the Civil Service list or a provisional employee with less than one year of service in his/her current title shall not be covered by the provisions of this Section 3(d).

e. CHANGE OF TOUR WITHIN A UNIT:

i. This Section is applicable where all of the following conditions exist and is to be utilized only for the filling of the posted

vacancy. Any vacancy resulting from the filling of the posted vacancy shall be filled by means to be determined by the institution, consistent with applicable law and Health and Hospitals Corporation Personnel Rules and Regulations.

- (1) A unit of clerical-administrative employees provides coverage for two or more tours (i.e., day, evening, night tours) and where a rotation schedule is not used.
- (2) A vacancy which the agency is authorized to fill and decides to fill occurs on one of the tours within the unit and is posted.
- (3) A clerical-administrative employee in the unit in the same title as the vacancy and on a different tour from the one noted in the vacancy posting, requests to fill that vacancy on the different tour.
- (4) An employee who is on his/her probationary period following permanent appointment from the Civil Service list or a provisional employee with less than one year of service in his/her current title shall not be covered by the provisions of this Section 3(e).

ii. If applications are received from employees with a satisfactory work record within the unit in the title to be filled who are on another tour, and the applicants are found to be qualified, the most senior qualified applicants shall have his/her tour changed to the one noted in the vacancy posting; however, if changes are directed out of seniority, such changes shall not be arbitrary and capricious. Qualifications may include specialized skills or knowledge not inconsistent with the job specifications.

Section 4.

In the event that an employee is subject to undue hardship as a result of a payroll error of one week or more shortage solely the fault of the Employer, an attempt will be made to provide an advance pay order to alleviate the hardship.

Section 5.

During the peak vacation period as defined in Article V, Section 2(b) of the *Citywide Agreement*, seniority shall be the governing factor in determining vacations picks.

ARTICLE XXV - SPECIAL PROVISIONS APPLICABLE TO THE DEPARTMENT OF SANITATION

Seniority shall be a consideration with other factors to be considered (such as, but not limited to, location and availability of personnel) in the scheduling of vacations, the filling of vacancies that the Department of Sanitation has decided to fill and has the authority to fill, and the selection of employees for work shift assignments.

WHEREFORE, we have hereunto set our hands and seals this 13th day of April, 2012.

FOR THE CITY OF NEW YORK AND RELATED PUBLIC EMPLOYERS AS DEFINED HEREIN:

BY: _____/S/ **JAMES F. HANLEY**
Commissioner of Labor Relations

FOR DISTRICT COUNCIL 37, AFSCME, AFLCIO:
BY: _____/S/ **LILLIAN ROBERTS**
Executive Director

FOR THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION:

BY: _____/S/ **SALVATORE J. RUSSO**
Senior Vice President and General Counsel

APPROVED AS TO FORM:

BY: _____/S/ **PAUL T. REPHEN**
Acting Corporation Counsel

DATE SUBMITTED TO THE FINANCIAL CONTROL BOARD: _____, _____

UNIT: 2008-2010 Clerical Agreement

TERM: March 3, 2008 – March 2, 2010

Appendix A

Longevity Increment Eligibility Rules

The following rules shall govern the eligibility of employees for the longevity increments provided for in Article III, Section 11 of the *2008-2010 Clerical Agreement*:

- 1. Only service in pay status shall be used to calculate the 15 years of service, except that for other than full time per annum employees only a continuous year of service in pay status shall be used to calculate the 15 years of service. A continuous year of service shall be a full year of service without a break of more than 31 days. Where the regular and customary work year for a title is less than a twelve month year, such as a school year, such regular and customary year shall be credited as a continuous year of service counting towards the 15 years of service. If the normal work year for an employee is less than the regular and customary work year for the employee's title, it shall be counted as a

continuous year of service if the employee has customarily worked that length work year and the applicable agency verifies that information.

2. Service in pay status prior to any breaks in service of more than one year shall not be used to calculate the 15 years of service. Where an employee has less than seven years of continuous service in pay status, breaks in service of less than one year shall be aggregated. Where breaks in service aggregate to more than one year they shall be treated as a break in service of more than one year and the service prior to such breaks and the aggregated breaks shall not be used to calculate the 15 years of service. No break used to disqualify service shall be used more than once.

3. The following time in which an employee is not in pay status shall not constitute a break in service as specified in paragraph 2 above:

- a. Time on a leave approved by the proper authority which is consistent with the Personnel Rules and Regulations of the City of New York or the appropriate personnel authority of a covered organization.
b. Time prior to a reinstatement.
c. Time on a preferred list pursuant to Civil Service Law Sections 80 and 81 or any similar contractual provision.
d. Time not in pay status of 31 days or less.
c. Notwithstanding the above, such time as specified in subsections a, b and c above shall not be used to calculate the 15 years of service.

4. Once an employee has completed the 15 years of "City" service in pay status and is eligible to receive the \$800 longevity increment, the \$800 shall become part of the employee's base rate for all purposes except as provided in paragraph 5 below.

5. The \$800 longevity increment shall not become pensionable until fifteen months after the employee begins to receive such \$800 increment. Fifteen months after the employee begins to receive the \$800 longevity increment, such \$800 longevity increment shall become pensionable and as part of the employee's base rate, the \$800 longevity increment shall be subject to the general increases provided in Article III, Section 4(a) of this Agreement.

