



# THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD U.S.P.S. 0114-660  
Printed on paper containing 30% post-consumer material

VOLUME CXLIV NUMBER 152

TUESDAY, AUGUST 8, 2017

Price: \$4.00

## TABLE OF CONTENTS

### PUBLIC HEARINGS AND MEETINGS

City Planning Commission . . . . .	4767
Community Boards . . . . .	4785
Environmental Protection . . . . .	4786
Franchise and Concession Review Committee . . . . .	4786
Landmarks Preservation Commission . .	4786
Board of Standards and Appeals . . . . .	4788

### PROPERTY DISPOSITION

Citywide Administrative Services . . . . .	4789
Office of Citywide Procurement . . . . .	4789
Housing Preservation and Development	4789
Police . . . . .	4790

### PROCUREMENT

Administration for Children's Services . .	4790
Office of Procurement . . . . .	4791

Correction . . . . .	4791
Central Office of Procurement . . . . .	4791
Environmental Protection . . . . .	4791
Agency Chief Contracting Office . . . . .	4791
Information Technology and Telecommunications . . . . .	4791
Contracts and Procurement . . . . .	4791
Office of Labor Relations . . . . .	4792
NYC Health + Hospitals . . . . .	4792
Parks and Recreation . . . . .	4792
Capital Projects . . . . .	4792
Contracts . . . . .	4792
Transportation . . . . .	4793
Staten Island Ferry . . . . .	4793
Youth and Community Development . . .	4793
Procurement . . . . .	4793
<b>SPECIAL MATERIALS</b>	
Office of Labor Relations . . . . .	4793
Changes in Personnel . . . . .	4803

## THE CITY RECORD

**BILL DE BLASIO**  
Mayor

**LISETTE CAMILO**  
Commissioner, Department of Citywide  
Administrative Services

**ELI BLACHMAN**  
Editor, The City Record

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

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

Editorial Office/Subscription Changes:  
The City Record, 1 Centre Street, 17th Floor,  
New York, N.Y. 10007-1602 (212) 386-0055

Visit The New City Record Online (CROL)  
at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord) for a  
searchable database of all notices published  
in the City Record.

## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## 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 Silberman School of Social Work at Hunter College, 2180 Third Avenue, New York, NY, 10035, on Wednesday, August 9, 2017, at 10:00 A.M.



## BOROUGH OF THE BRONX

### No. 1 WESTCHESTER AVENUE BRIDGE

**CDs 10, 11** **C 160253 MMX**  
**IN THE MATTER OF** an application, submitted by The New York City Department of Transportation, Division of Bridges, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the modification of legal grades on Westchester Avenue between Waters Place and Hutchinson River Parkway East Service Road, in accordance with Map No. 13139 dated March 2, 2017 and signed by the Borough President.

### Nos. 2 & 3 SPECIAL HARLEM RIVER WATERFRONT DISTRICT EXPANSION

**No. 2** **C 170413 ZMX**  
**CD 1**  
**IN THE MATTER OF** an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

- eliminating a Special Mixed Use District (MX-1) from property bounded by Park Avenue and its southwesterly centerline prolongation, East 135<sup>th</sup> Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line; and
- establishing a Special Harlem River Waterfront District (HRW) bounded by Park Avenue and its southwesterly centerline prolongation, East 135<sup>th</sup> Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line;

as shown on a diagram (for illustrative purposes only) dated June 5, 2017.

No. 3

CD 1 N 170414 ZRX

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District.

Matter underlined is new, to be added; Matter ~~struck out~~ is to be deleted; Matter within # # is defined in Section 12-10, 62-11, 64-11 and/or 87-01; \* \* \* indicates where unchanged text appears in the Zoning Resolution

ARTICLE I GENERAL PROVISIONS

Chapter 4 Sidewalk Cafe Regulations

\* \* \*

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

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

\* \* \*

Table with 3 columns: District Name, #Enclosed Sidewalk Cafe#, #Unenclosed Sidewalk Cafe#. Rows include The Bronx, City Island District, and Harlem River Waterfront District.

\* \* \*

ARTICLE II RESIDENCE DISTRICT REGULATIONS

Chapter 3 Residential Bulk Regulations in Residence Districts

\* \* \*

23-00 APPLICABILITY AND GENERAL PURPOSES

23-01 Applicability of This Chapter

\* \* \*

23-011 Quality Housing Program

\* \* \*

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

(1) Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments);

(2) Special Purpose Districts However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

\* \* \*

- #Special Grand Concourse Preservation District#; #Special Harlem River Waterfront District#; #Special Limited Commercial District#;

\* \* \*

ARTICLE VI SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2 Special Regulations Applying in the Waterfront Area

\* \* \*

62-90 WATERFRONT ACCESS PLANS

\* \* \*

62-92 Borough of The Bronx

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

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-6070 (HARLEM RIVER WATERFRONT ACCESS PLAN).

\* \* \*

[NOTE: Section titles and provisions in the following Chapter may reflect the proposed text amendment, Lower Concourse North Rezoning (ULURP No. N 170312 ZRX, certified 3/20/2017).]

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 7 Special Harlem River Waterfront District

87-00 GENERAL PURPOSES

The "Special Harlem River Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

\* \* \*

- (f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas... (g) to enhance neighborhood economic diversity by broadening the range of housing choices... (h) encourage investment in mixed residential and industrial neighborhoods... (i) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront and thus conserve the value of land and buildings and thereby protect City tax revenues.

87-01 Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 62-11 or 64-11, or within this Section.

[NOTE: The definition of "ground floor level," moved from 87-10 (SPECIAL USE REGULATIONS) and amended]

Ground floor level

As used in this Section, The "ground floor level" shall mean the finished floor level of a the first #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#, or the finished floor level of the #lowest occupiable floor# pursuant to the provisions of Section 64-21 (Ground Floor Use), whichever is lower.

Parcel 1 building line

\* \* \*

[NOTE: The following terms are already defined in Section 62-11 (Definitions)]

Shore public walkway

A "shore public walkway" is a linear public access area running alongside the shore or water edges of a #platform#, as defined in Section 62-11, on a #waterfront zoning lot#.

Supplemental public access area

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

A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.

Upland connection

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

accessible public place:

Visual corridor

A “visual corridor” is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, public mapped parkland or other public place:

Waterfront block or waterfront zoning lot

A “waterfront block” or “waterfront zoning lot” is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:

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

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

Waterfront public access area

A “waterfront public access area” is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or, as defined in Section 62-11, a public access area on a #pier# or #floating structure#.

87-02  
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control, except as specifically modified in this Chapter. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

[NOTE: The Article VI, Chapter 4 applicability provision, moved to Section 87-043]

87-03  
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into two Subdistricts comprised of parcels that consisting of tax blocks and lots as established on June 30, 2009, as follows:

Core Subdistrict - tax blocks and lots existing on June 30, 2009

- Parcel 1: Block 2349, Lot 112
- Parcel 2: Block 2349, Lot 100 (that portion not mapped as parkland\* in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President)
- Parcel 3: Block 2349, Lots 46, 47, 146
- Parcel 4: Block 2349, Lot 38
- Parcel 5: Block 2349, Lots 15, 20
- Parcel 6: Block 2349, Lots 3, 4
- Parcel 7: Block 2323, Lot 43
- Parcel 8: Block 2323, Lot 28
- Parcel 9: Block 2323, Lots 5, 13, 18

[NOTE: The following North Subdistrict provisions are currently under review as part of Lower Concourse North Rezoning, N 1700312 ZRX, certified 3/20/2017]

[North Subdistrict - tax blocks and lots existing on [date of adoption]]

- Parcel 10: Block 2539, Lot 1, portion of Lots 2, 3  
Block 2356, Lots 2, 72 and tentative Lot 102  
(existing on [date of adoption])

South Subdistrict - tax blocks and lots existing on [date of adoption]

- Parcel 11: Block 2319, Lot 55
- Parcel 12: Block 2319, Lot 60
- Parcel 13: Block 2319, Lots 37 and 155
- Parcel 14: Block 2319, Lot 98
- Parcel 15: Block 2319, Lot 99
- Parcel 16: Block 2319, Lots 100 and 108
- Parcel 17: Block 2319, Lot 109
- Parcel 18: Block 2319, Lot 112
- Parcel 19: Block 2319, Lot 2
- Parcel 20: Block 2316, Lots 1 and 35
- Parcel 21: Block 2319, Lot 200

The District Plan includes the following maps:

- Map 1. (Special Harlem River Waterfront District, Subdistricts and Parcels)
- Map 2. (Designated Non-residential Use Locations)
- Map 3. (Waterfront Access Plan: Public Access Elements)
- Map 4. (Waterfront Access Plan: Designated Visual Corridors)

\*— in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President

87-04  
Applicability of Article VI, Chapter 2 District Regulations

[NOTE: Existing provisions, moved to 87-042 and modified]

87-041  
Applicability of the Quality Housing Program

In the #Special Harlem River Waterfront District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

87-042  
Applicability of Article VI, Chapter 2

[NOTE: Existing provisions, moved from Section 87-04 and modified.]

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified by the provisions of this Chapter.

[NOTE: Existing provisions, moved from Section 87-65 and modified.]

For the purpose of applying the provisions of Article VI, Chapter 2, Parcels 1, 2, 3 and 4 within the Core Subdistrict, and any parcels having a boundary within 40 feet of a #shoreline# within the South Subdistrict, as shown on Map 1 (Special Harlem River Waterfront District, Subdistricts and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009 for the Core Subdistrict, and after [date of adoption] for the South Subdistrict.

87-043  
Applicability of Article VI, Chapter 4

[NOTE: Existing provisions, moved from Section 87-02 and modified]

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control, except as modified by the provisions of this Chapter.

84-044  
Applicability of Article XII, Chapter 3

Within the South Subdistrict, for M1 Districts mapped with a Residence District#, the provisions of Article XII, Chapter 3 (Special Mixed Use District) for #waterfront blocks# shall apply, except as modified in this Chapter. In the event of a conflict between the provisions of Article XII, Chapter 3 and this Chapter, the provisions of this Chapter shall control.

87-045  
Applicability of Inclusionary Housing Program

[NOTE: Existing Inclusionary Housing applicability provision, moved from Section 87-20 and modified.]

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the Core

Subdistrict, as shown on Map 1 in the Appendix to this Chapter, shall be an #Inclusionary Housing designated area#.

87-05  
Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 in the Core Subdistrict after June 30, 2009, and on any Parcel in the South Subdistrict after [date of adoption], as shown on Map 1 in the Appendix to this Chapter, after June 30, 2009; the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all #use# and #bulk# #floor area# regulations of this Zoning Resolution.

87-10  
SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified in Sections 87-11 through 87-24 by the provisions of this Section, inclusive.

As used in this Section, "ground floor level" shall mean the finished floor level of a #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.

[NOTE: the definition of "ground floor level" moved to 87-01 and amended.]

87-11  
Vehicle Storage Establishments  
Use Regulations within the Core Subdistrict

[NOTE: Existing Section 87-11 provisions, moved to Section 87-111]

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-111  
Vehicle storage establishments

[NOTE: Existing provisions, moved from Section 87-11 and cross-references are updated]

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in Use Group 16C shall be a permitted #use# on Parcel 5, as shown on Map 1 in the Appendix to this Chapter, provided that:

- (a) such #use# is the primary #use# on the parcel;
- (b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and
- (c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-6471 (Special Public Access Provisions by Parcel).

The streetscape provisions of Section 87-1341, inclusive, the maximum width of establishment provisions of Section 87-23 and the special height and setback regulations of Section 87-3032, inclusive, shall not apply to such #use#. In lieu thereof, the applicable height and setback provisions of Article VI, Chapter 2 shall apply.

87-112  
Location of Commercial Space

[NOTE: Existing provisions, moved from Section 87-12]

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located directly over any #residential use#. However, such #commercial uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

87-12  
Location of Commercial Space  
Use Regulations in the North Subdistrict

[NOTE: Existing provisions, moved to Section 87-112]

[NOTE: This section would contain special use provisions proposed by Lower Concourse North Rezoning]

87-13  
Streetscape Regulations

[NOTE: Existing provisions, moved to Section 87-40]

87-14  
Location of Underground Uses

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.

87-20  
SPECIAL FLOOR AREA REGULATIONS

The applicable #floor area# regulations of the underlying districts, of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), or of Article XII, Chapter 3 (Special Mixed Use District), are modified by the provisions of this Section, inclusive.

[NOTE: The following provisions, moved to Section 87-045]

The #Special Harlem River Waterfront District# shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.

87-21  
Special Residential Floor Area Regulations –  
Floor Area Regulations in the Core Subdistrict

[NOTE: Existing provisions, moved to Section 87-211]

The provisions of this Section, inclusive, shall apply to #developments# and #enlargements# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-211  
Special Floor Area Regulations

[NOTE: Existing floor area ratio (FAR) provisions for mixed buildings, moved from Section 87-21 and amended]

The base maximum #floor area ratio# for any #zoning lots# containing only #residences residential uses#, or #residential uses# and #community facility# or #commercial uses# shall be 3.0. Such base maximum #floor area ratio# may be increased to a maximum of 4.0 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING) paragraph (b) of Section 23-154 (Inclusionary Housing). The maximum #floor area ratio# for #affordable independent residences for seniors# shall be 4.0, except that the height and setback regulations of Sections 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

[NOTE: the above height and setback applicability provisions, moved to Section 87-30]

87-212  
Special floor area requirement for certain commercial uses

[NOTE: Existing special floor area provisions, moved from Section 87-22]

- (a) For each square foot of #commercial floor area# in a #building# occupied by the #uses# listed in paragraph (a)(1) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial floor area# shall be provided from #uses# listed in paragraph (a)(2) of this Section.

\* \* \*

87-213  
Location of building entrances

[NOTE: Existing provisions, moved from 87-24]

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, the main front entrance of at least one #building# on each Parcel, as the term "main front entrance" is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

- (a) on Parcel 1, located no less than 120 feet from 149th Street;
- (b) (a) on Parcel 2, located no less than 95 feet from a mapped parkland; and
- (c) (b) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

87-22  
Special Retail Floor Area Requirement

[NOTE: Existing provisions moved to Section 87-212]

87-23  
Maximum Width of Establishments

[NOTE: Existing requirements for commercial and community facility would be eliminated and be replaced with provisions of Section 87-40]

On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.

87-24

*Location of Building Entrances*

[NOTE: Existing 87-24 provisions, moved to 87-213]

87-30

**SPECIAL HEIGHT AND SETBACK AND OTHER BULK REGULATIONS**

The underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section, inclusive, shall apply. For the purposes of applying such regulations:

In the #Special Harlem River Waterfront District#, the provisions of Section 87-32 (Special Height and Setback Regulations in the Core Subdistrict), inclusive, shall apply to the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

In the Core Subdistrict, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive. The height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall not apply.

In the South Subdistrict, as shown on Map 1, the height and setback and other bulk regulations of Article XII, Chapter 3 (Special Mixed Use District) applicable to M1 Districts mapped with an R8 District in #waterfront blocks# shall apply.

The height of all #buildings or other structures# shall be measured from the #base plane#.

[NOTE: Lower Concourse North text amendment also contains applicability language]

[The following paragraph (a) provisions moved to Section 87-32, and (b) re-located above.]

(a) a #shore public walkway#, mapped parkland, an #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-32:

- (1) Exterior Street; and
- (2) that portion of any other #street#, mapped parkland, #upland connection# or fire apparatus access road that is located east of the #Parcel 1 building line#; and

(b) the height of all #buildings or other structures# shall be measured from the #base plane#.

87-31

*Permitted Obstructions*

In the Core Subdistrict, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. 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).

87-32

*Street Wall Location and Building Base**Special Height and Setback Regulations in the Core Subdistrict*

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #enlargements#, the provisions of this Section, inclusive, shall apply.

[Following #street line# provisions moved from 87-30 and modified]

For the purposes of applying the special height and setback regulations of this Section, inclusive, and the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as applicable, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-62 (Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#, except that:

- (a) for Parcel 1, the westerly #street line# of Exterior Street shall be the #Parcel 1 building line#;
- (b) for Parcel 1, the #street line# of East 149th Street shall be the southernmost boundary of or any easement area existing on [date of adoption], any fire apparatus access road or any private road; and
- (c) for all other parcels with frontage along Exterior Street, the #street line# of such #street# shall be the westerly boundary of Exterior Street or the Major Deegan Expressway, whichever is closest to the #shoreline#.

[NOTE: Lower Concourse North text amendment proposed temporary language to apply existing rules to Core Subdistrict]

[NOTE: Existing 87-32 provisions moved to 87-321 and 87-322 and modified]

(a) #Street wall# location

The #street wall# of a #building# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to #building# entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (3) for #buildings# that are required to locate at least one main front entrance facing a #shore public walkway#, pursuant to Section 87-24 (Location of Building Entrances), no portion of the #street wall# containing such entrance shall be closer to the #shore public walkway# than the main front entrance; and
- (4) no portion of a #building# facing a #shore public walkway#, except on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, shall exceed a width of 300 feet.

However, on Parcel 1, in order to accommodate a sewer easement located within an area bounded by the eastern boundary of the #shore public walkway#, East 149th Street, a line 120 feet south of and parallel to East 149th Street and a line 120 feet east of and parallel to the #shore public walkway#, no #street wall# shall be required along that portion of East 149th Street and any fire apparatus access road within such easement area. Such area not developed as a fire apparatus access road and open to the sky shall be at least 35 percent planted and shall not be used for parking or loading. Furthermore, in the event such area contains a driveway, it shall be screened from the #shore public walkway# and East 149th Street, except for curb cuts and pedestrian paths, with densely planted evergreen shrubs maintained at a height of three feet.

(b) Minimum and maximum base heights

The #street wall# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required.

However, on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building# or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a "building base."

All portions of #buildings or other structures# that exceed the maximum base heights set forth in this paragraph, (b), shall be set back from the #street wall# at least ten feet along a #shore public walkway#, mapped parkland and Exterior Street, and at least 15 feet along an #upland connection#.

For #buildings# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, as shown on Map 1 in the Appendix to this Chapter, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six #stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of eight #stories# or 85 feet, whichever is less.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a) (1) of this Section.

(c) Transition heights

All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.

All portions of #buildings# that exceed the transition heights set forth in this paragraph, (c), shall comply with the tower provisions of Section 87-33.

87-321

*Street wall location*

[Existing provisions, moved from 87-32 (a), and modified]

**In the Core Subdistrict, the following #street wall# location rules shall apply.**

(a) Parcels 1, 2, 3 and 4

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for frontages along the #shore public walkway#, #supplemental public access areas#, #upland connections#, mapped parkland or #visual corridors#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#. For frontages beyond 50 feet of the #shore public walkway#, such #street wall# shall rise to at least the minimum base height specified in Section 87-322 (Base heights and transition heights), or the height of the #building#, whichever is less. Along all frontages, up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

(b) Parcels 5, 6, 7, 8 and 9

On Parcels 5, 6, 7, 8 and 9, as shown on Map 1, for frontages along #visual corridors#, or #upland connections#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall rise to at least the minimum base height specified in Section 87-322, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

87-322

Base heights and transition heights

[Existing provisions, moved from paragraph (a) of Section 87-32, and modified]

In the Core Subdistrict, the following base heights, required setbacks and maximum transition heights shall apply. Towers are permitted above the maximum heights set forth in this Section only in accordance with Section 87-323 (Tower provisions).

(a) Base heights

(1) Within 50 feet of the #shore public walkway#

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, the maximum base height shall be 85 feet, except that:

(i) on Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for #street walls# fronting on a #shore public walkway#, at least 30 percent of the #aggregate width of street walls# fronting on the #shore public walkway#, or a contiguous #street wall# width of 60 feet, whichever is greater, shall not exceed a maximum height of 45 feet. In addition to being applied along the #shore public walkway#, such lowered #street wall# may be applied along intersecting #streets# within 100 feet of the #shore public walkway#; and

(ii) on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, such maximum base height shall be 45 feet.

(2) Beyond 50 feet of the #shore public walkway#

Along all other frontages, beyond 50 feet of the #shore public walkway#, the #street wall# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(b) Required setbacks

Above such maximum base height, #street walls# shall be set back a minimum of 30 feet from the #street line# along the #shore public walkway# on Parcel 1, 15 feet from such #street line# on any other parcels, and a minimum of 10 feet from the #street line# along all other #streets#. Along all #streets#, such set back shall have a minimum depth of seven feet from any portion of the #street wall# below such maximum base height. However, the depth of such setback may include the depth of recesses or #outer courts# provided that the aggregate width of such portion of a #street wall# with a reduced setback shall not exceed 30 percent of the #street wall#.