Appendix B

The following rules shall govern the eligibility of Employees for the Recurring Increment Payment ("RIP") provided for in Article III, Section 12 of the 2008-2010 Clerical Agreement.

- 1. Only service in pay status shall be used to calculate the qualifying years of service. A continuous year of service shall be a full year of service without a break of more than 31 days. Where the regular and customary work year for a title is less than a twelve month year, such as a school year, such regular and customary year shall be credited as a continuous year of service counting towards the qualifying years of service. If the normal work year for an employee is less than the regular and customary work year for the employee's title, it shall be counted as a continuous year of service if the employee has customarily worked that length work year and the applicable agency verifies that information.
2. Part-time employees shall be ineligible to receive RIPs, but prior part-time service shall be credited to full-time employees on a pro rata basis, provided all other terms and conditions set forth herein are met.
a. An employee must have regularly worked at least one half the regular hours of full time employees in the same title or if no full-time equivalent title exists then at least 17-1/2 hours for white collar positions or 20 hours for blue collar positions.

b. Such part time service shall be prorated by dividing the number of hours worked per week by a part-time employee by the number of hours worked per week by a full-time employee in the same title. If no full-time equivalent title exists then the divisor shall be 35 hours for white collar positions or 40 hours for blue collar positions.

3. Service in pay status prior to a break in service of more than one year shall not be used to calculate the qualifying years of service.

4. The following time in which an Employee is not in pay status shall not constitute a break in service, but such time shall not be used to calculate the qualifying years of service:

- a. time on a leave approved by the proper authority which is consistent with the Personnel Rules and Regulations of the City of New York or the appropriate personnel authority of a covered organization,
b. time prior to a reinstatement,
c. time on a preferred or recall list, and
d. time not in pay status of 31 days or less.

5. RIPs shall be considered a salary adjustment for the purposes of Article III, Section 1(d) of this Agreement and the maximum salary of an eligible title shall not constitute a bar to the payment thereof.

6. Once an Employee has qualified for a RIP and is receiving it, the RIP shall become part of the Employee's base rate and included in calculating all salary based payments, except as provided in paragraph 7 below. Any future negotiated general increases shall be applied to RIPs.

7. A RIP shall not become pensionable until two years after the Employee begins to receive such RIP.

CHANGES IN PERSONNEL

OFFICE OF THE MAYOR FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Office of the Mayor.

BOARD OF ELECTION FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Board of Election.

CAMPAIGN FINANCE BOARD FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Campaign Finance Board.

OFFICE OF THE ACTUARY FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Office of the Actuary.

NYC EMPLOYEES RETIREMENT SYS FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for NYC Employees Retirement System.

PRESIDENT BOROUGH OF MANHATTAN FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for President Borough of Manhattan.

BOROUGH PRESIDENT-BROOKLYN FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Borough President-Brooklyn.

LATE NOTICE

ECONOMIC DEVELOPMENT CORPORATION

CONTRACTS

SOLICITATIONS

Goods & Services

CIVIC CENTER BUILDING SALES RFP - Request for Proposals - PIN# 4941-00 - DUE 07-31-12 AT 4:00 P.M. - New York City Economic Development Corporation ("NYCEDC") is issuing a request for proposals ("RFP") for the disposition of three City-owned office buildings in Lower Manhattan.

- 22 Reade Street (Block 154, part of Lot 23)
346 Broadway (Block 170, Lot 6)
49-51 Chambers Street (Block 153, Lot 1)

This RFP is part of a broader initiative announced by Mayor Bloomberg to reduce the amount of City government-occupied office space by 1.2 million square feet by 2014. Each Property is currently occupied primarily by City agencies and affiliated not-for-profit organizations.

Successful proposals will demonstrate the respondent's financial capacity and ability to successfully close the transaction; offer an expedited redevelopment timeline to convert the Properties to their optimal utility; and meet the following goals:

- Compensate the City for the full value of the Properties;
Support the economic growth and continuing revitalization of Lower Manhattan;
Create construction and permanent jobs through redevelopment; and
Enhance the growth of the City's tax base by transferring the Properties from public to private ownership.

NYCEDC expects to close on each disposition before the Properties are fully vacant. As a result, the City will lease each Property back from the selected respondent(s) for the period from the date of the closing through full vacancy of the Property(s) (the "Pre-Vacancy Period").

Each disposition will be structured as a distinct transaction. Respondents may submit proposals for any or all of the Properties.

NYCEDC plans to select a respondent(s) on the basis of factors stated in the RFP which include, but are not limited to: purchase price, lease terms and respondent team qualifications.

Companies who have been certified with the New York City Department of Small Business Services as Minority and Women Owned Business Enterprises ("M/WBE") are strongly encouraged to apply. To learn more about M/WBE certification and NYCEDC's M/WBE program, please visit www.nycedc.com/opportunitymwd.

Respondents may submit questions and/or requests clarification from NYCEDC no later than 4:00 P.M. on Monday, July 9, 2012. Questions regarding the subject matter of this RFP should be directed to CivicCenterProperties@nycedc.com.

Detailed submission guidelines and requirements are outlined in the RFP, available as of Monday, April 23, 2012. The RFP is available for in-person pick-up between 9:30 A.M. and 4:30 P.M., Monday through Friday, from NYCEDC.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Economic Development Corp., 110 William Street, 6th Floor, New York, NY 10038. Maryann Catalano (212) 312-3969; Fax: (212) 312-3918; CivicCenterProperties@nycedc.com