In addition, on Parcels 1, 2, 3 and 4, in locations where the maximum base height is limited to 45 feet, #street walls# above

such maximum base height shall be set back a minimum of 30 feet from the #street line#, and a minimum of seven feet from any portion of the #street wall# below such height.

Dormers provided in accordance with paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall be permitted obstructions in all setback areas, except along the #shore public walkway#. Such dormers shall not exceed the maximum transition height set forth in paragraph (c) of this Section.

(c) Maximum transition heights

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, #street walls# above a required setback may rise to a maximum transition height of 125 feet and, along all other frontages, #street walls# above a required setback may rise to a maximum transition height of 155 feet. Such transition heights may only be exceeded where towers are provided in accordance with the provisions of Section 87-323 (Tower provisions).

87-323

Tower provisions

[Existing provisions, moved from 87-33, and modified]

A #building or other structure# may exceed the applicable maximum heights set forth in Section 87-322 (Base heights and transition heights) only in accordance with the tower provisions of this Section.

(a) Maximum number of towers

For #zoning lots# with less than 100,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted. The minimum separation between any two towers on the same #zoning lot# shall be 60 feet.

(b) Setbacks

All towers shall comply with the applicable setback provisions set forth in paragraph (b) of Section 87-322, except that on Parcel 1, towers shall be set back from the #shore public walkway# a minimum of 30 feet.

The dormer provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall not apply to the tower portion of a #building#. In lieu thereof, up to 50 percent of the width of the #street wall# of a tower shall be permitted to encroach into a required setback area, except in setback areas along the #shore public walkway#.

(c) Maximum tower size

Each #story# of a tower shall not exceed a gross area of 10,000 square feet, except that any encroachment into a setback area provided in accordance with paragraph (b) of this Section need not be included in such gross area.

(d) Maximum tower width

On Parcels 1, 3, 4 and 7, as shown on Map 1 in the Appendix to this Chapter, the maximum width of any #story# of a tower facing the #shoreline# shall not exceed 130 feet, and on Parcel 2, the maximum width of any #story# of a tower facing mapped parkland shall not exceed 100 feet.

(e) Maximum height of towers

For #zoning lots# with 100,000 square feet or less of #lot area#, the maximum height of a tower shall be 300 feet, and for #zoning lots# with more than 100,000 square feet of #lot area# the maximum height of a tower shall be 400 feet.

However, for #zoning lots# with two towers, such maximum tower height of 400 feet shall apply to only one tower and a maximum tower height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between any two #towers# on a #zoning lot#.

(f) Tower top articulation

The uppermost three #stories# of a tower, or as many #stories# as are located entirely above a height of 300 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#.

87-33

Towers

*Special Height and Setback and Other Bulk Regulations in the North Subdistrict]*

[NOTE: Lower Concourse North text amendment is adding height and setback provisions for the North Subdistrict]

[Existing text moved to 87-323 and modified]

All #stories# of a #building# located partially or wholly above the applicable transition height set forth in paragraph (c) of Section 87-32 shall be considered a "tower" and shall comply with the provisions of

this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.

(a) Maximum tower height

For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with more than 100,000 square feet of #lot area# shall be 400 feet. For #zoning lots# with two towers, however, such maximum #building# height of 400 feet shall apply to not more than one tower and a maximum #building# height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between towers.

(b) Location rules for #zoning lots# adjacent to mapped parkland

Where a tower is provided on a #zoning lot# adjacent to mapped parkland, such tower or portion thereof shall be located within 85 feet of such mapped parkland, and if two towers are provided on such #zoning lot#, the second tower or portion thereof shall be located either within 120 feet of East 149th Street or within 45 feet of an #upland connection#. Where two towers are provided on a #zoning lot# adjacent to mapped parkland, the shorter of the towers shall be located nearer the mapped parkland.

(c) Maximum tower size

The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.

(d) Tower top articulation

All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:

(1) Setbacks on each tower face

- (i) For #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#;
- (ii) For #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.

Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (d)(1), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(2) Three setbacks facing Harlem River

The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west-facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.

\* \* \*

87-40  
SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND  
SIDEWALKS  
SPECIAL REGULATIONS FOR GROUND FLOOR LEVEL

[NOTE: All existing Sections 87-40, 87-41 and 87-42 provisions, moved to Section 87-50]

[NOTE: Existing provisions, moved from Section 87-13 and modified]

The provisions set forth in this Section, inclusive, shall apply to #ground floor levels# of #developments# and #ground floor level enlargements# within the #Special Harlem River Waterfront District#, as applicable.

87-41

Fire Apparatus Access Roads  
Streetscape Requirements in the Core and South Subdistricts

[NOTE: Existing 87-41 provisions, moved to 87-62]

In the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #ground floor level enlargements#, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the special streetscape regulations of this Section, inclusive, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection# or a fire apparatus access road provided pursuant to the provisions of Section 87-62 (Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#.

87-411

Ground floor uses

[NOTE: Existing provisions, moved from Section 87-13 and modified]

All #ground floor level uses# facing a #shore public walkway#, mapped parkland or an #upland connection# shall comply with the minimum depth requirements of 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail #streets#. Lobbies and entrances shall comply with the provisions for Type 1 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses). The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other publicly accessible area.

For #buildings# on Parcels 1 through 6, as shown on Map 1 in the Appendix to this Chapter, that face a #shore public walkway#, mapped parkland or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings# shall consist of #uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.

Within the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, the following shall apply:

(a) Minimum amount of required #ground floor level floor area#

At least 50 percent of the width of the #ground floor level street wall# of a #building# shall be occupied by #floor area#, and on Parcels 1 and 2, as shown on Map 1, the entire width of the #ground floor level street wall# facing a #shore public walkway# or a mapped parkland, shall be occupied by #floor area#. Such #floor area# shall be allocated to any permitted #use#, except #group parking facilities#.

(b) Required non-residential uses# in certain locations

The #ground floor level street wall# within 50 feet of the intersection of two #streets# at locations designated on Map 2, shall be occupied exclusively by non-residential floor area#. In addition, on Parcels 3 and 4, at least 50 feet of additional #ground floor level street wall# facing the #shore public walkway# shall be occupied exclusively by non-residential floor area#, at the locations designated on Map 2. #Group parking facilities#, including entrances and exits thereto, shall not be permitted within such locations.

Non-residential floor area# required pursuant to this paragraph may satisfy #ground floor level floor area# required pursuant to paragraph (a) of this Section.

All #ground floor level floor area# required pursuant to this Section shall extend to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, all #streets# shall be considered designated retail streets.

87-412

Transparency requirements in the Core and South Subdistricts

[NOTE: Existing provisions, moved from 87-13 (b)]

Any #building# wall containing #ground floor level commercial# or #community facility uses# that faces a #shore public walkway#, mapped parkland or #upland connection#, shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail streets.

In the Core and South Subdistricts, for non-residential uses# located at the #ground floor level# shall be subject to the following requirements, any portion of a #ground floor level street wall# that is

subject to the #floor area# requirements of paragraph (b) of Section 87-411 (Ground floor uses), shall be glazed in accordance with the transparency requirements for designated retail streets set forth in Section 37-34 (Minimum Transparency Requirements), except that:

- (a) in the South Subdistrict, where the #ground floor level street wall# is occupied by #uses# in Use Groups 16, 17 or 18, up to 50 percent of the length of such #ground floor level street wall# may be exempt from such transparency requirements, provided that any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide planting or screening in accordance with the provisions of paragraphs (a) or (e) of Section 87-415 (Special streetscape provisions for certain blank walls) for at least 75 percent of such blank wall; and
- (b) in #flood zones#, for #buildings# utilizing the provisions of paragraph (a) of Section 64-21 (Ground Floor Use), where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 25 feet, visual mitigation elements shall be provided in accordance with Section 87-415 for such blank wall.

For the purposes of applying the provisions of Section 37-34, locations subject to the provisions of paragraph (b) of Section 87-411 shall be considered designated retail streets.

**87-413**  
Parking wrap and screening requirements in the Core and South Subdistricts

The following provisions shall apply to any #group parking facility# in the Core and South Subdistricts:

[NOTE: Existing provisions, moved from paragraphs (c) through (e) of 87-50]

(c) Location requirements for parking facilities

No parking facility, open or enclosed, shall front upon or be visible from:

- (1) a #shore public walkway#, except as provided for in paragraph (e) of this Section for Parcel 5;
- (2) any #upland connection# or mapped parkland, or portion thereof, that is located west of the #Parcel 1 building line#.

(d)(a) Design requirements for enclosed off-street #group parking facilities#

All enclosed off-street #group parking facilities# shall be located either entirely below the level of any #street# an adjacent sidewalk or open area accessible to the public upon which such facility fronts any other adjacent pedestrian area required to be accessible to the public or, when located above grade, shall comply with the following: in compliance with the following provisions:

- (1) The provisions of this paragraph, (d)(1), shall apply to facilities facing a #shore public walkway#, an #upland connection#, mapped parkland, or the northern #street line# of 138th Street.

At every level above grade, off-street parking facilities shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). For the purposes of applying such provisions, #shore public walkways#, an #upland connection# or mapped parkland and East 138th Street shall be considered designated retail streets. All such parking facilities shall be exempt from the definition of #floor area#.

On Parcel 6, as shown on Map 1 in the Appendix to this Chapter, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 so that no portion of a parking facility is visible from such portion of Exterior Street or East 138th Street.

- (2) The provisions of this paragraph, (d)(2), shall apply to facilities not facing a #shore public walkway#, or that portion of an #upland connection# or mapped parkland located west of the #Parcel 1 building line#, or the northern #street line# of East 138th Street.

Such facilities shall be screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35.

- (1) #Group parking facilities# on the #ground floor level# within 30 feet of #street walls# subject to the provisions of Section 87-411 (Ground floor uses) shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening

Requirements. For the purpose of applying such provisions, #street walls# subject to the provisions of Section 87-411 shall be considered designated retail streets.

- (2) #Group parking facilities# along all other frontages shall either be wrapped by #floor area#, or screened in accordance with the provisions of paragraph (e) of Section 87-415. In addition, any continuous stretch of screening that exceeds 25 feet in width shall provide planting in accordance with the provisions of paragraph (a) of Section 87-415 (Special streetscape provisions for certain blank walls) along 50 percent of such screened frontage.

(e)(c) Open parking areas

Open parking areas shall be permitted only in the following locations:

- (1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the #Parcel 1 building line#;
- (2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the Parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;
- (3) on Parcel 6, a parking lot shall be permitted within 130 feet of the southern boundary of the parcel with East 138th Street; and
- (4) on all parcels, open, unscreened, in tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-62 (Fire Apparatus Access Roads), provided that all parking spaces comply with the Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply. In addition, on Parcel 1, for parking lots located east of the #Parcel 1 building line#, or on Parcel 5, for parking lots used solely as a commercial or public utility vehicle storage #use# as listed in Use Group 16C, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing is not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-555 shall not apply to any parking lots provided within private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-62.

**[ORIGINAL PROVISIONS]**

The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, (e).

For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.

On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain-link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.

On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.

**87-414**  
Special provisions applicable within the flood zone

In the Core and South Subdistricts, the provisions of Section 64-336 (Alternative height measurement in Commercial and Manufacturing Districts) shall be modified so that where the #flood-resistant construction elevation# is between four feet and 12 feet above #curb level#, #building# height may be measured from a reference plane 12 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. The requirements of Section 64-



642 (Transparency requirements for buildings utilizing alternative height measurement) shall apply to #buildings# utilizing these alternative height measurement provisions.

#### 87-415

##### Special streetscape provisions for certain blank walls

The provisions of this Section shall apply to a #ground floor level building# frontage, or any portion thereof, facing a #street#, #shore public walkway#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-62 (Fire Apparatus Access Roads), where no transparent materials or entrances or exits are provided on the #ground floor level# below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 25 feet. For the purpose of this Section, such a #building# wall, or portion thereof, shall be referred to as a "blank wall" and visual mitigation elements shall be provided in accordance with this Section.

At least 50 percent of the linear footage of any blank wall on a #ground floor level building# frontage shall be treated by one or more of the following visual mitigation elements. Where a #building# wall fronts upon a #street#, such visual mitigation elements shall be provided on the #zoning lot#, except that the depth of an area containing such elements within the #zoning lot# need not be greater than three feet, when measured perpendicular to the #street line#. Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of paragraph (a) of this Section, and where a blank wall exceeds a height of 10 feet, as measured from the level of the adjoining grade, for a width of more than 25 feet, at least 50 percent of such #street wall# width shall provide wall treatments in accordance with the provisions of paragraph (e) of this Section.

The maximum width of a portion of the #ground floor level# blank wall without visual mitigation elements shall not exceed 10 feet. However, such blank wall limitation shall not include portions of #street walls# occupied by entrances or exits to #accessory# off-street parking facilities and #public parking garages#, where permitted, entryways to required loading berths, where permitted, or doors accessing emergency egress stairwells and passageways.

##### Visual mitigation elements:

#### (a) Planting

Any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

#### (b) Benches

Fixed benches with or without seatbacks shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

#### (c) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

#### (d) Tables and chairs

Fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

#### (e) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

#### 87-50

##### SPECIAL PARKING REGULATIONS

[NOTE: Existing provisions, moved to 87-51]

The applicable parking and loading regulations of underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified by the provisions of this Section, inclusive.

#### 87-51

##### Curb-Cut Restrictions

##### Special Parking Regulations in the Core Subdistrict

[NOTE: Existing provisions, moved from 87-50; existing 87-51 provisions moved to 87-52]

The following provisions shall apply to all parking facilities in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter:

#### (a) Use of parking facilities

All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord.

#### (b)(a) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required #accessory# off-street parking spaces may be provided on any #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is within the #Special Harlem River Waterfront District# Core Subdistrict.

[NOTE: Existing text in paragraphs (c) through (e) of 87-51 moved to Section 87-412]

#### (f)(b) Roof parking

Any roof, or portion thereof, of a facility containing that covers off-street parking spaces, not otherwise covered by a #building#, that and is larger than 400 square feet in surface area, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

#### (e)(c) Open parking lots

Open parking lots shall be permitted only in the following locations:

- (1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the #Parcel 1 building line#;
- (2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the Parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;
- (3) on Parcel 6, along the southern boundary of the Parcel with East 138th Street, provided that such parking lot is south of any #building# on the Parcel and east of the #shore public walkway#; and
- (4) on all Parcels, open, unscreened, tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on fire apparatus access roads provided pursuant to the provisions of Section 87-62 (Fire Apparatus Access Roads), provided that all parking spaces comply with Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply, and, on Parcels 1 and 5, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing in not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-655 shall not apply to fire apparatus access roads provided pursuant to the provisions of Section 87-62.

##### [ORIGINAL PROVISIONS]

The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI,

Chapter 2 (Special Regulations Applying in the Waterfront Area); are modified as set forth in this paragraph, (c):

For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.

On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain-link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven-foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.

On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain-link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.

87-52

### Curb Cut Restrictions

[EXISTING PROVISIONS MOVED FROM 87-51]

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway#, and further, on Parcels 1 and 2, no curb cuts shall be provided facing a mapped parkland.

87-60

### HARLEM RIVER WATERFRONT ACCESS PLAN SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS

The following provisions shall apply in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-61

### Special Public Access Provisions Sidewalks

[NOTE: Existing 87-61 provisions moved to 87-71]

[NOTE: Existing provisions, moved from 87-42 and modified]

In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed use buildings#, as defined in Section 123-11, sidewalks shall be provided on Parcel 1, as follows:

- Sidewalks with a depth width of at least 15 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# so such that the combined width of the sidewalk within the #street# and the sidewalk widening equals at least 15 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement.
- A 22 foot wide walkway shall extend east of and along the #Parcel 1 building line#, linking East 149th Street and mapped parkland, or a fire apparatus access road if such a road is provided adjacent to mapped parkland. In the event that a parking lot is provided east of such walkway, the easternmost seven feet of such walkway shall be densely planted with evergreen shrubs maintained at a maximum height of three feet above the adjoining walkway. Such walkway and planting strip may be interrupted to allow vehicular or pedestrian access.
- Any driveway located east of the #Parcel 1 building line# that extends along a sewer easement and intersects Exterior Street shall have curbs and sidewalks with a minimum width of 13 feet along each curb, which may be interrupted to allow for vehicular access to a parking lot.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards, shall connect at grade to be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times, except when required to be closed for repairs.

87-62

### Certification to Waive Supplemental Public Access Area Requirement Fire Apparatus Access Roads

[NOTE: Existing provisions, moved from Section 87-41 and modified]

Within the Core and South Subdistricts, for Parcels 1, 2, 3, 4 and 11, where a fire apparatus access road is provided as required by New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the Chairperson of the City Planning Commission shall certify, in conjunction with a certification application filed pursuant to paragraph (c) of Section 62-811, the following:

- the road shall be constructed to minimum Department of Transportation standards for public #streets#, including sidewalks, curbs and curb drops, lighting, signage, materials, and crosswalk, and shall meet the requirements set forth in the New York City Fire Code;
- for Parcels 2, 3, or 4, the contiguity provisions of paragraph (a) of Section 87-64 shall be met, except that where no connection for vehicular travel lanes terminating at the opposite side of a shared #lot line# exist at the time of construction, the provisions of paragraph (b) of such section may be utilized as an interim alternative;
- a restrictive declaration shall be executed in accordance with the provisions of Section 87-66; and
- street trees shall be planted pursuant to the requirements of Section 26-41 along such fire apparatus access road as if it were a #street#.

However, the requirements of this Section shall not apply to: fire apparatus access roads on Parcels 1 and 3 that are provided pursuant to the provisions of paragraph (b)(3) of Section 87-71 (Special Public Access Provisions); and to a fire apparatus access road on Parcel 11 located in the required #upland connection# within the prolongation of East 134th Street.

### [ORIGINAL PROVISIONS]

Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the following requirements:

- the width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops;
- curbs shall be provided along each side of the entire length of such road;
- a minimum 13 foot paved sidewalk shall be provided adjacent to and along the entire length of the required curb;
- for the purposes of making the #street# tree requirements of Section 26-41 applicable to fire apparatus access roads, a fire apparatus access road shall be considered a #street#; and
- all such roads shall be constructed with lighting, signage, materials and crosswalks to minimum Department of Transportation standards for public #streets#.

87-63

### Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4

[NOTE: Existing provisions, moved to paragraph (b) of this Section]

On Parcels 2, 3 and 4, in addition to the certification provisions of Section 87-62 (Fire Apparatus Access Roads), a fire apparatus access road shall be provided in accordance with the provisions of this Section.

- Bi-Directional Road

[NOTE: Existing provisions, moved from Section 87-66 (Connection with Adjacent Zoning Lots) and modified]

On each of Parcels 2, 3 and 4, and only among such Parcels, a connection for bi-directional vehicular travel lanes to an adjacent #zoning lot line# shall be provided. When complete, such fire apparatus access road shall provide bi-directional contiguous vehicular access from the northerly #upland connection# of Parcel 2 along the mapped parkland, along the #shore public walkway# of Parcels 2, 3 and 4, and within the southerly #upland connection# of Parcel 4.

Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent fire apparatus access road. Such fire apparatus access road shall extend along the entire #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-64, has been recorded against the adjacent #zoning lot#.

- Interim fire apparatus turnaround

[NOTE: Existing provisions of Section 87-63, modified]

When bi-directional vehicular travel lanes are constructed that terminate at a #lot line# and do not continue on the adjacent

#zoning lot# at the time of their construction, an interim dead-end fire apparatus access road turnaround may be constructed as an alternative to the provisions of paragraph (a) of this Section, in accordance with the following provisions.

An applicant utilizing the provisions of this paragraph shall construct a fire apparatus access road that extends along the entire #upland connection# and #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#, and shall provide an "approved turnaround area," constructed as part of a "dead-end fire apparatus access road," as those terms are defined in the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor.

Such turnaround area shall be constructed to dimensions no greater than required under the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor, and shall be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. Such turnaround area may extend into the designated #shore public walkway, but at no point may such turnaround area extend into the associated circulation path. Sidewalks shall not be required adjacent to the turnaround area. The portion of the turnaround area that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials to the extent permissible by the Fire Commissioner and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage.

At the time of certification pursuant to Section 87-62, the site plan shall demonstrate a suitable design for the dead-end fire apparatus access road that demonstrates both the approved turnaround area and the repurposed turnaround area outside of the roadbed upon the issuance of a notice of substantial compliance for the adjacent #zoning lot#. In addition, a conceptual site plan shall demonstrate that the proposed site plan and grading plan for required contiguous access pursuant to the provisions of paragraph (a) of this Section is compatible with future #development# on the adjoining #zoning lot#. Such site plans shall be included as an exhibit to the declaration of restrictions recorded pursuant to Section 87-64.

Repurposing a turnaround area and providing contiguous access in accordance with an approved conceptual site plan shall not necessitate a certification pursuant to Section 62-811, provided that there are no further modifications to an approved #waterfront public access area#.

**[BELOW: Original provisions of Section 87-66 (Connection with Adjacent Zoning Lots)]**

The following provisions apply to #developments#, #enlargements#, alterations or changes of #use#, pursuing certification, pursuant to either Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement) or 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways):

On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development#, #enlargement#, alteration or change of #use#, shall provide a connection for bi-directional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent private street. In addition to such physical shared #lot line# connection, a #private road# declaration shall be provided pursuant to the provisions of Section 87-64. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-64, has been recorded against the adjacent #zoning lot#.

When no connection for vehicular travel terminating at the opposite side of a shared #lot line# exists, a dead-end fire apparatus access road turnaround may be constructed, pursuant to Section 87-63, which may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-64.

**[BELOW: Original provisions of Section 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways)]**

On Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code, Section 503.2.5 (Dead-ends) may, by certification, extend into the designated #shore public walkway#, provided that:

- (a) a declaration of restrictions has been provided, pursuant to Section 87-64;
- (b) a fire apparatus access road abutting the shared #zoning lot line# between the #development#, #enlargement#, alteration or change of #use# seeking certification under this Section and Parcels 2, 3 or 4 does not exist; and
- (c) the fire apparatus access road serves as a segment of a bi-directional loop road along the #shore public walkway#, providing a connection to Exterior Street at the northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.

Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining sidewalks.

**87-64**

**Declaration of Restrictions**

[NOTE: Existing provisions, modified]

For any fire apparatus access road proposed for certification pursuant to Sections 87-62 (Fire Apparatus Access Roads), a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, and any sidewalk adjacent to such road, to guarantee that such road, and any sidewalk adjacent to such road, remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections 87-62 and 87-63, where applicable.

For certifications proposed pursuant to Section 87-63 on Parcels 2, 3 or 4, where #developments# or #enlargements# on such parcels utilize the allowance for interim fire access turnaround, in accordance with paragraph (b) of Section 87-63 (Cross Access Connection with Adjacent Zoning Lots on Parcels 2, 3 and 4), any declaration of restrictions shall include that, at the time of the issuance of the notice of substantial compliance for the adjacent #development#, or #enlargement# pursuant to this Section, thereby permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously-constructed fire apparatus access road turnaround area shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

- (a) repurposing the fire apparatus access road turnaround area pursuant to the requirements set forth in paragraph (b) of Section 87-63;
- (b) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable unobstructed pedestrian movement across parcels;
- (c) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code; and
- (d) providing a connection with the adjacent #zoning lot# pursuant to Section 87-63.

**[BELOW: Original provisions of Section 87-64 (Declaration of Restrictions)]**

For any fire apparatus access road proposed for certification pursuant to Sections 87-62 or 87-63, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections 87-62 and 87-63, where applicable.

For certifications proposed pursuant to Section 87-63, at the time a declaration of restrictions has been provided by the adjacent #development#, #enlargement#, alteration or change of #use#, pursuant to this Section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously-constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

- (a) deconstructing the fire apparatus access road turnaround;
- (b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action;
- (c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across parcels; and
- (d) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code.

#### 87-70

#### HARLEM RIVER WATERFRONT ACCESS PLAN

[NOTE: Existing waterfront access plan provisions, moved from Section 87-60]

Map 23 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location of where certain features are mandated or permitted by the Plan.

#### 87-71

#### Special Public Access Provisions

[NOTE: Existing provisions, moved from 87-61]

The provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to #developments#, #enlargements#, alterations or changes of #use#, as follows modified in this Section: For the purpose of applying the provisions of this Section, "development" shall be as defined in Section 62-11, that require #waterfront public access areas#. To "develop" shall mean to create such #development#.

- (a) #Shore public walkways#
  - (1) The #shore public walkway# shall be provided in the location designated on Map 3 (Waterfront Access Plan: Public Access Elements) and constructed at an elevation of two feet above not lower than the highest level of the train track bed of the Oak Point Rail Link, except that:
    - (i) on Parcels 6 and 7, no such elevation requirement shall apply;
    - (ii) on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the #zoning lots#, such the elevation requirement shall not apply. However, for any other #use#, such the elevation requirement shall only apply along the westernmost section of the #shore public walkway# to a depth of 40 feet.
    - (iii) on all #zoning lots#, a #shore public walkway# shall be required to meet the grade of an existing adjacent #street#, which may include deviating from such

elevation requirement where necessary.

- (2) An approved turnaround area in a dead-end fire apparatus access road turnaround area, as defined in the New York City Fire Code, Section 503.2.95 (Dead-end turnarounds), or its successor, may, by certification extend into a designated #shore public walkway# pursuant to paragraph (b) of Section 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround Area in Shore Public Walkways Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4).
- (3) In the event that a portion of a #waterfront zoning lot# is within 40 feet of the #shoreline# yet does not abut the #shoreline# because of an intervening #zoning lot#, a #shore public walkway# shall be provided on such upland portion. The width of the #shore public walkway# on such portion shall be 40 feet measured from the #shoreline# of the intervening #zoning lot# and shall include the width of the intervening #zoning lot#. The portion of such #shore public walkway# located upland of the intervening #zoning lot# shall be improved with a circulation path at least ten feet wide, and any required planted screening buffer shall have a width of at least four feet.
- (4) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# or #enlarged# as the primary #use# on the parcel, the #shore public walkway# requirements set forth in Section 62-62 shall apply, except that:
  - (i) the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet and may be reduced to a minimum of 30 feet along the eastern edge of the inlet;
  - (ii) the circulation path required in paragraph (a)(1) of Section 62-62 shall be modified to a minimum width of 10 feet along the northern and eastern edge of the inlet; and
  - (iii) the screening provisions of paragraph (c)(2) of Section 62-62 shall not apply. In lieu thereof, a planted screening buffer with a width of four feet shall be provided. Such planted buffer shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting; and,
  - (iv) in the event that the #upland connection# on Parcel 6 has not been provided, a ten foot wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.
- (b) #Upland connections#
 

#Upland connections# shall be located on Parcels 1, 3, 4, 5 and 6 and 11, as designated on Map 23 in the Appendix to this Chapter. The applicable provisions of Sections 62-50, inclusive, are modified, as follows:

  - (1) On Parcel 1, for an #upland connection# required along the northern boundary of a mapped park, the additional open area requirement of paragraph (a)(2) of Section 62-561 (Types of upland connections) shall not apply;
  - (2) Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2. Parcel 3 shall provide an #upland connection# at the designated location shown on Map 3. In addition, such #upland connection# shall be provided as specified below:
    - (i) On Parcel 3, an #upland connection# is required at the designated location as shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall not apply;
    - (ii) In the event that Parcel 3 is developed with Parcels 2 or 4, an #upland connection# shall be provided within the flexible location zone shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall apply.

- (3) On Parcels 1 and 3, if a Type 1 #upland connection# is provided, and a fire apparatus access road is required pursuant to the New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the design requirements of 62-64 shall be modified as follows:
  - (i) the required circulation path may be used to allow such fire apparatus access road, and it's minimum width shall be in accordance with all applicable requirements of the Fire Code;
  - (ii) such circulation path shall be paved with distinct materials, not including asphalt, to facilitate pedestrian usage; and
  - (ii) the minimum planting area requirements shall be reduced to 15 percent;
- (4) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

#Supplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1, and 2 and 11, as indicated on Map 23 in the Appendix to this Chapter, ~~except that: However, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement).~~

(1) such requirement may be waived for Parcels 1 and 2 by the Chairperson of the City Planning Commission, in conjunction with a certification pursuant to paragraph (c) of Section 62-811 (Waterfront public access and visual corridors), where the site plan includes a vehicular connection through the #zoning lot#, provided that:

- (i) such vehicular connection complies with the requirements of Section 87- 62 (Fire Apparatus Access Roads) and, for Parcel 2, the requirements of Section 87-63 (Contiguity of Fire Apparatus Access Road With Adjacent Zoning Lots on Parcels 2, 3 and 4); and
- (ii) such vehicular connection, either:
  - (a) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and mapped parkland; or
  - (b) on Parcel 2, provides a bi-directional connection between Exterior Street at its intersection with East 144th Street and the southernmost #lot line# of Parcel 2.

(2) for Parcel 11, at the location designated as "Supplemental Public Access Area (Shore Public Walkway Location)" on Map 3, a #supplemental public access area# shall be provided at a minimum width of 40 feet as indicated on Map 3, and the design and dimensional requirements for #shore public walkway# as set forth in Sections 62-50, inclusive, and 62-60, inclusive, shall apply.

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels 1 and 4, 9, 11, 12 and 13, and mapped parkland, as indicated on Map 24 (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter. For all required #visual corridors#, the provisions of Section 62-512 (Dimension of visual corridors) shall be modified to allow the lowest level of a #visual corridor#, at its seaward points, to be measure to a height two feet above #base flood elevation# or a height equal to the Oak Point Rail Link train track bed elevation, whichever is higher.

The Oak Point Rail Link shall be a permitted obstruction for #visual corridors#.

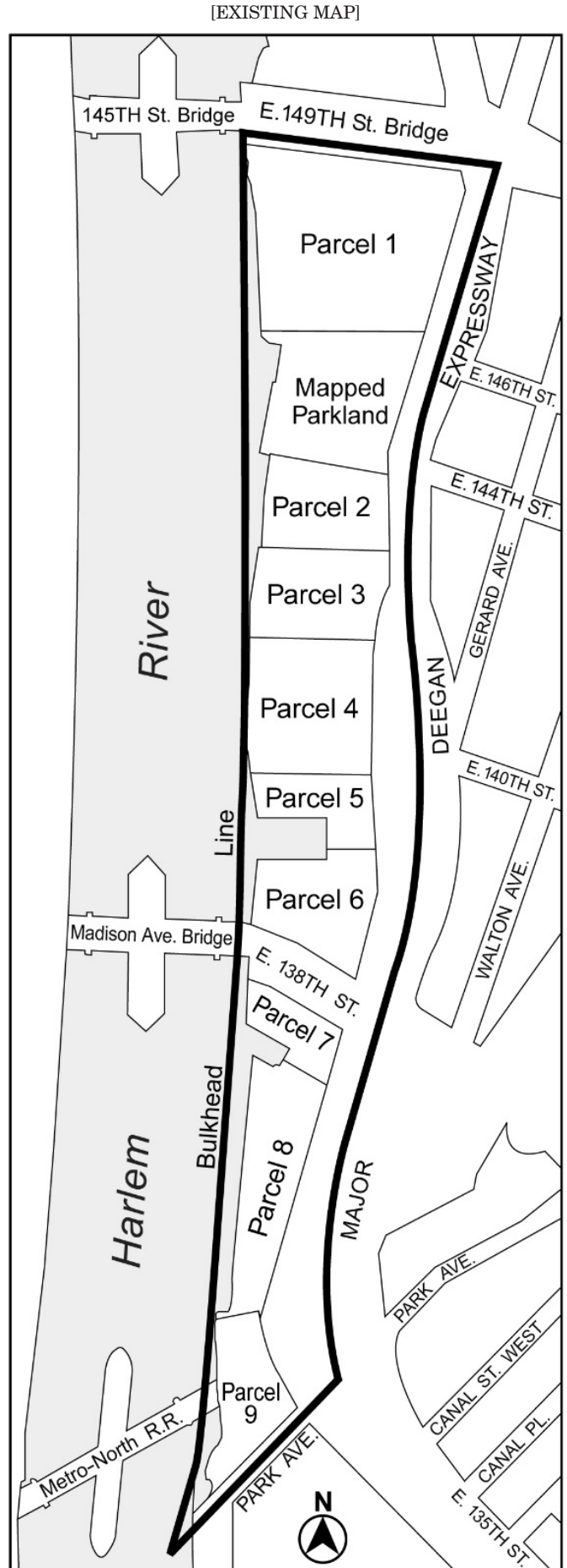
**87-72  
Applicability of Waterfront Regulations**

[NOTE: Existing provisions, moved from Section 87-65]

In the event that #streets# are mapped within a #zoning lot# on Parcels 1, 2, 3 and or 4 after June 30, 2009, or on Parcel 11 after [date of adoption], the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

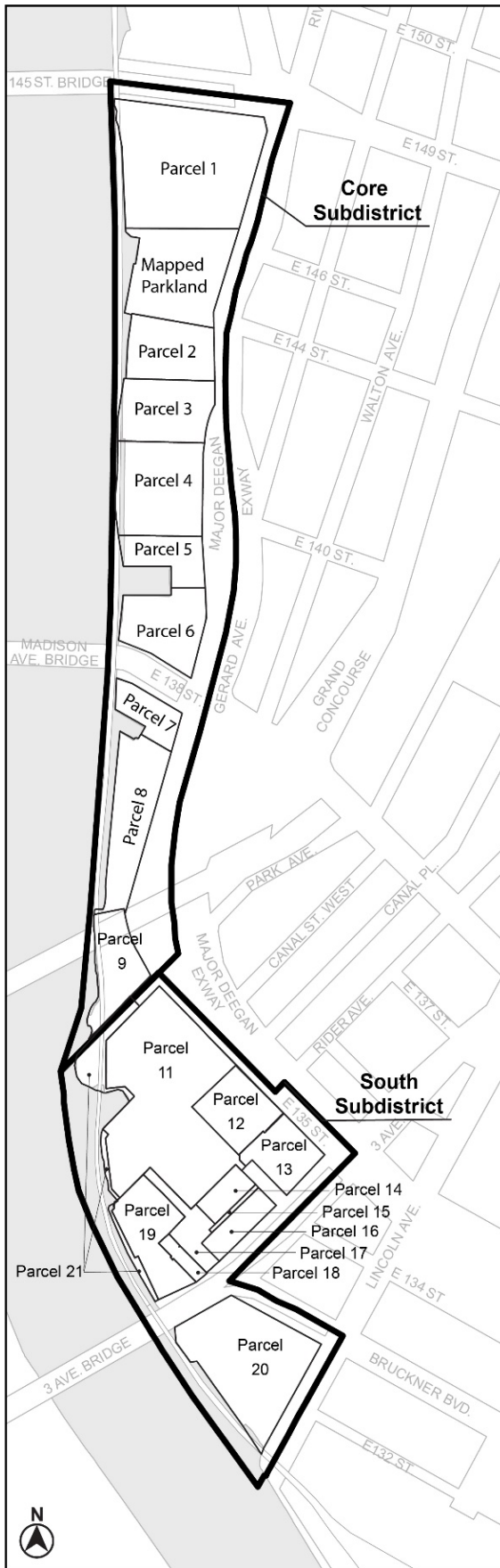
Appendix  
Special Harlem River Waterfront District Plan

Map 1. Special Harlem River Waterfront District, Subdistricts and Parcels



Special Harlem River Waterfront District

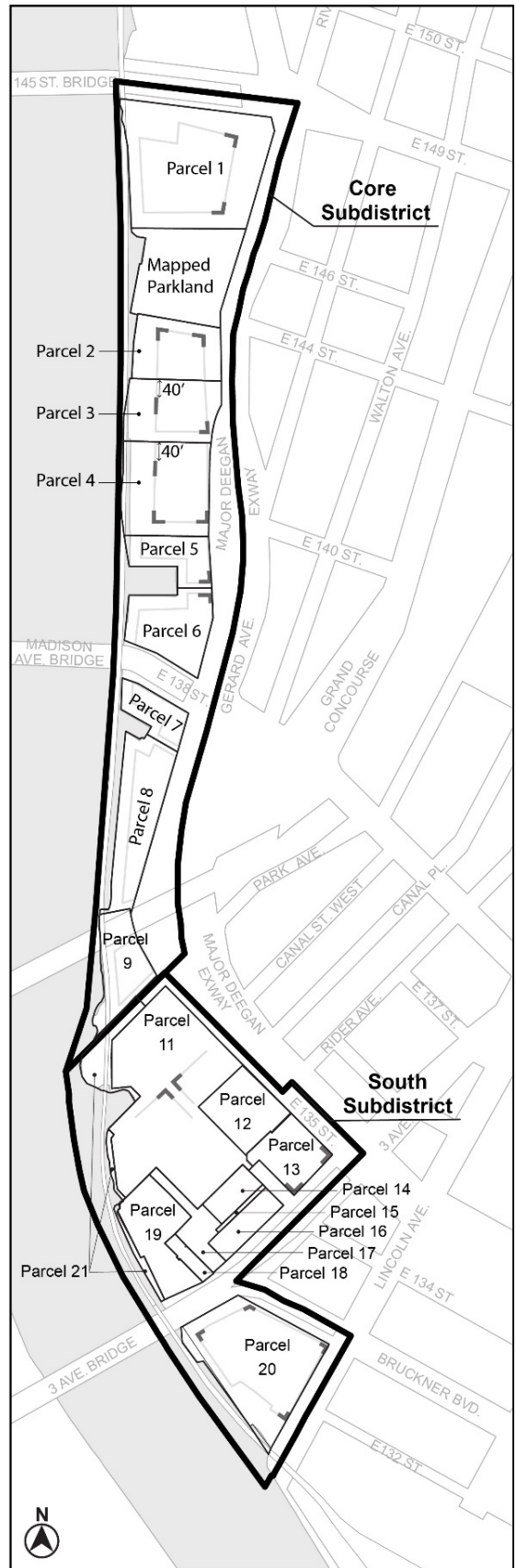
[PROPOSED MAP]



- Special Harlem River Waterfront District
- Parcel Line

Map 2. Designated Non-residential Use Locations

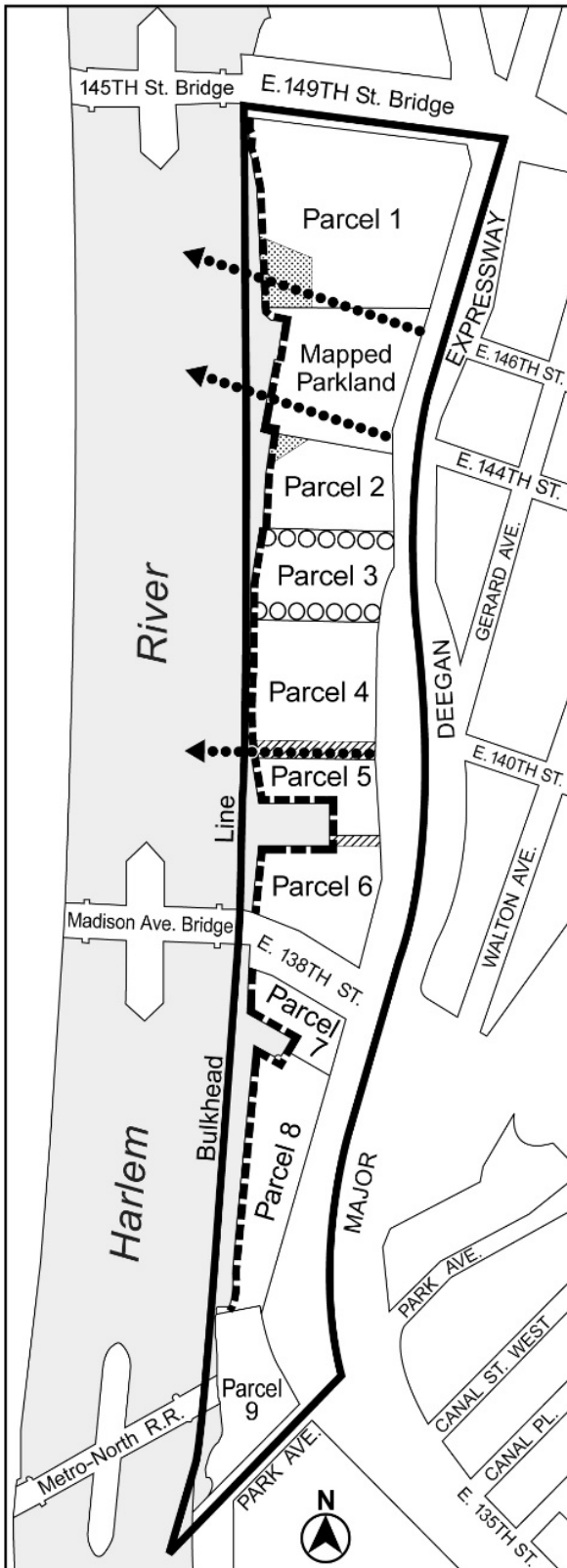
[PROPOSED MAP]



- Special Harlem River Waterfront District
- Parcel Line
- J** Active Use Required

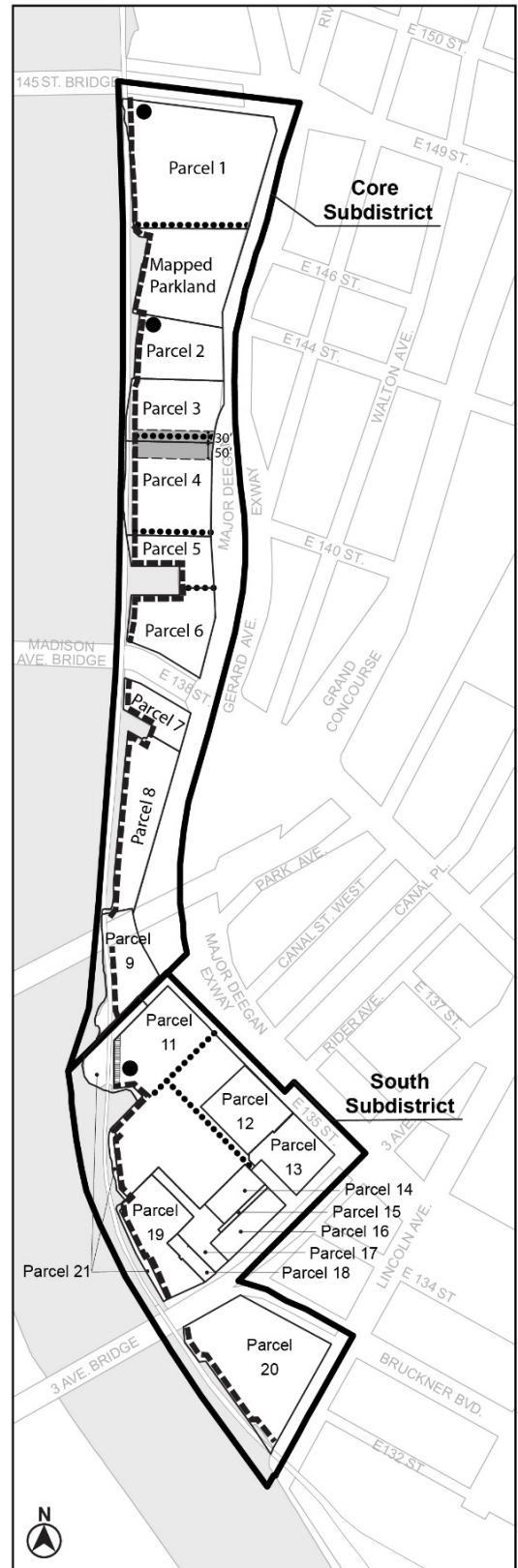
Map 3. Waterfront Access Plan: Public Access Elements

[EXISTING MAP]



- Special Harlem River Waterfront District
- - - Shore Public Walkway/ Waterfront Yard
- ◀●●●● Visual Corridor (Designated Location)
- Upland Connection (Variable Location)
- ▨ Upland Connection (Designated Location)
- ⋯ Supplemental Public Access Area (Designated Location)

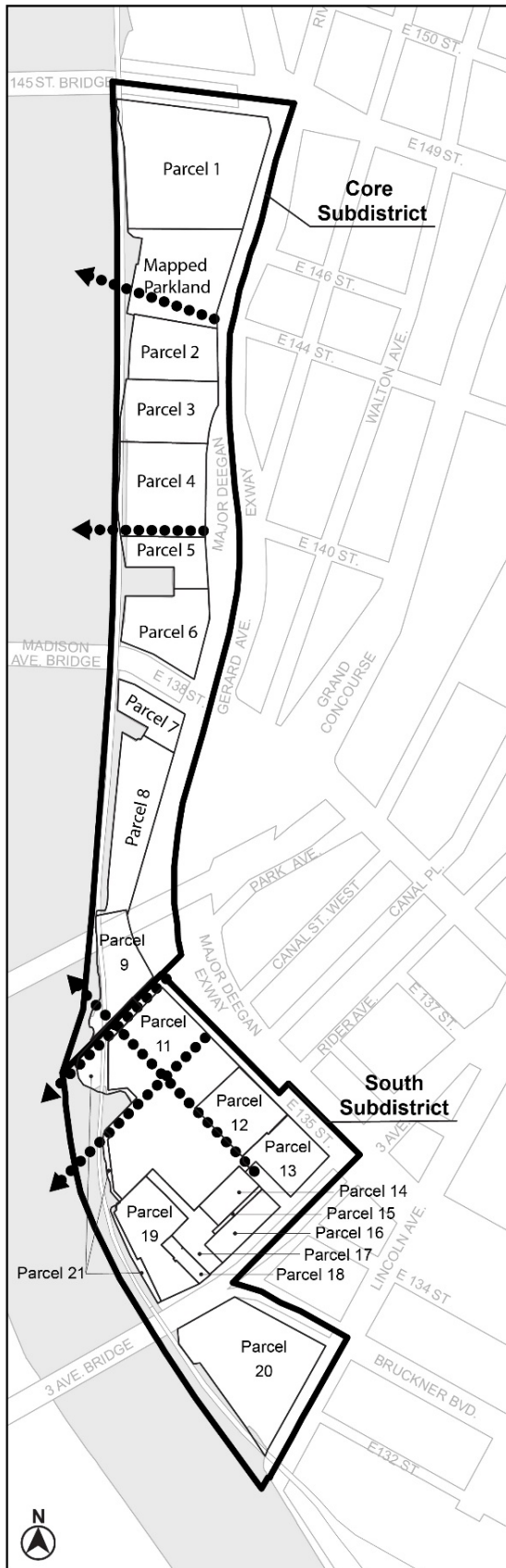
[PROPOSED MAP]



- Special Harlem River Waterfront District
- Parcel Line
- - - Shore Public Walkway
- ▨ Supplemental Public Access Area (SPW Location)
- Supplemental Public Access Area (Designated Location)
- ▨ Upland Connection (Within Flexible Location Zone)
- ⋯ Upland Connection (Designated Location)

Map 4. Waterfront Access Plan: Visual Corridors

[PROPOSED MAP]



- Special Harlem River Waterfront District
- Parcel Line
- ◀●●●** Visual Corridor (Designated Location)

\* \* \*

**BOROUGH OF BROOKLYN**

**No. 4**

**ALBANY NEIGHBORHOOD SENIOR CENTER**

**CD 8** **C 150382 PQQ**

**IN THE MATTER OF** an application submitted by the Department for Aging and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 196 Albany Avenue (Block 1230, Lot 44) for continued use as a senior citizen center.

**No. 5**

**930 FLUSHING AVENUE**

**CD 4** **C 170352 PQQ**

**IN THE MATTER OF** an application submitted by the Office of Emergency Management and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 930 Flushing Avenue (Block 3140, Lot 1) for use as a warehouse.

**BOROUGH OF QUEENS**

**No. 6**

**ALL MY CHILDREN DAY CARE CENTER**

**CD 12** **C 150395 PQQ**

**IN THE MATTER OF** an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 117-16 Sutphin Boulevard (Block 12022, Lot 20) for continued use as a child care center.

**Nos. 7 & 8**

**NORTHEASTERN TOWERS ANNEX REZONING**

**No. 7**

**CD 12** **C 170336 ZMQ**

**IN THE MATTER OF** an application submitted by Northeastern Towers Annex LP pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 18c and 19a, by changing from an R3X District to an R6 District property, bounded by a line perpendicular to the southwesterly street line of Guy R. Brewer Boulevard distant 350 feet northwesterly (as measured along the Street line) from the point of intersection of the northwesterly street line of 132nd Avenue and the southwesterly street line of Guy R. Brewer Boulevard, Guy R. Brewer Boulevard, 132nd Avenue, 161st Street, a line 295 feet northwesterly of 132nd Avenue, a line 135 feet northeasterly of 161st Street, and a line 355 feet northwesterly of 132nd Avenue, Borough of Queens, Community District 12, as shown on a diagram (for illustrative purposes only) dated May 22, 2017, and subject to the conditions of CEQR Declaration E-426.

**No. 8**

**CD 12** **N 170337 ZRQ**

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

Matter underlined is new, to be added;

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

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

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

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**QUEENS**

\* \* \*

**Queens Community District 12**

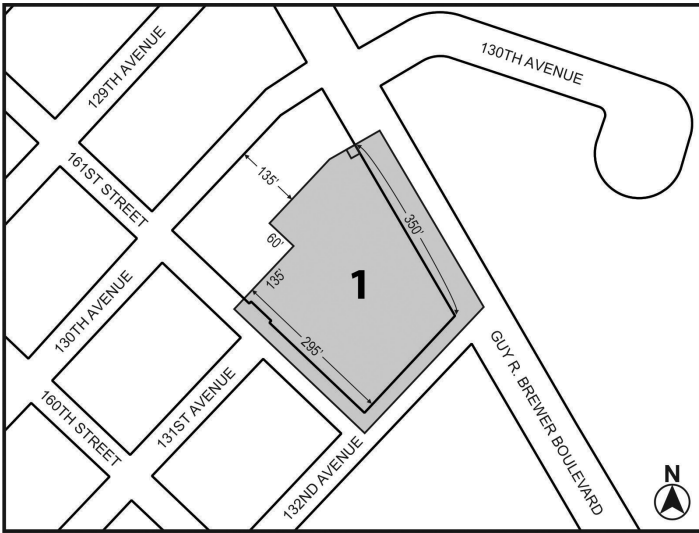
\* \* \*


In the R6 District within the area shown on the following Map 2:

Map 2 – (date of adoption)



[PROPOSED MAP]



 Mandatory Inclusionary Housing Program area see Section 23-154(d)(3)

**1** Area 1 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 12, Queens

\* \* \*

**BOROUGH OF MANHATTAN**

**No. 9**

**EAST RIVER FIFTIES-SUTTON PLACE TEXT AMENDMENT CD 6 N 170282 ZRM**

**IN THE MATTER OF** an application submitted by the East River Fifties Alliance, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts), Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), and establishing a new Inclusionary Housing Designated Area in Appendix F, within an area generally bounded by East 58th Street and East 59th Street to the north, the East River and Franklin D. Roosevelt Drive to the east, midblock between East 51st Street and East 52nd Street to the south, and 100 feet east of First Avenue to the west.

Matter underlined is new, to be added;  
 Matter ~~struck out~~ is old, to be deleted;  
 Matter within # # is defined in Sections 12-10 and/or 23-911;  
 \* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE II - RESIDENCE DISTRICT REGULATIONS**

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

\* \* \*

**23-15 Open Space and Floor Area Regulations in R6 Through R10 Districts**

\* \* \*

**23-154 Inclusionary Housing**

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on March 22, 2016, shall be as set forth in paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in paragraph (c) of this Section. Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# are set forth in paragraph (d) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

\* \* \*

(c) Special provisions for specified #Inclusionary Housing designated areas#

\* \* \*

(4) Provisions for specified R10 Districts within Community District 6 in the Borough of Manhattan

In Community District 6 in the Borough of Manhattan, the area bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin D. Roosevelt Drive, midblock between East 52nd Street and East 51st Street shall be an #Inclusionary Housing designated area#. For all R10 Districts within such #Inclusionary Housing designated area#, the provisions of paragraph (b) of this Section shall not apply. In lieu thereof, the base #residential floor area ratio# shall be 10.0. Such base #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to a maximum #residential floor area ratio# of 12.0.

\* \* \*

**23-60 HEIGHT AND SETBACK REGULATIONS**

**23-61 Applicability**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, height and setback regulations for a #building or other structure# shall be as set forth in Section 23-60, inclusive.

\* \* \*

Special height and setback provisions are set forth in Sections 23-67 (Special Height and Setback Provisions for Certain Areas) for #zoning lots# adjoining a #public park#, as well as for certain areas in Community Districts 4, 6, 7 and 9 in the Borough of Manhattan. Additional provisions are set forth in Sections 23-68 (Special Provisions for Zoning Lots Divided by District Boundaries) and 23-69 (Special Height Limitations).

\* \* \*

**23-67 Special Height and Setback Provisions for Certain Areas**

\* \* \*

**23-675 Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan**

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin D. Roosevelt Drive, midblock between East 52nd Street and East 51st Street, all #buildings# containing #residences# shall be #developed# or #enlarged# pursuant to the #bulk# regulations for #Quality Housing buildings#, and the following height and setback modifications shall apply:

- (a) The maximum #building# height shall be 235 feet for #zoning lots# or portions thereof within 100 feet of a #wide street# and 210 feet for #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#.
- (b) However, for #zoning lots# that provide at least 1.0 #floor area ratio# of #affordable housing# pursuant to paragraph (c)(4) of Section 23-154 (Inclusionary Housing) or #affordable independent residences for seniors# pursuant to Section 23-155 (Affordable independent residences for seniors), the maximum #building# height shall be increased to 260 feet.
- (c) For #buildings# on lots that are equal to or greater than 80 feet in width, facade articulation of no less than three feet in depth, measured from the #street wall#, by five feet in width shall be required for each #building segment# at no more than thirty-foot intervals.

\* \* \*

**23-90 INCLUSIONARY HOUSING**

\* \* \*

**23-932 R10 Districts**

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of paragraph (b) of Section 23-154 (Inclusionary Housing) and in all R10 Districts located in #Mandatory Inclusionary Housing areas#, pursuant to the provisions of paragraph (d) of such Section. Special rules for certain R10 Districts in Community District 6 in the Borough of Manhattan are set forth in paragraph (c) of Section 23-154. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of paragraph (a) of Section 23-154, as applicable.

\* \* \*

Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

\* \* \*

24-10 FLOOR AREA AND LOT COVERAGE REGULATIONS

\* \* \*

24-16 Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In R1 through R5 Districts, and in R6 through R10 Districts without a letter suffix, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential uses#.

24-161 Maximum floor area ratio for zoning lots containing community facility and residential uses R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6 R7-2 R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1, and in R6 Districts without a letter suffix in Community District 1, Brooklyn, and certain areas in Community District 6 in the Borough of Manhattan, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-154 (Inclusionary Housing) for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin D. Roosevelt Drive, midblock between East 52nd Street and East 51st Street, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3. However, for #zoning lots# that provide at least 1.0 #floor area ratio# of #affordable housing# pursuant to paragraph (c)(4) of Section 23-154 (Inclusionary Housing) or #affordable independent residences for seniors# pursuant to Section 23-155 (Affordable independent residences for seniors), the total of all such #floor area ratios# on the #zoning lot# shall not exceed 13.0.

\* \* \*

24-56 Special Height and Setback Provisions for Certain Areas R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, shall comply with the requirements of Section 23-672 (Special height and setback regulations in R10 Districts within Community District 7, in the Borough of Manhattan).

(c) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section 23-674 (Special height and setback regulations for certain sites in Community District 9, in the Borough of Manhattan).

(d) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin D. Roosevelt Drive, midblock between East 52nd Street and East 51st Street, #developments# or #enlargements# shall be subject to the height and setback regulations of Section 23-675 (Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan).

\* \* \*

ARTICLE III: COMMERCIAL DISTRICT REGULATIONS

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

\* \* \*

35-31 Maximum Floor Area Ratio C1 C2 C3 C4 C5 C6

In the districts indicated, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential floor area ratio# may be increased pursuant to the provisions of Sections 23-154 and 23-90 (INCLUSIONARY HOUSING).

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, and except within certain areas in Community District 6 in the Borough of Manhattan, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-154 for the applicable district. However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be either the base #floor area ratio# set forth in Section 23-154 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial uses# in such district, whichever is lesser.

The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section 23-154 only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin Delano Roosevelt Drive, midblock between East 52nd Street and East 51st Street, the maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Section 33-12, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3. However, for #zoning lots# that provide at least 1.0 #floor area ratio# of #affordable housing# pursuant to paragraph (c)(4) of Section 23-154 (Inclusionary Housing) or #affordable independent residences for seniors# pursuant to Section 23-155 (Affordable independent residences for seniors), the total of all such #floor area ratios# on the #zoning lot# shall not exceed 13.0.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

\* \* \*

**35-65  
Height and Setback Requirements for Quality Housing Buildings**

C1 C2 C4 C5 C6

In the districts indicated, the #street wall# location provisions of Sections 35-651 and the height and setback provisions of Section 35-652, shall apply to #Quality Housing buildings#. In certain districts, the heights set forth in Section 35-652 may be increased pursuant to either the provisions of Section 35-653 (Tower regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable. Additional provisions are set forth in Section 35-655. The height of all #buildings or other structures# shall be measured from the #base plane#.

In all such districts, the permitted obstructions 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).

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing Designated Area# bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin D. Roosevelt Drive, midblock between East 52nd Street and East 51st Street, the height and setback regulations of Section 23-675 (Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan) shall apply.

\* \* \*

**APPENDIX F  
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas	Maps of Mandatory Inclusionary Housing Areas
1d	Bronx CD 7	Map 1	
3b	Bronx CD 4	Map 1	
3c	Bronx CD 6	Maps 1 - 3	
3c	Bronx CD 7	Map 1	
3d	Bronx CD 3	Map 1	
3d	Bronx CD 6	Maps 2 - 5	
5d	Manhattan CD 7	Map 1	
6a	Manhattan CD 9	Map 1, Map 2	
6a	Manhattan CD 10	Map 1	
6a	Manhattan CD 11	Map 1	
6a	Bronx CD 1	Map 1	Map 2
6a	Bronx CD 4	Map 1	
6b	Manhattan CD 10	Map 1	
6b	Manhattan CD 11	Map 1	
6b	Manhattan CD 4	Map 1	
6c	Manhattan CD 4	Map 2	
6c	Manhattan CD 7	Map 2	
6d	Manhattan CD 4	Map 3, Map 4	
6d	Manhattan CD 5	Map 1	
6d	Manhattan CD 6	Map 1, Map 2	
6d	Queens CD 2	Map 3	
5a	Queens CD 1	Map 1	
5b	Queens CD 1	Map 2	
5b	Queens CD 2	Map 1	
5d	Queens CD 2	Map 1, Map 2	
10c	Queens CD 7		Map 1
12a	Manhattan CD 1	Map 1	
12a	Manhattan CD 2	Map 1	
12c	Manhattan CD 3	Map 1	
12c	Brooklyn CD 1	Map 1, Map 2	
12d	Brooklyn CD 1	Map 2, Map 3	
12d	Brooklyn CD 2	Map 1, Map 4	
12d	Brooklyn CD 3	Map 5	
13a	Brooklyn CD 1	Map 1, Map 2	
13b	Brooklyn CD 1	Map 2, Map 4	
13b	Brooklyn CD 3	Maps 3 - 5	
13b	Brooklyn CD 4	Map 1	
14d	Queens CD 8	Map 1	
14d	Queens CD 12	Map 1	
16a	Brooklyn CD 7	Map 2	
16c	Brooklyn CD 2	Maps 1 - 3	
16c	Brooklyn CD 3	Map 1	
16c	Brooklyn CD 6	Map 1	
16c	Brooklyn CD 8	Map 1	
16d	Brooklyn CD 7	Map 1	

\* \* \*

**MANHATTAN**

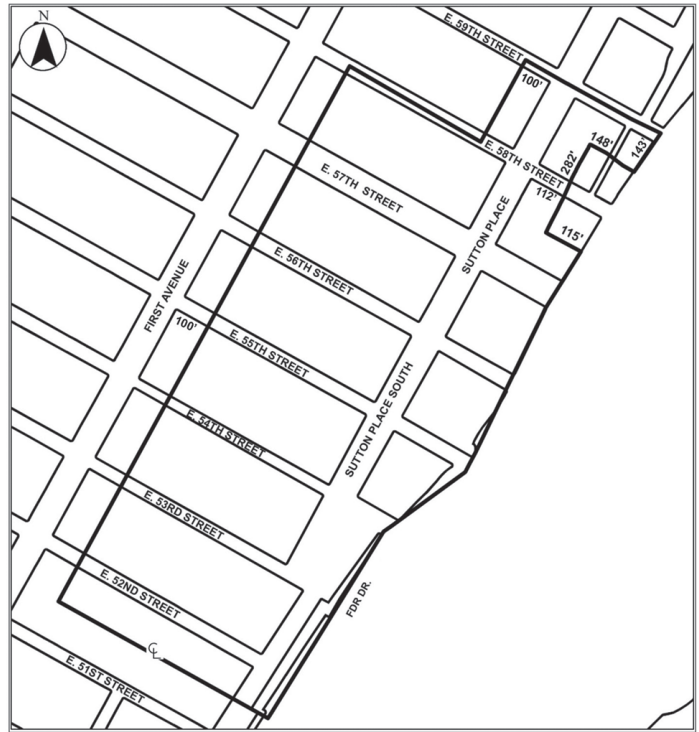
\* \* \*

**Manhattan Community District 6**

\* \* \*

In the R10 District within the area shown on the following Map 2:

Map 2 - [date of adoption]



Portion of Community District 6, Manhattan

\* \* \*

**BOROUGH OF BROOKLYN  
No. 10**

**CD 2** **N 180016 PXX**  
**IN THE MATTER OF** a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at, 1 Pierrepont Plaza (Block 239, Lot 1) (Fire Department of New York offices).

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

**BOROUGH OF THE BRONX  
No. 11**

**CD 10** **N 180015 PXX**  
**IN THE MATTER OF** a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at, 2500 Halsey Street (Block 3852, Lot 1) (Taxi & Limousine Commission offices)

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

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



jy26-a9

**COMMUNITY BOARDS**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

**BOROUGH OF MANHATTAN**

COMMUNITY BOARD NO. 11 - Wednesday, August 9, 2017, 6:30 P.M., National Black Theatre, 2031 5th Avenue, New York, NY.

#C170442 ZMM  
**IN THE MATTER OF** an application submitted by NBT Victory Development LLC, pursuant to Sections 197c and 20 I of the New York City Charter for an amendment of the Zoning Map, Section No. 6a,

changing from a C4-4A District to a C4-7 District property bounded by Fifth Avenue, East 126th Street, a line 85 feet easterly of Fifth Avenue, and East 125th Street/Dr. Martin Luther King Jr. Boulevard, Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated June 5, 2017, and subject to the conditions of CEQR Declaration E-435.

#C170444 ZSM

IN THE MATTER OF an application submitted by NBT Victory Development LLC, pursuant to Sections 197c and 20 I of the New York City Charter for the grant of a special permit, pursuant to Section 74-533 of the Zoning Resolution to waive 72 required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income restricted housing units, in connection with a proposed mixed-use development, on property located at 2031-2033 Fifth Avenue (Block 1750, Lot I), in a C4-7 District Borough of Manhattan Community District 11.

a3-9

ENVIRONMENTAL PROTECTION

NOTICE

NOTICE IS HEREBY GIVEN that, pursuant to Title 5, Chapter 3, Subchapter 3 of the Administrative Code of the City of New York, a public hearing will be held at 1 Centre Street, Mezzanine, Borough of Manhattan, on Wednesday, August 16, 2017, at 10:00 A.M. on the following:

REAL PROPERTY PUBLIC HEARING IN THE MATTER OF the acquisition by the City of New York of fee simple (Fee) interests, and by the Watershed Agricultural Council of conservation easement interests (WAC CE) using funds provided by the City of New York, on the following real estate in the Counties of Delaware, Greene and Sullivan for the purposes of providing for the continued supply of water, and for preserving and preventing the contamination or pollution of the New York City water supply system:

Table with 6 columns: NYC ID, County, Town, Type, Tax Lot ID, Acres (+/-). Lists various properties in Delaware, Greene, and Sullivan counties.

REAL PROPERTY PUBLIC HEARING IN THE MATTER OF the acquisition by the City of New York of a Fee Simple or Easement interest in the following real estate in the County of Ulster in connection with the operation, repair and/or maintenance of the Catskill Aqueduct as part of the New York City water supply system:

Table with 6 columns: NYC ID, County, Municipality, Type, Tax Lot ID, Acres (+/-). Lists properties in Ulster and Westchester counties.

A copy of the Mayor's Preliminary Certificates of Adoption and maps of the real estate to be acquired are available for public inspection upon request. Please call (845) 340-7810.

a8

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN that the Franchise and Concession Review Committee, will hold a public meeting on Wednesday, August 9, 2017, at 2:30 P.M., at 2 Lafayette Street, 14th Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-0010, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING.

jy31-a9

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, August 15, 2017, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

34-15 83rd Street - Jackson Heights Historic District

LPC-19-10107 - Block 1444 - Lot 61 - Zoning: R5 CERTIFICATE OF APPROPRIATENESS

An Anglo-American Garden Home style house designed by Pierce L. Kiesewetter and built in 1928-29. Application is to legalize alterations to an areaway and entrance stair, construction of walls and posts, and installation of a fence and security gate without Landmarks Preservation Commission permits.

161-02 Jamaica Avenue - Individual Landmark

LPC-19-09600 - Block - Lot 9 - Zoning: C6-3 CERTIFICATE OF APPROPRIATENESS

A Beaux-Arts style bank building designed by Hough & Duell, and built in 1897-98. Application is to modify masonry openings, and install storefront infill and signage.

288 Hicks Street - Brooklyn Heights Historic District

LPC-19-7306 - Block 260 - Lot 43 - Zoning: R6 CERTIFICATE OF APPROPRIATENESS

An eclectic rowhouse built in 1856. Application is to construct a rooftop addition.

54 South Portland Avenue - Fort Greene Historic District

LPC-19-14142 - Block 2099 - Lot 69 - Zoning: R6B CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse built c. 1864. Application is to replace an oriel window.

107 Columbia Heights - Brooklyn Heights Historic District

LPC-19-13474 - Block 224 - Lot 5 - Zoning: R6 CERTIFICATE OF APPROPRIATENESS

An apartment house built in 1959. Application is to construct bulkheads, install rooftop mechanical equipment, screens, railings and trellises; modify and create masonry openings; replace windows, entrance infill, and a canopy; alter the courtyard, and relocate a curb cut.

208-212 Decatur Street - Bedford-Stuyvesant/Expanded

Stuyvesant Heights Historic District LPC-19-1191 - Block 1679 - Lot 35/135 - Zoning: R6B CERTIFICATE OF APPROPRIATENESS

A flats building with store designed by Alfred S. Beasley and built c. 1897. Application is to construct a garage and create a curb cut.

38 Decatur Street - Bedford-Stuyvesant/Expanded Stuyvesant

Heights Historic District LPC-19-11860 - Block 1857 - Lot 49 - Zoning: R6A CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival/Romanesque Revival style rowhouse designed by Louis Berger & Co. Architects and built in 1907. Application is to construct a rooftop addition.

207 MacDonough Street - Stuyvesant Heights Historic District

LPC-16-8705 - Block 1853 - Lot 46 - Zoning: R6B CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse built in 1872- 1873. Application is to legalize the installation of windows without Landmarks Preservation Commission permit(s).

299 Park Place - Prospect Heights Historic District

LPC-19-09296 - Block 1159 - Lot 76 - Zoning: R6B CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style rowhouse with Romanesque Revival style elements, designed by William H. Reynolds and built c. 1894. Application is to enlarge the existing rooftop addition.

**63-63A Reade Street, aka 79-81 Chambers Street - Tribeca South Historic District****LPC-19-6977** - Block 149 - Lot 3 - **Zoning:** C6-4A/C6-3A  
**CERTIFICATE OF APPROPRIATENESS**

A Moderne style commercial building designed by Frederick J. Harwig and built in 1935-36. Application is to legalize alterations to a storefront without Landmarks Preservation Commission permits and to install new storefront infill.

**293 Church Street - Tribeca East Historic District****LPC-19-09439** - Block 193 - Lot 20 - **Zoning:** C6-2A  
**CERTIFICATE OF APPROPRIATENESS**

A Second Empire style store and loft building built in 1867-68. Application is to install rooftop bulkheads and to modify the entrance to provide barrier-free access.

**400 West Broadway - SoHo-Cast Iron Historic District Extension****LPC-19-12883** - Block 488 - Lot 22 - **Zoning:** M1-5A  
**CERTIFICATE OF APPROPRIATENESS**

An Italianate style store building designed by William Jose and built in 1870-71, and altered in the late 20th century. Application is to legalize the installation of storefront infill in non-compliance with Certificate of Appropriateness 17-2488.

**83 Wooster Street - SoHo-Cast Iron Historic District****LPC-19-14041** - Block 487 - Lot 30 - **Zoning:** M1-5A  
**CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style store and loft building designed by J.B. Snook and built in 1876. Application is to install a painted wall sign.

**74 East 4th Street - East Village/Lower East Side Historic District****LPC-19-8690** - Block 459 - Lot 23 - **Zoning:** R8B  
**CERTIFICATE OF APPROPRIATENESS**

A professional association hall designed by August H. Blankenstein and built in 1873, altered in the German Renaissance Revival and Neo-Grec styles by Frederick William Kurtzer & Richard O.L. Rohl in 1892. Application is to construct rooftop additions and install storefront infill.

**601 West 26th Street - West Chelsea Historic District****LPC-19-14085** - Block 672 - Lot 1 - **Zoning:** M2-3  
**CERTIFICATE OF APPROPRIATENESS**

An International style warehouse building with Art Deco style details, designed by Russell G. and Walter M. Cory with Yasuo Matsui and Purdy & Henderson and built in 1930-1931. Application is to install ground floor infill, marquees, signage, decorative louver panels, and flood barriers; and to establish a master plan governing the future installation of storefront infill.

**413 West 14th Street - Gansevoort Market Historic District****LPC-19-14271** - Block 712 - Lot 21 - **Zoning:** M1-5  
**CERTIFICATE OF APPROPRIATENESS**

An Arts and Crafts style market building designed by James S. Maher and built in 1914, and altered by William P. Seaver in 1922. Application is to install signage.

**23 West 69th Street - Upper West Side/Central Park West Historic District****LPC-19-09902** - Block 1122 - Lot 21 - **Zoning:** R8B  
**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style rowhouse designed by Gilbert A. Schellenger and built in 1892. Application is to replace windows, construct rooftop and rear yard additions, and alter the rear façade.

**103 East 91st Street - Carnegie Hill Historic District****LPC-19-10205** - Block 1520 - Lot 104 - **Zoning:** R10  
**CERTIFICATE OF APPROPRIATENESS**

A rowhouse originally built in 1884-84 and altered in the Neo-Georgian style by C. Dale Bradgeley in 1950-51. Application is to construct a rooftop addition.

**55 East 92nd Street - Carnegie Hill Historic District****LPC-19-7466** - Block 1504 - Lot 26 **Zoning:** R8B  
**CERTIFICATE OF APPROPRIATENESS**

Two Romanesque Revival style rowhouses designed by Louis Entzer, Jr. and built in 1893-94 and altered in 1946-47 by James E. Casale. Application is to construct rooftop and rear yard additions, excavate the cellar and rear yard, and alter the front façade.

**272 West 139th Street - St. Nicholas Historic District****LPC-19-14679** - Block 2024 - Lot 64 - **Zoning:** R7-2  
**CERTIFICATE OF APPROPRIATENESS**

An apartment house designed by Bruce Price and Clarence S. Luce and built in 1891-1892. Application is to install storefront infill.

**273 West 138th Street - St. Nicholas Historic District****LPC-19-14680** - Block 2024 - Lot 1 - **Zoning:** R7-2  
**CERTIFICATE OF APPROPRIATENESS**

An apartment house designed by Bruce Price and Clarence S. Luce and built in 1891-1892. Application is to install storefront infill.

a2-15

**NOTICE IS HEREBY GIVEN** that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, August 8, 2017, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**37-42 79th Street - Jackson Heights Historic District****LPC-19-2345** - Block 1289 - Lot 27 - **Zoning:** R5  
**CERTIFICATE OF APPROPRIATENESS**

An Anglo-American style Garden Home, designed by Benjamin Dreisler Jr. and built in 1926-27. Application is to install a fence.

**309 St. Paul's Avenue - St. Paul's Avenue-Stapleton Heights Historic District****LPC-19-12768** - Block 517 - Lot 30 - **Zoning:** R3X  
**CERTIFICATE OF APPROPRIATENESS**

A school building that is part of the Trinity Lutheran Church complex designed by Charles A. Duncker, built c. 196. Application is to construct a barrier-free access ramp with railing.

**1100 Grand Concourse - Grand Concourse Historic District****LPC-19-6401** - Block 2462 - Lot 33 - **Zoning:** R8  
**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style apartment building, designed by Gronenberg and Leuchtag and built in 1927-28. Application is to reconstruct walls and planters and install lighting.

**4637 Grosvenor Avenue - Fieldston Historic District****LPC-19-4624** - Block 5822 - Lot 2750 - **Zoning:** R1-2  
**CERTIFICATE OF APPROPRIATENESS**

A Dutch Colonial Revival style house built in 1920, designed by Edgar & Verna Cook Salomonsky. Application is to add an attic story to an existing one-story wing; and alter an existing opening on the front façade.

**107 Columbia Heights - Brooklyn Heights Historic District****LPC-19-13474** - Block 224 - Lot 5 - **Zoning:** R6  
**CERTIFICATE OF APPROPRIATENESS**

An apartment house built in 1959. Application is to construct bulkheads, install rooftop mechanical equipment, screens, railings and trellises; modify and create masonry openings; modify and replace windows, entrance infill, and a canopy; modify the courtyard design; and relocate a curb cut.

**124 Columbia Heights - Brooklyn Heights Historic District****LPC-19-10368** - Block 208 - Lot 106 - **Zoning:** R6  
**CERTIFICATE OF APPROPRIATENESS**

A Neo-Federal style building built c. 1930; a Moderne style building built in 1949; and a remnant of a late-19th/early-20th century building. Application is to construct rooftop and rear additions; modify masonry openings; install windows, doors, louvers, a canopy, mechanical equipment, and rooftop railings; and create a curb cut.

**119 Congress Street - Cobble Hill Historic District****LPC-19-6410** - Block 295 - Lot 35 - **Zoning:** R6  
**CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse, designed by Thomas Wheeler and built in 1852-55. Application is to enlarge an existing rear yard addition.

**536 1st Street - Park Slope Historic District****LPC-19-10514** - Block 1077 - Lot 13 - **Zoning:** 16D  
**CERTIFICATE OF APPROPRIATENESS**

A Neo-Renaissance style rowhouse built in 1909. Application is to construct a rooftop addition.

**575 Vanderbilt Avenue - Prospect Heights Historic District****LPC-19-13327** - Block 1130 - Lot 5 - **Zoning:** R7A  
**CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style store and flats building built c. 1912-1922, with an alteration to the ground floor by John J. Tricario in 1948. Application is to install a barrier-free access ramp.

**120 Stratford Road - Prospect Park South Historic District****LPC-19-11341** - Block 5112 - Lot 19 - **Zoning:** R1-2  
**CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style house built c. 1910, altered in 1929 and 1952. Application is to alter the façades and roofs, construct a porch, and install solar paneled roof shingles.

**271 Church Street - Tribeca East Historic District****LPC-19-11483** - Block 175 - Lot 7504 - **Zoning:** C6-2A  
**CERTIFICATE OF APPROPRIATENESS**

An Art Deco style office building designed by Cross and Cross and built in 1930-1931. Application is to install ground floor infill and signage.

**45 Bond Street - NoHo Historic District Extension  
LPC-19-4257 - Block 529 - Lot 31 - Zoning: M1-5B  
CERTIFICATE OF APPROPRIATENESS**

A store and loft building designed by Adolph Giobbe and built in 1912-13 and later altered. Application is to replace storefront infill and windows.

**41 Greenwich Avenue - Greenwich Village Historic District  
LPC-19-12296 - Block 612 - Lot 64 - Zoning: C1-6  
CERTIFICATE OF APPROPRIATENESS**

A late Greek Revival style house built in 1848-49 and later altered. Application is to reconstruct the brick façade and replace the cornice.

**379-381 West Broadway - SoHo-Cast Iron Historic District  
LPC-19-10616 - Block 487 - Lot 10 - Zoning: M1-5A  
CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style factory building, designed by J.B. Snook and built in 1867. Application is to install a barrier-free access lift.

**1-3 Little West 12th Street - Gansevoort Market Historic District  
LPC-19-8887 - Block 628 - Lot 1 - Zoning: M1-5  
CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style store and loft building, designed by Peter J. Zabriskie and built in 1887 and a vernacular style warehouse designed by John G. Michel and built in 1918-19. Application is to replace storefront infill.

**308 West 4th Street - Greenwich Village Historic District  
LPC-19-12020 - Block 624 - Lot 51 - Zoning: R6  
CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style rowhouse built in c. 1847. Application is to modify openings at the front and rear facades, replace infill, and excavate the rear yard.

**278 West 11th Street - Greenwich Village Historic District  
LPC-19-11404 - Block 622 - Lot 38 - Zoning: R6  
CERTIFICATE OF APPROPRIATENESS**

An Italianate style house built in 1853 and later altered. Application is to replace windows; the entry door and ironwork; construct rooftop and rear yard additions; and excavate the rear yard.

**104 East 10th Street - St. Mark's Historic District Extension  
LPC-18-3643 - Block 465 - Lot 109 - Zoning: R8B C6-2A  
CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style rowhouse built in 1879. Application is to construct a rooftop addition.

**32 2nd Avenue - East Village/Lower East Side Historic District  
LPC-18-0720 - Block 443 - Lot 8 - Zoning: C6-2A  
CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style courthouse designed by Alfred Hopkins and built in 1917-19. Application is to construct rooftop and side yard additions, and install signage.

**72 West 69th Street - Upper West Side/Central Park West Historic District  
LPC-19-13481 - Block 1121 - Lot 62 - Zoning: C1-8A R8B  
CERTIFICATE OF APPROPRIATENESS**

A Renaissance/Romanesque Revival style flats building designed by Gilbert A. Schellenger and built in 1892-93. Application is to install a barrier-free access lift.

**124 West 88th Street - Upper West Side/Central Park West Historic District  
LPC-19-13281 - Block 1218 - Lot 41 - Zoning: R7-2  
CERTIFICATE OF APPROPRIATENESS**

A rowhouse originally built in 1886-87 and altered in 1962 by Ifill and Johnson. Application is to modify masonry openings at the front and rear facades, replace infill, and alter the areaway.

jy26-a8

**NOTICE IS HEREBY GIVEN** that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on **Tuesday, August 8, 2017, at 9:30 A.M.**, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Please note that the order and estimated times are subject to change. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

ITEMS FOR PUBLIC HEARING

Item No. 1  
LP-2593  
**OLD SAINT JAMES EPISCOPAL CHURCH (OLD SAINT JAMES PARISH HALL)**  
**86-02 Broadway, Elmhurst, Queens**  
Landmark Site: Borough of Queens Tax Map Block 1549, Lot 1 in part.  
jy26-a8

**BOARD OF STANDARDS AND APPEALS**

■ PUBLIC HEARINGS

**August 22, 2017, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, August 22, 2017, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, NY 10007, on the following matters:

**APPEALS CALENDAR**

**2016-1186-A thru 2016-1207-A**  
APPLICANT - Rothkrug Rothkrug & Spector LLP, for Airport Park LLC, owner.  
SUBJECT - Application January 12, 2016 - Proposed construction of a two-story, two-family building, contrary to General City Law Section 35. R1-1 zoning district.  
PREMISES AFFECTED - 145-25 to 147-21A Hook Creek Boulevard, Block 13633, Lot(s) 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, Borough of Queens.  
**COMMUNITY BOARD #13Q**

**August 22, 2017, 1:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, August 22, 2017, 1:00 P.M., in Spector Hall, 22 Reade Street, New York, NY 10007, on the following matters:

**ZONING CALENDAR**

**157-15-BZ**  
APPLICANT - Law Office of Lyra J. Altman, for Naomi Houllou and Albert Houllou, owners.  
SUBJECT - Application July 13, 2015 - Special Permit (73-622) for the enlargement of an existing single family contrary to floor area, lot coverage and open space (ZR 23-141); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R3-2 zoning district.  
PREMISES AFFECTED - 3925 Bedford Avenue, Block 6831, Lot 76, Borough of Brooklyn.  
**COMMUNITY BOARD #15BK**

**173-15-BZ**  
APPLICANT - Sheldon Lobel, P.C., for Waterview Lofts LLC, owner; 92 Fitness Crew New York 2, LLC, lessee.  
SUBJECT - Application August 3, 2015 - Special Permit (§73-36) to permit the legalization of a Physical Cultural Establishment (*Orangetheory Fitness*) on the cellar level of an existing mix-use building contrary to ZR §42-10. M1-2/R6A & MX-8 zoning districts.  
PREMISES AFFECTED - 157 Kent Avenue, Block 2349, Lot 15, Borough of Brooklyn.  
**COMMUNITY BOARD #1BK**

**270-15-BZ**  
APPLICANT - Moshe M. Friedman, P.E., for 338 Devoe St LLC, owner.  
SUBJECT - Application December 10, 2015 - Variance (§72-21) to permit the construction of a 3 story residential building contrary to use regulations. M1-1 zoning district.  
PREMISES AFFECTED - 338 Devoe Street, Block 2924, Lot 12, Borough of Brooklyn.  
**COMMUNITY BOARD #1BK**

**2016-1219-BZ & 2016-1220-A**  
APPLICANT - Sheldon Lobel, P.C., for 74<sup>th</sup> and Myrtle LLC, owner.  
SUBJECT - Application February 10, 2016 - Variance (§72-21) to permit the development of a two-story plus cellar mixed-use building with ground floor commercial use an residential use on the second floor, contrary to residential floor area, front yard, side yard, parking and use regulations.  
Proposed construction of a two-story plus cellar building partially within the bed of a proposed street widening, pursuant to Article 3 of General City Law 35. R4-1 zoning district.  
PREMISES AFFECTED - 73-45 Myrtle Avenue aka 78-70 74<sup>th</sup> Street, Block 3823, Lot 88, Borough of Queens.  
**COMMUNITY BOARD #5Q**

*Margery Perlmutter, Chair/Commissioner*

Accessibility questions: Mireille Milfort, (212) 386-0078, mmilfort@bsa.nyc.gov, by: Monday, August 21, 2017, 4:00 P.M.



# PROPERTY DISPOSITION

## CITYWIDE ADMINISTRATIVE SERVICES

### ■ SALE

The City of New York in partnership with PropertyRoom.com posts vehicle and heavy machinery auctions online every week at: <https://www.propertyroom.com/s/nyc+fleet>

All auctions are open to the public and registration is free.

Vehicles can be viewed in person by appointment at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214. Phone: (718) 802-0022

**o11-m29**

## OFFICE OF CITYWIDE PROCUREMENT

### ■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nydcas.ny/browse/home>.

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

**j3-d29**

## HOUSING PRESERVATION AND DEVELOPMENT

### ■ PUBLIC HEARINGS

**PURSUANT TO SECTION 695(2)(B) OF THE GENERAL MUNICIPAL LAW AND SECTION 1802(6)(J) OF THE CHARTER, NOTICE IS HEREBY GIVEN** that the Department of Housing Preservation and Development ("HPD") of the City of New York ("City") has proposed the sale of the following City-Owned property (collectively, "Disposition Area") in the Borough of the Bronx:

Address	Block/Lot(s)
3120 Park Avenue	2418/6
451 East 159 <sup>th</sup> Street	2381/43

This submission seeks approval for the disposition and development of two vacant City-Owned properties located on Block 2418, Lot 6, and Block 2381, Lot 43 in the Bronx. The Mayor previously approved a project for the conveyance and development of the Disposition Area along with three properties, located on Block 2647, Lots 43 and 44, and Block 2646, Lot 41 (Mayoral Approval Document dated August 15, 2002 (Cal. No. 2)). In 2010, the City conveyed the three additional properties in accordance with the prior approval, but has never conveyed the Disposition Area. This submission seeks a new Mayoral approval for the Disposition Area.

Under the previous approvals, the Disposition Area was to be developed with two multiple dwellings containing approximately 16 units that would be affordable to and rented to households with incomes ranging from up to 60% of AMI to up to 90% of AMI. This submission proposes that the Disposition Area be developed with two multiple dwellings containing a total of 37 rental units (plus one unit for a superintendent) that would be affordable to households with incomes ranging from 80% of AMI to 90% of AMI and rented to households with incomes ranging

from up to 90% of AMI to up to 110% of AMI. In addition, under the previous approvals, the Disposition Area was to be developed under the Low Income Rental Program. The Disposition Area will now be developed under the Neighborhood Construction Program.

Under HPD's Neighborhood Construction Program, sponsors purchase City-Owned or privately owned land or vacant buildings and construct multifamily buildings in order to create up to 45 units of affordable rental housing on infill sites. Construction and permanent financing is provided through loans from private institutional lenders and from public sources including HPD, the New York City Housing Development Corporation, the State of New York, and the Federal government. Additional funding may also be provided from the syndication of low-income housing tax credits. The newly constructed buildings provide rental housing to low-income households at a range of incomes.

Under the proposed Project, the City will sell the Disposition Area to HP Park and Elton Apartments Housing Development Fund Company, Inc. ("Sponsor") for the nominal price of one dollar per tax lot. The Sponsor will also deliver an enforcement note and mortgage for the remainder of the appraised value ("Land Debt"). The Sponsor will convey beneficial ownership of the Disposition Area to Park and Elton Apt. Owners, LLC (the "LLC"), a limited liability company, which will operate the Exemption Area. The Sponsor will then construct two buildings containing a total of 37 rental dwelling units plus one unit for a superintendent on the Disposition Area.

The Land Debt will be repayable out of resale or refinancing profits for a period of at least thirty (30) years following completion of construction. The remaining balance, if any, may be forgiven at the end of the term.

The appraisal and the proposed Land Disposition Agreement and Project Summary are available for public examination at the office of HPD, 100 Gold Street, Room 5-I, New York, NY on business days during business hours.

**PLEASE TAKE NOTICE** that a public hearing will be held on September 13, 2017, at 1 Centre Street, Manhattan, Mezzanine, at 10:00 A.M., or as soon thereafter as the matter may be reached on the calendar, at which time and place those wishing to be heard will be given an opportunity to be heard concerning the proposed sale of the Disposition Area, pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter.

Individuals requesting sign language interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, Room 915, New York, NY 10007, (212) 788-7490, no later than five (5) business days prior to the public hearing. TDD users should call Verizon relay services.

**← a8**

**PURSUANT TO SECTION 695(2)(B) OF THE GENERAL MUNICIPAL LAW AND SECTION 1802(6)(J) OF THE CHARTER, NOTICE IS HEREBY GIVEN** that the Department of Housing Preservation and Development ("HPD") of the City of New York ("City") has proposed the sale of the following City-Owned property (collectively, "Disposition Area") in the Borough of Brooklyn:

Addresses	Block/Lots
1616 Fulton Street	1699/35
1624 Fulton Street	1699/39
20R Troy Avenue	1699/43

Under HPD's Mixed Income Program: M<sup>2</sup>, sponsors purchase City-Owned or privately owned land or vacant buildings and construct multifamily buildings in order to create affordable rental housing units with a range of affordability in which up to 25 percent of the units are affordable to low income households earning up to 60 percent of the Area Median Income ("AMI") and the remaining units are affordable to moderate and/or middle income households. Construction and permanent financing is provided through loans from private institutional lenders and from public sources including HPD, the New York City Housing Development Corporation, the State of New York, and the Federal government. Additional funding may also be provided from the syndication of low-income housing tax credits.

Under the proposed project, the City will sell the Disposition Area to FAC Fulton Street Housing Development Fund Corporation ("Sponsor") for the nominal price of one dollar per tax lot, and the Sponsor will convey beneficial ownership to 16 Fulton Partners LLC ("LLC"). The Sponsor and the LLC (collectively, "Owner") will also deliver an enforcement note and mortgage for the remainder of the appraised value ("Land Debt"). The Owner will then construct one building containing a total of approximately 102 rental dwelling units, plus one unit for a superintendent, and approximately 13,100 square feet of commercial and/or community facility space on the Disposition Area assembled with five privately owned lots located on Block 1699, Lots 33, 34, 36, 38, and 137.

The Land Debt will be repayable out of resale or refinancing profits for a period of at least thirty (30) years following completion of construction. The remaining balance, if any, may be forgiven at the end of the term.

The appraisal and the proposed Land Disposition Agreement and Project Summary are available for public examination at the office of HPD, 100 Gold Street, Room 5-I, New York, NY, on business days during business hours.

**PLEASE TAKE NOTICE** that a public hearing will be held on September 13, 2017, at 1 Centre Street, Manhattan, Mezzanine, at 10:00 A.M., or as soon thereafter as the matter may be reached on the calendar, at which time and place those wishing to be heard will be given an opportunity to be heard concerning the proposed sale of the Disposition Area, pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter.

Individuals requesting sign language interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, Room 915, New York, NY 10007, (212) 788-7490, no later than five (5) business days prior to the public hearing. TDD users should call Verizon relay services.

← a8

**POLICE**

■ NOTICE

**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: Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

**INQUIRIES**

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

**FOR MOTOR VEHICLES (All Boroughs):**

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

**FOR ALL OTHER PROPERTY**

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j3-d29

**PROCUREMENT**

*"Compete To Win" More Contracts!*

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

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

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

HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York ("PPB Rules"), vendors must first complete and submit an electronic prequalification application using the City's Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

**Participating NYC Agencies**

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children's Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit [www.nyc.gov/hhsaccelerator](http://www.nyc.gov/hhsaccelerator)

**ADMINISTRATION FOR CHILDREN'S SERVICES**

■ INTENT TO AWARD

*Human Services/Client Services*

**EXTRAORDINARY NEEDS FOSTER CARE SERVICES -**

Negotiated Acquisition - Available only from a single source - PIN#06818N0001 - Due 8-28-17 at 4:00 A.M.

The New York City Administration for Children's Services Office of Procurement, in accordance with Section 3-04(b)(2)(i)(D) of the Procurement Policy Board Rules, intends to enter into a Negotiated Acquisition with Adelphoi Village for the provision of extraordinary needs foster care services. The term of the contract is projected to be from November 1, 2017 to September 15, 2019. This notice is for information purposes only. Organizations interested in future solicitation for these services are invited to do so by submitting a simple, electronic prequalification application using the City's new Health and Human Services (HHS) Accelerator System. To prequalify or for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit [www.nyc.gov/hhsaccelerator](http://www.nyc.gov/hhsaccelerator).



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. Rafael Asusta (212) 341-3511; Fax: (212) 551-7113; rafael.asusta@acs.nyc.gov

☛ a8-14

**OFFICE OF PROCUREMENT**

■ SOLICITATION

*Services (other than human services)*

**CONSULTING SERVICES FOR PROJECT MANAGEMENT, PROGRAM DESIGN, AND PLANNING SUPPORT FOR THE RAISE THE AGE INITIATIVE** - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 06817N0007 - Due 9-7-17 at 3:00 P.M.

The "Raise the Age" legislation was signed into law on April 10, 2017. The legislation raises the age of adult criminal responsibility in the State of New York to the age of 18. In a phased approach, the legislation raises the presumptive juvenile accountability for 16 year olds effective October 1, 2018 and for 17 year olds on October 1, 2019. Through this Negotiated Acquisition (NA) solicitation, ACS is seeking a consultant firm ("Contractor"), with an active and fully dedicated onsite team, to project manage, guide, and support the City's comprehensive design (administrative, programmatic, procedural, and policy), planning, management, rollout, and initial monitoring of the Raise the Age initiative.

The Negotiated Acquisition Solicitation Document can be downloaded from the ACS website: [www.nyc.gov/acs](http://www.nyc.gov/acs) and selecting "Respond to RFP" from the How do I? dropdown menu. On the next screen, select "Go to RFP Online" under "Current ACS Business Opportunities." On the next screen, select "Negotiated Acquisition Solicitations" under "Current Documents" and you will be brought to the page where this Negotiated Acquisition Solicitation is listed and can be downloaded.

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. Doron Pinchas (212) 341-3488; Fax: (212) 341-9830; [doron.pinchas@acs.nyc.gov](mailto:doron.pinchas@acs.nyc.gov)

a7-11

**CORRECTION**

**CENTRAL OFFICE OF PROCUREMENT**

■ AWARD

*Services (other than human services)*

**MOTIVATIONAL INTERVIEWING THROUGH TRAINING** - Negotiated Acquisition - Other - PIN#072201625SSP - AMT: \$271,148.00 - TO: NDRI-USA Inc., 71 West 23rd Street, New York, NY 10010.

The Department has awarded NDRI-USA Inc. to provide training and coaching of staff in the use of motivational interviewing to support the needs of youth in custody between the ages of 16-21. The goal of this initiative is to bring some of the best providers in the field directly to our facilities to serve the complex and critical needs of our population, and to reduce violence in jails and recidivism.

This procurement is part of the Departments 14-point anti-violence agenda as a part of Court Ordered Consent Decree which includes the expansion of programming for the DOC population as a means to reduce idleness and incident involvement.

☛ a8

**ENVIRONMENTAL PROTECTION**

**AGENCY CHIEF CONTRACTING OFFICE**

■ AWARD

*Construction Related Services*

**DRG-FB-CM: CONSTRUCTION MANAGEMENT SERVICES** - Request for Proposals - PIN#82616P0019001 - AMT: \$4,047,365.00 -

TO: OBG-OCC Flushing Bay Dredging Consultants JV, 333 West Washington Street, Syracuse, NY 13202.

**● RLCY-A-D-DES: DESIGN AND DESIGN SERVICES DURING CONSTRUCTION FOR VARIOUS WASTEWATER PROJECTS**

- Request for Proposals - PIN#82615WP01339
- RLCY-DES-A - \$5,750,000.00 - D and B Engineers and Architects, PC, 330 Crossways Park Drive, Woodbury, NY 11797
- RLCY-DES-B - \$5,750,000.00 - Greeley and Hansen LLC, 111 Broadway, Suite 2101, New York, NY 10006
- RLCY-DES-C - \$5,750,000.00 - Hazen and Sawyer, 498 Seventh Avenue, 11th Floor, New York, NY 10018
- RLCY-DES-D - \$5,750,000.00 - STV Inc., 225 Park Avenue South, New York, NY 10003

**● PW-102: DESIGN AND DESIGN SERVICES DURING CONSTRUCTION IN CONNECTION WITH MISCELLANEOUS PROJECTS AT VARIOUS BWT LOCATIONS** - Request for Proposals - PIN#82615P0013003 - AMT: \$5,000,000.00 - TO: Greeley and Hansen LLC, 111 Broadway, Suite 2101, New York, NY 10006.

- **SF-BNR-CM: CONSTRUCTION MANAGEMENT SERVICES FOR LEVER I STEP FEED BNR UPGRADES AT ROCKAWAY AND CONEY ISLAND WWTPS** - Request for Proposals - PIN#82617WP01394 - AMT: \$8,976,350.00 - TO: Arcadis of New York Inc., 655 Third Avenue, 12th Floor, New York, NY 10017.

☛ a8

*Services (other than human services)*

**CLEAN16-21: JANITORIAL/CUSTODIAL SERVICES** - Required Method (including Preferred Source) - PIN#82616M0001001 - AMT: \$610,845.51 - TO: New York State Industries for the Disabled, 11 Columbia Circle Drive, Albany, NY 12203.

● **COS-JANIT: JANITORIAL SERVICES AT THE CROTON WATER FILTRATION PLANT** - Required Method (including Preferred Source) - PIN#82616M0005001 - AMT: \$303,192.37 - TO: New York State Industries for the Disabled, 11 Columbia Circle Drive, Albany, NY 12203..

● **CW-EWQS: CITYWIDE ECOLOGICAL AND WATER QUALITY STUDIES** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN#82616P0005001 - AMT: \$5,371,047.00 - TO: Henningson Durham and Richardson Architectures and Engineering PC, 500 Seventh Avenue, 15th Floor, New York, NY 10018.

● **BATH-17: BATHYMETRY SERVICES** - Government to Government - PIN#82617T0008001 - AMT: \$431,500.00 - TO: US Geological Survey, 425 Jordan Road, Troy, NY 12180-8349.

● **LS-2015: CUTTING AND REMOVING GRASS, SHRUBS AT RESERVOIRS AND GROUND WATER LOCATIONS FOR BWSO** - Required Method (including Preferred Source) - PIN#82616M0006 - AMT: \$904,295.74 - TO: New York State Industries for the Disabled, 11 Columbia Circle Drive, Albany, NY 12203.

● **DEL-417C: DESIGN AND CONSTRUCTION OF A BI-MUNICIPAL BACK-UP WATER SUPPLY SYSTEM** - Government to Government - PIN#82617T0003001 - AMT: \$12,062,725.00 - TO: Town of New Windsor, 555 Union Avenue, New Windsor, NY 12553.

☛ a8

**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

**CONTRACTS AND PROCUREMENT**

■ AWARD

*Goods*

**PALO ALTO SUPPORT** - Intergovernmental Purchase - Other - PIN#85817O0050001 - AMT: \$10,644,852.25 - TO: Dyntek Services, Inc., 1350 Broadway, Suite 2104, New York, NY 10018.

Five year Palo Alto Support Agreement. The term of the Agreement is 6/4/17 - 8/10/22. This procurement was competitively awarded to Dyntek Services, Inc. Via Palo Alto's OGS Manufacturer Based Umbrella Contract.

☛ a8

*Services (other than human services)*

**IBM BCBS RENEWAL** - Renewal - PIN#85817G0012001 - AMT: \$2,139,360.00 - TO: IBM Corporation, 590 Madison Avenue, New York, NY 10022.

Renewal Agreement with IBM Corporation to provide Business Continuity and Resiliency Services. The term of this renewal is 11/1/2017 - 10/31/2019.

☛ a8

**OFFICE OF LABOR RELATIONS**

**SOLICITATION**

*Services (other than human services)*

**SECOND OPINION SERVICES FOR ONCOLOGY** - Demonstration Project - Testing or experimentation is required - PIN#00217D0004 - Due 9-7-17 at 10:00 A.M.

The Mayor's Office of Labor Relations ("OLR") on behalf of the Labor Management Health Insurance Policy Committee for the City of New York's Health Benefits Program (HBP) intends to enter into negotiations with one or more vendors to provide a Second Opinion Program for Oncology, which reviews patients' records to determine the appropriateness of the diagnosis and treatment plans and help guide patients to the best options for their care. The Second Opinion Program for Oncology will be made available to approximately 750,000 active employees and under 65 retirees and their dependents that participate in the New York City GHI-CBP/Empire Blue Cross Blue Shield Plan.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Office of Labor Relations, 40 Rector Street, 3rd Floor, New York, NY 10006. Anita Douglas (212) 306-7796; Fax: (212) 306-7373; adouglas@olr.nyc.gov

☛ a8-14

**NYC HEALTH + HOSPITALS**

**SOLICITATION**

*Services (other than human services)*

**PARTNER PORTAL EXPANSION** - Request for Proposals - PIN# 038-0035 - Due 8-23-17 at 1:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
NYC Health + Hospitals, 160 Water Street, 13th Floor, New York, NY 10038. David Larish (212) 442-3869; larishd@nychhc.org

☛ a8

**PARKS AND RECREATION**

**VENDOR LIST**

*Construction/Construction Services*

**PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION - NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS**

DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business Enterprise (M/WBE)\*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE\*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

\*Firms that are in the process of becoming a New York City-Certified M/WBE, may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained online at: <http://a856-internet.nyc.gov/nycvendononline/home.asap>; or <http://www.nycgovparks.org/opportunities/business>.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; dmwbe.capital@parks.nyc.gov

j3-d29

**CAPITAL PROJECTS**

**AWARD**

*Construction Related Services*

**DESIGN CONSTRUCTION AND CONSTRUCTION**

**SUPERVISION** - Government to Government - PIN#84617T0005001 - AMT: \$230,000.00 - TO: Hudson River Park Trust, Pier 40, 2nd Floor, 353 West Street, New York, NY 10014.

● **DESIGN CONSTRUCTION AND CONSTRUCTION**

**SUPERVISION** - Government to Government - PIN#84617T0004001 - AMT: \$150,000.00 - TO: Hudson River Park Trust, Pier 40, 2nd Floor, 353 West Street, New York, NY 10014.

● **DESIGN CONSTRUCTION AND CONSTRUCTION**

**SUPERVISION** - Government to Government - PIN#84617T0003001 - AMT: \$206,000.00 - TO: Hudson River Park Trust, Pier 40, 2nd Floor, 353 West Street, New York, NY 10014.

☛ a8

**CONTRACTS**

**SOLICITATION**

*Construction/Construction Services*

**RECONSTRUCTION OF EPIPHANY PLAYGROUND** - Competitive Sealed Bids - PIN#84617B0159 - Due 8-30-17 at 10:30 A.M.

The Reconstruction of Epiphany Playground bounded by Berry Street, South 9th and South 10th Streets, Borough of Brooklyn. Contract B405-116M. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

Bid Security: Bid Deposit in the amount of 5 percent of Bid Amount or Bid Bond in the amount of 10 percent of Bid Amount. The cost estimate range: \$1,000,000.00 to \$3,000,000.00. To request the Plan Holder's List, please call the Blue Print Room at (718) 760-6576.

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

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

Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Susana Hersh (718) 760-6855; [susana.hersh@parks.nyc.gov](mailto:susana.hersh@parks.nyc.gov)

☛ a8

**TRANSPORTATION**

**STATEN ISLAND FERRY**

■ **AWARD**

*Construction/Construction Services*

**SIF FACILITIES RESTORATION AND REPLACEMENT - HURRICANE SANDY** - Competitive Sealed Bids - PIN# 84116MNSI985 - AMT: \$157,200,000.00 - TO: NSP Enterprises, Inc, 247 52nd Street, Brooklyn, NY 11220.

← a8

**YOUTH AND COMMUNITY DEVELOPMENT**

**PROCUREMENT**

■ **INTENT TO AWARD**

*Services (other than human services)*

**FY18 CAPACITY BUILDING SERVICES RENEWAL -DYCD ONLINE** - Renewal - PIN# 26016P0001005 - Due 8-14-17 at 9:00 A.M.

In accordance with Section 4-04 of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD) intends to renew the contract listed below to provide Capacity Building Services under Service Option I: Subcategory G, DYCD Online Technical Assistance. The term of the contract renewal shall be for a one year period from 7/1/2017 to 6/30/2018 with an option to renew for up to an additional one year. Listed below is the pin number, provider name, provider address and contract amount:

PIN: 26018088478A  
 Provider Name: Expanded Schools  
 Provider Address: 1440 Broadway, 16th Floor,  
 New York, NY 10018  
 Contract Amount: \$200,000.00

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

Youth and Community Development, 2 Lafayette Street, 14th Floor, New York, NY 10007. Renise Ferguson (646) 343-6320; referguson@dycd.nyc.gov

a7-11

**SPECIAL MATERIALS**

**OFFICE OF LABOR RELATIONS**

■ **NOTICE**

TO: HEADS OF CONCERNED CITY DEPARTMENTS AND AGENCIES  
 FROM: ROBERT W. LINN, COMMISSIONER  
 SUBJECT: EXECUTED CONTRACT: PROBATION OFFICERS  
 TERM: DECEMBER 28, 2009 TO APRIL 27, 2017

Attached for your information and guidance is a copy of the executed contract entered into by the Commissioner of Labor Relations behalf of the City of New York and the United Probation Officer's Association on behalf of the incumbents of positions listed in Article I of said contract.

The contract incorporates terms of an agreement reached through collective bargaining negotiations and related procedures.

DATED: July 26<sup>th</sup>, 2017

**2009-2017 Probation Officers Agreement AGREEMENT** entered into this 26th day of July, 2017 by and between the City of New York (the "Employer"), and the United Probation

Officers Association ("Union"), for the period from December 28, 2009 to April 27, 2017.

**WITNESSETH:**

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

**NOW, THEREFORE**, it is mutually agreed as follows:

**ARTICLE I-UNION RECOGNITION AND UNIT DESIGNATION**

**Section 1.**

The Employer recognizes the Union as the sole and exclusive collective bargaining representative for the bargaining unit set forth below, consisting of employees of the Employer, wherever employed, whether full-time, part-time per annum, hourly or per diem, in the below listed title(s), and in any successor title(s) that may be certified by the Board of Certification of the Office of Collective Bargaining to be part of the unit herein for which the Union is the exclusive collective bargaining representative and in any positions in Restored Rule X titles of the Classified Service the duties of which are or shall be equated by the City Personnel Director and the Director of the Budget for salary purposes to any of the below listed title(s):

TC#	Title
51800	Probation Assistant
51801	Probation Officer Trainee
51810	Probation Officer
51835	Senior Probation Officer*
51860	Supervising Probation Officer

\*For Present Incumbents Only

**Section 2.**

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

**ARTICLE II--DUES CHECKOFF**

**Section 1.**

- a. The Union shall have the exclusive right to the checkoff and transmittal of dues in 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 Checkoff of Union Dues and Agency Shop Fees."
- b. Any Employee may consent in writing to the authorization of the deduction of dues from the Employee's wages and to the designation of the Union as the recipient thereof. Such consent, if given, shall be in a proper form acceptable to the City, which bears the signature of the Employee.

**Section 2.**

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

**ARTICLE III - SALARIES**

**Section 1.**

- a. This Article III is subject to the provisions, terms and conditions of the Alternative Career and Salary Pay Plan Regulations, dated March 15, 1967 as amended to date, except that the specific terms and conditions of this Article shall supersede any provisions of such Regulations inconsistent with this Agreement subject to the limitations of applicable provisions of law.
- b. For the period December 28, 2009 to April 27, 2017 all salary provisions of this Agreement, including minimum and maximum salaries, advancement increases, general increases, and any other salary adjustments, are based upon a normal work week of 37-1/2 hours except for Employees newly hired on or after August 1, 2004 whose normal work week is 40 hours. The scheduling of the increased hours shall be a managerial prerogative. 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** - 37-1/2 hour week basis - 1/1957.5 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 mshall not be deemed a promotion.

**Section 2.**

Employees in the following title (s) shall be subject to the following specified salary(ies), salary adjustment (s), and/or salary range(s):

**a) Effective December 28, 2009**

TITLE	Minimum		
	(1) Hiring Rate**	(2) Incumbent Rate	Max
PROBATION ASSISTANT	\$23,350	\$26,853	\$32,906
PROBATION OFFICER	\$38,730	\$44,540	\$64,486
PROBATION OFFICER TRAINEE	\$34,540	\$39,721	\$46,538
SENIOR PROBATION OFFICER *	\$43,159	\$49,633	\$70,310
SUPERVISING PROBATION OFFICER	\$51,666	\$59,416	\$77,164

**b) Effective June 28, 2011**

TITLE	Minimum		
	(1) Hiring Rate**	(2) Incumbent Rate	Max
PROBATION ASSISTANT	\$23,584	\$27,122	\$33,235
PROBATION OFFICER	\$39,117	\$44,985	\$65,131
PROBATION OFFICER TRAINEE	\$34,885	\$40,118	\$47,003
SENIOR PROBATION OFFICER *	\$43,590	\$50,129	\$71,013
SUPERVISING PROBATION OFFICER	\$52,183	\$60,010	\$77,936

**c) Effective June 28, 2012**

TITLE	Minimum		
	(1) Hiring Rate**	(2) Incumbent Rate	Max
PROBATION ASSISTANT	\$23,820	\$27,393	\$33,567
PROBATION OFFICER	\$39,509	\$45,435	\$65,782
PROBATION OFFICER TRAINEE	\$35,234	\$40,519	\$47,473
SENIOR PROBATION OFFICER *	\$44,026	\$50,630	\$71,723
SUPERVISING PROBATION OFFICER	\$52,704	\$60,610	\$78,715

**d) Effective June 28, 2013**

TITLE	Minimum		
	(1) Hiring Rate**	(2) Incumbent Rate	Max
PROBATION ASSISTANT	\$24,058	\$27,667	\$33,903
PROBATION OFFICER	\$39,903	\$45,889	\$66,440
PROBATION OFFICER TRAINEE	\$35,586	\$40,924	\$47,948
SENIOR PROBATION OFFICER *	\$44,466	\$51,136	\$72,440
SUPERVISING PROBATION OFFICER	\$53,231	\$61,216	\$79,502

**e) Effective June 28, 2014**

TITLE	Minimum		
	(1) Hiring Rate**	(2) Incumbent Rate	Max
PROBATION ASSISTANT	\$24,419	\$28,082	\$34,412
PROBATION OFFICER	\$40,502	\$46,577	\$67,437
PROBATION OFFICER TRAINEE	\$36,120	\$41,538	\$48,667
SENIOR PROBATION OFFICER *	\$45,133	\$51,903	\$73,527
SUPERVISING PROBATION OFFICER	\$54,030	\$62,134	\$80,695

**f) Effective June 28, 2015**

TITLE	Minimum		
	(1) Hiring Rate**	(2) Incumbent Rate	Max
PROBATION ASSISTANT	\$25,030	\$28,784	\$35,272
PROBATION OFFICER	\$41,514	\$47,741	\$69,123
PROBATION OFFICER TRAINEE	\$37,023	\$42,576	\$49,884
SENIOR PROBATION OFFICER *	\$46,262	\$53,201	\$75,365
SUPERVISING PROBATION OFFICER	\$55,380	\$63,687	\$82,712

**g) Effective June 28, 2016**

TITLE	Minimum		
	(1) Hiring Rate**	(2) Incumbent Rate	Max
PROBATION ASSISTANT	\$25,781	\$29,648	\$36,330
PROBATION OFFICER	\$42,759	\$49,173	\$71,197
PROBATION OFFICER TRAINEE	\$38,133	\$43,853	\$51,381
SENIOR PROBATION OFFICER *	\$47,650	\$54,797	\$77,626
SUPERVISING PROBATION OFFICER	\$57,042	\$65,598	\$85,193

\*For present incumbents only

\*\*See Section 4.

**Section 3. General Wage Increase**

**a. Ratification Bonus**

A lump sum cash payment in the amount of \$1,000, pro-rated for other than full-time employees, shall be payable as soon as practicable upon ratification of the Agreement to those employees who are on payroll as of the date of ratification. The lump sum cash payment shall be pensionable, consistent with applicable law.

- i. The lump sum cash payments shall not become part of the employee's basic salary rate nor be added to the employee's basic salary for the calculation of any salary based benefits including the calculation of future collective bargaining increases.
- ii. For circumstances that were not anticipated by the parties, the First Deputy Commissioner of Labor Relations may elect to issue, on a case-by-case basis, interpretations concerning the application of Section 3(a) of Article III of this agreement. Such case-by-case interpretations shall not be subject to any dispute resolution procedures as per past practice of the parties.

**b. The general increase, effective as indicated, shall be:**

- i. Effective June 28, 2011, Employees shall receive a general increase of 1.00%.
- ii. Effective June 28, 2012, Employees shall receive a general increase of 1.00%.
- iii. Effective June 28, 2013, Employees shall receive a general increase of 1.00%.
- iv. Effective June 28, 2014, Employees shall receive a general increase of 1.50%.
- v. Effective June 28, 2015, Employees shall receive a general increase of 2.50%.

- vi. Effective June 28, 2016, Employees shall receive a general increase of 3.00%.
  - vii. Part-time per annum, part time per diem (including seasonal appointees), per session, and hourly paid Employees whose normal work year is less than a full calendar year shall receive the increases provided in Section 3(b)(i) and 3(b)(ii) on the basis of computations heretofore utilized the parties for all such employees.
- c. The increase provided for in Section 3(b) above shall be calculated as follows:
- i. The general increase in Section 3(b)(i) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on June 27, 2011.
  - ii. The general increase in Section 3(b)(ii) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on June 27, 2012.
  - iii. The general increase in Section 3(b)(iii) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on June 27, 2013.
  - iv. The general increase in Section 3(b)(iv) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on June 27, 2014.
  - v. The general increase in Section 3(b)(v) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on June 27, 2015.
  - vi. The general increase in Section 3(b)(vi) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on June 27, 2016.
- d. i. The general increase provided for in this Section 3 shall also be applied to the base rates, and the minimum "hiring rates", minimum "incumbent rates" and maximum rates (including levels), if any, fixed for the applicable titles.
- ii. The general increases provided for in this Section 3(b)(i) to 3(b)(v) shall NOT be applied to "additions to gross."
- iii. Effective June 28, 2016, the general increases provided for in this Section 3(b)(vi) shall be applied to "additions to gross." "Additions to gross" shall be defined to include uniform allowances, equipment allowances, transportation allowances, uniform maintenance allowance, assignment differentials, service increments, longevity differentials, advancement increases, assignment (level) increases, and experience, certification, educational, license, evening, or night shift differentials.

**Section 4. New Hires**

- a. The following provisions shall apply to Employees newly hired on or after July 1, 2004:
- i. During the first two (2) years of service, the "appointment rate" for a newly hired Employee shall be fifteen percent (15%) less than the applicable "incumbent minimum" for said title that is in effect on the date of such appointment as set forth in this Agreement. The general increase provided for in subsection 3(b)(i) of this Article III shall be applied to the "appointment rate."
  - ii. Upon completion of two (2) years of service such employees shall be paid the indicated "incumbent minimum" for the applicable title that is in effect on the two (2) year anniversary of their original date of appointment as set forth in this Agreement.
- b. For the purposes of Sections 4 (a) and (c), Employees 1) who were in active pay status before December 28, 2009, 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 subsection 2(a)(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.
- c. 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(d)(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.
- 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 this subsection 4(a).

**Section 5.**

Each general increase provided herein, effective as of each indicated date, shall be applied to the rate in effect on the date 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. 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 6.**

A person permanently employed by the Employer who is appointed or promoted on a permanent, provisional, or temporary basis in accordance with the Rules and Regulations of the New York City Personnel Director or where the Rules and Regulations of the New York City Personnel Director are not applicable 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**

	Effective 12/28/09	Effective 6/28/16
Senior Probation Officer *	\$792	\$816
Supervising Probation Officer	\$950	\$979

\* For present incumbents only.

**Section 7. Service and Salary Increments**

a. For those Probation Officers hired prior to August 1, 2004, a series of salary increments will continue to be given to Probation Officers, **with a satisfactory or better rating on the most recent evaluation**, on the January 1st after the employees second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth years as Probation Officers.

Years as Probation Officer	Effective 12/28/09	Effective 6/28/16
After 2nd year	\$2,000	\$2,060
After 3rd year	\$2,000	\$2,060
After 4th year	\$1,000	\$1,030
After 5th year	\$1,000	\$1,030
After 6th year	\$1,000	\$1,030
After 7th year	\$500	\$515
After 8th year	\$500	\$515
After 9th year	\$500	\$515
After 10th year	\$500	\$515

- b. For those Probation Officers hired on or after August 1, 2004, a series of salary increments will continue to be given to newly hired Probation Officers, **with a satisfactory or better rating on the most recent evaluation**, on the January 1st after the Employee's second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth years as Probation Officers.

<u>Years as Probation Officer</u>	<u>Effective 12/28/09</u>	<u>Effective 6/28/16</u>
After 2nd year	\$575	\$592
After 3rd year	\$500	\$515
After 4th year	\$500	\$515
After 5th year	\$500	\$515
After 6th year	\$500	\$515
After 7th year	\$500	\$515
After 8th year	\$500	\$515
After 9th year	\$500	\$515
After 10th year	\$500	\$515

- c. A series of salary increments will be given to Supervising Probation Officers, **with a satisfactory or better rating on the most recent evaluation** on the January 1st after the Employee's first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth years as a Supervising Probation Officer. Any Employee who was employed as a Supervising Probation Officer as of October 31, 1990 will receive the increment based on years of service as a Probation Officer and a Supervising Probation Officer.

<u>Years of Service as a Supervising Probation Officer</u>	<u>Effective 12/28/09</u>	<u>Effective 6/28/16</u>
After 1st year	\$400	\$412
After 2nd year	\$500	\$515
After 3rd year	\$500	\$515
After 4th year	\$500	\$515
After 5th year	\$500	\$515
After 6th year	\$500	\$515
After 7th year	\$500	\$515
After 8th year	\$500	\$515
After 9th year	\$500	\$515
After 10th year	\$500	\$515
After 11th year	\$250	\$258
After 12th year	\$250	\$258
After 13th year	\$250	\$258
After 14th year	\$250	\$258
After 15th year	\$275	\$283

All service increments will be paid on January 1st retroactive to the date they are due under this section.

- d. Employees with the following years of service in the New York City Department of Probation in any title covered by this agreement shall receive the annual amounts set forth below. Such employees shall begin to receive their pro-rata payments on the January 1 immediately following their anniversary date. The pro-rata payments shall be deemed included in the base rate of all eligible Employees for all purposes.

	<u>Effective 12/28/09</u>	<u>Effective 6/28/16</u>	<u>Effective 12/28/16</u>
Three (3) years of service	\$1,050	\$1,082	\$1,082
Five (5) years of service	\$1,646	\$1,695	\$1,695
an additional	(\$596)	(\$613)	(\$613)
Seven and one-half (7-1/2) years of service #	\$2,689	\$2,770	\$2,770
an additional	(\$1,043)	(\$1,075)	(\$1,075)
<b>Service Increment in Probation Officer Occupational Group</b>			
Ten (10) years of service ##	\$3,435	\$3,538	\$4,183
an additional	(\$746)	(\$768)	(\$1,413)

# Employee must have seven and one-half (7-1/2) years or more of continuous service in the New York City Department of Probation and the increment shall not be pensionable until the Employee has received it for fifteen (15) months subsequent to the effective date of its initial receipt.

## This service increment shall not be pensionable until the Employee has received it for two (2) years.

- e. Longevity Increment

Effective April 13, 2006, Employees with fifteen (15) or more years of service in the New York City Department of Probation in any title covered by this agreement shall continue to receive a longevity

increment in the pro-rata annual amount of two thousand and forty-five (\$2,045.00) dollars. Such Employees shall begin to receive their pro-rata payments on the January immediately following their anniversary date. This longevity increment shall not be pensionable until the Employee has received it for two (2) years.

- f. Longevity Differential

Employees with twelve (12) or more years of service in the New York City Department of Probation in any title covered by this agreement shall receive a longevity differential in the pro-rata annual amount of seven hundred and thirty-six (\$736.00) dollars.

Effective June 28, 2016, Employees with twelve (12) or more years of service in the New York City Department of Probation in any title covered by this agreement shall receive a longevity differential in the pro-rata annual amount of seven hundred and fifty-eight (\$758.00) dollars.

Employees with twenty (20) or more years of service in the New York City Department of Probation in any title covered by this agreement shall receive an additional longevity differential in the pro-rata annual amount of three hundred and twenty-five (\$325) dollars.

Effective June 28, 2016, Employees with twenty (20) or more years of service in the New York City Department of Probation in any title covered by this agreement shall receive an additional longevity differential in the pro-rata annual amount of three hundred and thirty-five (\$335) dollars.

This longevity differential does not become part of the basic salary rate. Service eligibility is computed on the basis of the length of service in the occupational group. Eligibility of new qualifiers for the longevity differential shall be on the January 1, April 1, July 1, or October 1 subsequent to the new qualifier's anniversary date. The longevity differential shall not be pensionable until the Employee has received it for two (2) years.

**ARTICLE IV--WELFARE FUND**

**Section 1.**

- a. In accordance with the election by the Union pursuant to the provisions of Article XIII of the 1995-2001 Citywide Agreement as amended between the City of New York and related public employers and District Council 37, AFSCME, AFL-CIO, the Welfare Fund provisions of that Citywide Agreement as amended or any successor(s) thereto shall apply to Employees covered by this agreement.
- b. When an election is made by the Union pursuant to the provisions of Article XIII, Section 1(b), of the 1995-2001 Citywide Agreement as amended between the City of New York and related public employers and District Council 37, AFSCME AFL-CIO, the provisions of Article XIII, Section 1 (b) of the 1995-2001 Citywide Agreement, as amended or any successor(s) thereto, shall apply to employees covered by this Agreement, and when such election is made, the Union hereby waives its right to training, education and/or legal services contributions provided in this Agreement, if any. In no case shall the single contribution provided in Article XIII, Section 1 (b) of the 1995-2001 Citywide Agreement as amended or any successor agreements thereto, exceed the total amount that the Union would have been entitled to receive if the separate contributions had continued.
- c. Contributions remitted to the Union pursuant to this Section 1 and Article XIII of the Citywide Agreement are contingent upon the execution of a separate trusted fund agreement between the Employer and the Union.

**Section 2.**

Effective December 28, 2009, the City shall continue to contribute the pro-rata annual amount of \$1,698 for actives and retirees for remittance to the Welfare Fund of the Union pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel.

**Section 3.**

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 4.**

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.

**Section 5.**

This Agreement incorporates the terms of the May 5, 2014 Letter Agreement regarding health savings and welfare fund contributions between the City of New York and the Municipal Labor Committee, as appended to this agreement.

**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, prepare work schedules and to measure the performance of each employee or group of employees. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on Employees are within the scope of collective bargaining. The Employer will give the union prior notice of the establishment and/or revision of performance standards or norms hereunder.
- b. Employees who work at less than acceptable levels of performance may be subject to disciplinary measures in accordance with applicable law.

**Section 2. Supervisory Responsibility**

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

**Section 3. - Performance Compensation**

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

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

**ARTICLE VI--GRIEVANCE PROCEDURE****Section 1.**

DEFINITION: The term "Grievance" shall mean:

- a. A dispute concerning the application or interpretation of the terms of this Agreement;
- b. A claimed violation, misinterpretation or misapplication of the rules or regulations, written policy or orders of the Employer applicable to the agency which employs the grievant affecting terms and conditions of employment; provided, disputes involving the Rules and Regulations of the City of New York shall not be subject to the grievance procedure or arbitration;
- c. A claimed assignment of Employees to duties substantially different from those stated in their job specifications;
- d. A claimed improper holding of an open-competitive rather than a promotional examination;
- e. A claimed wrongful disciplinary action taken against a permanent Employee covered by Section 75 (1) of the Civil Service Law upon whom the agency head has served written charges of incompetence or misconduct while the Employee is serving in the Employee's permanent title or which affects the Employee's permanent status.
- f. 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.
- g. A claimed wrongful disciplinary action taken against an eligible provisional employee 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 has been assigned regularly to work the normal, full-time work week established for that title.

**Section 2.**

The Grievance Procedure, except for grievances as defined in Section 1 (d) and 1 (e) and 1 (g) of this Article, shall be as follows:

Employees may at any time informally discuss with their supervisors a matter which may become a grievance. If the results of such a discussion are unsatisfactory, the Employees may present the grievance at Step I.

All grievances must be presented in writing at all steps in the grievance procedure. For all grievances as defined in Section 1(d)(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 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. 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.

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

**STEP III** An appeal from an unsatisfactory determination at STEP II shall be presented by the employee and/or the Union to the Commissioner of Labor Relations in writing within ten (10) working 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) working 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) working 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 Consolidated Rules of the Office of Collective Bargaining. 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.**

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. As a condition of accepting such determination, the Employee shall sign a waiver of the Employees right to the procedures available to him or her under Section 75 and 76 of the Civil Service Law.

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

- STEP B(ii)** If the election is made to proceed pursuant to the Grievance Procedure, an appeal from the determination of STEP A above, shall be made to the agency head or designated representative. The appeal must be made in writing within five (5) working 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 working 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 of 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) working 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 Section 1(g) of this Article, the "Disciplinary Procedure for Provisional Employees", including side-letter, appended, shall govern.

#### **Section 7.**

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

#### **Section 8.**

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

#### **Section 9.**

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

#### **Section 10.**

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

#### **Section 11.**

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

#### **Section 12.**

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 13. 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 the 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 Section 12 and notify the parties of proposed hearing dates for such cases.
  - (2) The parties shall have ten business days from the receipt of the Deputy Chairperson's proposed list of cases and hearing schedule(s) to raise any objections thereto.
  - (3) If a case is not proposed by the Deputy Chairperson for expedited handling, either party may, at any time prior to the scheduling of an arbitration hearing date for such case, request in writing to the other party and to the Deputy Chairperson of Disputes of the



Office of Collective Bargaining that said case be submitted to the expedited procedure. The party receiving such request shall have ten business days from the receipt of the request to raise any objections thereto.

- (4) No case shall be submitted to the expedited arbitration process without the mutual agreement of the parties.

**ii. CONDUCT OF HEARINGS:**

- (1) The presentation of the case, to the extent possible, shall be made in the narrative form. To the degree that witnesses are necessary, examination will be limited to questions of material fact and cross examination will be similarly limited. Submission of relevant documents, etc., will not be unreasonably limited. Submission of relevant documents, etc., will not be unreasonably limited and may be submitted as a "packet" exhibition.
- (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 a 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 all endeavor to stipulate to the issue in advance of the hearing date.

**ARTICLE VII--UNION REPRESENTATION**

When the agency decides to have an orientation program for newly hired Probation Officers, the Union shall be permitted to designate one of its representatives to discuss Union rights and benefits, including welfare fund provisions.

**ARTICLE VIII--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 Employer business.

**ARTICLE IX--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 X--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 City-wide 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 City-Wide Agreement unless otherwise specifically excluded herein.

**ARTICLE XI--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 XII--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 eight members who shall serve for the term of this Agreement. The Union shall designate four members and the agency head shall designate four 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 XIII--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 XIV--APPENDICES**

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

**ARTICLE XV--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 XVI--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 XII of this Agreement.

WHEREFORE, we have hereunto set our hands and seals this \_\_ day of \_\_, 2017

CITY OF NEW YORK AND RELATED PUBLIC EMPLOYERS AS DEFINED HEREIN      UNITED PROBATION OFFICERS ASSOCIATION

BY: \_\_\_\_\_ /s/ \_\_\_\_\_      BY: \_\_\_\_\_ /s/ \_\_\_\_\_  
 ROBERT W. LINN      DALVANIE POWELL  
 Commissioner      President  
 Office of Labor Relations

APPROVED AS TO FORM:

BY: \_\_\_\_\_ /s/ \_\_\_\_\_  
 ERIC EICHENHOLTZ  
 Acting Corporation Counsel

DATE SUBMITTED TO THE FINANCIAL CONTROL BOARD: \_\_\_\_\_

UNIT: PROBATION OFFICERS

TERM: December 28, 2009 to April 27, 2017

**The City of New York  
 Office of Labor Relations  
 40 Rector Street, New York, NY 10006-1705  
 http://nyc.gov/olr**

Dominic Coluccio  
 President  
 United Probation Officers Association  
 375 West Broadway – Room 300  
 New York, NY 10012

RE: 2007-2009 Probation Officers Agreement

Dear Mr. Coluccio:

This is to confirm our mutual agreement and understanding that requests for transfers within the Department of Probation shall be considered in the following manner:

Any employee in the bargaining unit serving in a permanent position may request a transfer within title to another location by making a written application to the Agency's Director of Personnel.

It is agreed and understood that the Department of Probation reserves the right to make transfer decisions based on the needs and efficient operation of the Department.

The terms of this letter of understanding are not subject to the grievance procedure.

Sincerely,  
/s/  
JAMES F. HANLEY

**AGREED AND ACCEPTED ON BEHALF OF UPOA**

BY: \_\_\_\_\_ /s/  
DOMINIC COLUCCIO

**The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
http://nyc.gov/olr**

Dominic Coluccio, President  
United Probation Officers Association  
375 West Broadway, Room 300  
New York, NY 10012

Re: Gainsharing Agreement

Dear Mr. Coluccio:

This confirms the mutual understanding and agreement of the parties regarding the sharing of savings generated through restructuring which the UPOA and the City agreed to in the Department of Probation's Adult Supervision Program ("Gainsharing Agreement").

Effective August 1, 2004, the parties agree to the following:

1. The parties hereby agree that the January 28, 1993 Gainsharing Agreement (as periodically updated) is hereby discontinued and superseded by this permanent agreement.
2. This Agreement supersedes all previous Agreements between the parties regarding compensation to employees as a result of the previous Gainsharing Agreement.
3. All employees newly hired in the Probation Officer title series on, or after August 1, 2004 shall not be included in any Gainsharing compensation provided herein.
4. The parties hereby agree that the amounts payable to present incumbent employees under the Gainsharing Agreement shall not increase by future collective bargaining increases.
5. The following amounts shall be paid or payable only to incumbents who are serving in the Probation Officer title series as of August 1, 2004:

<u>Length of Service</u>	<u>Per Annum Amount</u>
Five or more years	\$1,325
Ten or more years	\$2,095
Fifteen or more years	\$2,620

6. The above amounts will be pensionable, but they shall not be included in the employees' base salaries for any other purposes.
7. The standard work week for all employees in the Probation Officer title series hired on or after August 1, 2004 shall be increased to 40 hours, without any increase in compensation.

Kindly indicate your acceptance by affixing your signature in the space provided below.

Very truly yours,  
/s/  
JAMES HANLEY

**AGREED AND ACCEPTED ON BEHALF OF UPOA**

By: \_\_\_\_\_ /s/  
DOMINIC COLUCCIO  
President

**The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
http://nyc.gov/olr**

Dominic Coluccio, President  
United Probation Officers Association  
375 West Broadway, Room 300  
New York, NY 10012

Re: 2007-2009 UPOA Agreement

Dear Mr. Coluccio:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

For the purposes of Article III, Section 4(b)(i), "approved leave" is further defined to include:

- a. maternity/childcare leave
- b. military leave
- c. unpaid time while on jury duty
- d. unpaid leave for union business pursuant to Executive Order 75
- e. unpaid leave pending workers' compensation determination
- f. unpaid leave while on workers' compensation option 2
- g. approved unpaid time off due to illness or exhaustion of paid sick leave
- h. approved unpaid time off due to family illness
- i. other pre-approved leaves without pay

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,  
/s/  
JAMES F. HANLEY

**AGREED AND ACCEPTED ON BEHALF OF UPOA**

BY: \_\_\_\_\_ /s/  
Dominic Coluccio

**The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
http://nyc.gov/olr**

Dominic Coluccio, President  
United Probation Officers Association  
375 West Broadway, Room 300  
New York, NY 10012

Re: 2007-2009 UPOA Agreement

Dear Mr. Coluccio:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

Effective December 27, 2009, the parties agree that the monies available in Section 3 of the 2007-2009 UPOA MOA shall be fully used for an increase in the welfare fund contribution to the union in the amount of \$83.00 per annum on behalf of each full-time active member and retiree.

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,  
/s/  
JAMES F. HANLEY

**AGREED AND ACCEPTED ON BEHALF OF UPOA**

BY: \_\_\_\_\_ /s/  
Dominic Coluccio

**The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
http://nyc.gov/olr**

Dominic Coluccio, President  
United Probation Officers Association  
375 West Broadway, Room 300  
New York, NY 10012

Re: 2007-2009 UPOA Agreement

Dear Mr. Coluccio:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

Effective July 11, 2008, there shall be a one-time lump sum cash payment to the welfare fund in the amount of \$200.00 on behalf of each full-time active member and retiree who is receiving benefits on July 11, 2008.

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,  
/s/  
JAMES F. HANLEY

**AGREED AND ACCEPTED ON BEHALF  
OF UPOA**

BY: \_\_\_\_\_/s/\_\_\_\_\_  
Dominic Coluccio

**The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
http://nyc.gov/olr**

May 5, 2014

Harry Nespoli  
Chair, Municipal Labor Committee  
125 Barclay Street  
New York, NY 10007

Dear Mr. Nespoli:

This is to confirm the parties' mutual understanding concerning the following issues:

1. Unless otherwise agreed to by the parties, the Welfare Fund contribution will remain constant for the length of the successor unit agreements, including the \$65 funded from the Stabilization Fund pursuant to the 2005 Health Benefits Agreement between the City of New York and the Municipal Labor Committee.
2. Effective July 1, 2014, the Stabilization Fund shall convey \$1 Billion to the City of New York to be used to support wage increases and other economic items for the current round of collective bargaining (for the period up to and including fiscal year 2018). Up to an additional total amount of \$150 million will be available over the four year period from the Stabilization Fund for the welfare funds, the allocation of which shall be determined by the parties. Thereafter, \$ 60 million per year will be available from the Stabilization Fund for the welfare funds, the allocation of which shall be determined by the parties.
3. If the parties decide to engage in a centralized purchase of Prescription Drugs, and savings and efficiencies are identified therefrom, there shall not be any reduction in welfare fund contributions.
4. There shall be a joint committee formed that will engage in a process to select an independent healthcare actuary, and any other mutually agreed upon additional outside expertise, to develop an accounting system to measure and calculate savings.
5. The MLC agrees to generate cumulative healthcare savings of \$3.4 billion over the course of Fiscal Years 2015 through 2018, said savings to be exclusive of the monies referenced in Paragraph 2 above and generated in the individual fiscal years as follows: (i) \$400 million in Fiscal Year 2015; (ii) \$700 million in Fiscal Year 2016; (iii) \$1 billion in Fiscal Year 2017; (iv) \$1.3 billion in Fiscal Year 2018; and (v) for every fiscal year thereafter, the savings on a Citywide basis in health care costs shall continue on a recurring basis. At the conclusion of Fiscal Year 2018, the parties shall calculate the savings realized during the prior four-year period. In the event that the MLC has generated more than \$3.4 billion in cumulative healthcare savings during the four-year period, as determined by the jointly selected healthcare actuary, up to the first \$365 million of such additional savings shall be credited proportionately to each union as a one-time lump sum pensionable bonus payment for its members. Should the union desire to use these funds for other purposes, the parties shall negotiate in good faith to attempt to agree on an appropriate alternative use. Any additional savings generated for the four-year period beyond the first \$365 million

will be shared equally with the City and the MLC for the same purposes and subject to the same procedure as the first \$365 million. Additional savings beyond \$1.3 billion in FY 2018 that carry over into FY 2019 shall be subject to negotiations between the parties.

6. The following initiatives are among those that the MLC and the City could consider in their joint efforts to meet the aforementioned annual and four-year cumulative savings figures: minimum premium, self-insurance, dependent eligibility verification audits, the capping of the HIP HMO rate, the capping of the Senior Care rate, the equalization formula, marketing plans. Medicare Advantage, and the more effective delivery of health care.

7. Dispute Resolution

- a. In the event of any dispute under this agreement, the parties shall meet and confer in an attempt to resolve the dispute. If the parties cannot resolve the dispute, such dispute shall be referred to Arbitrator Martin F. Scheinman for resolution.
- b. Such dispute shall be resolved within 90 days.
- c. The arbitrator shall have the authority to impose interim relief that is consistent with the parties' intent.
- d. The arbitrator shall have the authority to meet with the parties at such times as the arbitrator determines is appropriate to enforce the terms of this agreement.
- e. If the parties are unable to agree on the independent health care actuary described above, the arbitrator shall select the impartial health care actuary to be retained by the parties.
- f. The parties shall share the costs for the arbitrator and the actuary the arbitrator selects.

If the above accords with your understanding and agreement, kindly execute the signature line provided.

Sincerely,  
/s/  
Robert W. Linn  
Commissioner

Agreed and Accepted on behalf of the Municipal Labor Committee

BY: \_\_\_\_\_/s/\_\_\_\_\_  
Harry Nespoli, Chair

**DISCIPLINARY PROCEDURE FOR PROVISIONAL  
EMPLOYEES**

**1. Purpose**

New York State Civil Service Law, Article 4, Title B, §65 governs provisional appointments. The purpose of this agreement is to establish a disciplinary procedure for certain provisional employees in the context of the City of New York's five-year plan to reduce provisional appointments as approved, with certain modifications, by the New York State Civil Service Commission on September 22, 2008 and accepted by the Commissioner of Citywide Administrative Services on October 22, 2008.

**2. Eligibility Criteria**

- a. The employee must have served for at least two (2) years in the same or similar title or related occupational group in the same agency without a break in service (see: below) of more than 31 days; and
- b. The employee must have been serving provisionally in such competitive class position 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. (see: Attachment A for special provisions applicable to School Based Employees.)
- c. Prior provisional service followed by permanent service may not be aggregated with current provisional service (e.g. prior provisional service as a temporary or seasonal "step-up" followed by permanent service may not be counted towards meeting the service requirement in an employee's current provisional position.)

The following unpaid time in excess of 31 days will not be deemed a break in service or be counted as service:

- (i) for maternity/childcare leave;
- (ii) for military leave;
- (iii) jury duty;
- (iv) for union business pursuant to Executive Order 75;
- (v) while pending workers' compensation determination;
- (vi) while on workers' compensation option 2;
- (vii) due to illness or exhaustion of paid sick leave; and
- (viii) due to family illness.

3. **Exceptions**

- a. No provisional employee shall be deemed to be permanently appointed under any circumstances, nor shall this disciplinary procedure be deemed to preclude removal of any provisional employee as a result of the establishment of, or appointment from, an appropriate eligible list, or in accordance with any other provision of law.
- b. Notwithstanding the provisions in Section 2, Eligibility Criteria, above, this Disciplinary Procedure shall not be available to any employee appointed on a provisional basis to any position for which one or more appropriate eligible lists have been established including but not limited to any list established pursuant to a plan approved in accordance with NYS Civil Service Law Section 65(5)(b).

4. **Procedure**

When a claimed wrongful disciplinary action has been taken against an eligible provisional employee (see: Eligibility Criteria), 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 Article XV of this Agreement.<sup>1</sup> The employee may be represented at such conference by a representative of the Union. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference.

**STEP B(i)** If the employee is not satisfied with the determination at STEP A above, then the employee may choose to proceed in accordance with the Grievance Procedure set forth in Article XV of this Agreement through STEP III. The Union, with the consent of the employee, shall have the right to proceed to binding arbitration pursuant to STEP IV of such Grievance Procedure. The period of an employee's suspension without pay pending hearing and determination of charges shall not exceed thirty (30) days.

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

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

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

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 in this Procedure and any applicable limitations of law.

5. **Limitations on Arbitrator's Award**

1 \* Reference is to 1995-2001 Citywide Agreement.

Notwithstanding any inconsistent provision of this Procedure, when an eligible list exists for the title that the employee held provisionally, an Arbitrator shall not be empowered to order reinstatement of an employee.

This limitation shall not preclude a monetary remedy for any portion of the period covered from the implementation of the disciplinary penalty at issue in the grievance to the date of the establishment of an eligible list.

6. **Expiration Date**

This Disciplinary Procedure shall expire on the earlier of either of the following:

- a. the expiration or termination of a plan approved pursuant to subdivision 5 of section 65 of the Civil Service Law; or
- b. December 31, 2014.

**FOR THE CITY OF NEW YORK      FOR DISTRICT COUNCIL 37, AFSCME, AFL-CIO**

BY: \_\_\_\_\_/s/\_\_\_\_\_  
**JAMES F. HANLEY**  
 Commissioner of Labor Relations

BY: \_\_\_\_\_/s/\_\_\_\_\_  
**LILLIAN ROBERTS**  
 Executive Director

**APPROVED AS TO FORM:**

BY: \_\_\_\_\_/s/\_\_\_\_\_  
**PAUL T. REPHEN**  
 Acting Corporation Counsel

Attachment A  
School Based Employees

An employee of the Department of Health who is regularly and exclusively assigned to work at a Board of Education facility (hereinafter, "School Based Employee" or "SBE") shall be covered by the provisional disciplinary provisions set forth herein, provided that the following criteria are met:

- a. Such SBE must regularly work the listed full-time work week established for a per annum title set forth in Appendix A of the 1995-2001 Citywide Agreement during the customary school year without a break in service of more than 31 days.
- b. If such SBE is placed in unpaid status at the end of the customary school year, such period in unpaid status during the customary break between school years shall be deemed an authorized leave without pay and not considered a break in service. However, such authorized leave without pay during the break between customary school years shall not be creditable towards meeting the required two years of service required for provisional disciplinary rights.
- c. Such SBE, upon return to paid status from the break between customary school years, must continue to be assigned to regularly work on a full-time basis without a break in service of more than 31 days.
- d. If such SBE is assigned to work during all or part of the break between customary school years, such time in paid status shall count towards meeting the two year service requirement for provisional disciplinary rights provided such service is on a full-time basis. However, no part-time service rendered during such break between customary school years shall be creditable towards meeting the required two years of service required for provisional disciplinary rights.
- e. SBEs meeting the above criteria shall become eligible for the provisional disciplinary rights set forth herein when their aggregated full-time service during consecutive customary school years (inclusive of any **full-time** service rendered during the breaks between such consecutive customary school years) totals the required two years. Under typical circumstances, this would be expected to occur sometime during their third school year of employment.

August 10, 2011

Evelyn Seinfeld  
 Director of Research and Negotiations  
 District Council 37  
 125 Barclay Street  
 New York, NY 10007

Re: Pending Provisional Employee Disciplinary Cases

Dear Ms. Seinfeld:

This letter confirms our mutual understanding and agreement concerning certain provisional employees on whose behalf grievances alleging claimed wrongful disciplinary actions by the agency were filed prior to and/or subsequent to the Court of Appeals' decision in *CSEA v. Long Beach* but which cases have been held in abeyance and have not progressed to arbitration.

In addition to the limitation set forth in Section 5 of the "Disciplinary Process for Provisional Employees" in determining a "back pay" award, if any, the arbitrator shall exclude the period of time from the date of the Long Beach decision through January 28, 2008. An arbitrator may award "back pay" for the period subsequent to the affected employee's discipline/termination but prior to the Court of Appeals' decision in CSEA v. Long Beach (that is, May 1, 2007.) However, in no case may "back pay" be awarded for any period during which a provisional employee was serving while an eligible list existed for the title the employee held provisionally. Moreover, in awarding backpay, the Arbitrator must consider the efforts of the employee in mitigating his or her damages and must also offset any backpay award by any and all interim earnings, including unemployment compensation. In no event may an employee be awarded backpay in excess of one year's base salary for the position s/he held provisionally.

If you concur with the contents set forth herein, please execute the signature line provided below.

Very truly yours,

/s/ James F. Hanley

Agreed and Accepted on Behalf of District Council 37

BY: /s/ Evelyn Seinfeld

a8

CHANGES IN PERSONNEL

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Subtitle: FIRE DEPARTMENT FOR PERIOD ENDING 07/14/17. Lists personnel changes for the Fire Department.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Subtitle: ADMIN FOR CHILDREN'S SVCS FOR PERIOD ENDING 07/14/17. Lists personnel changes for Children's Services.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for various departments.

ADMIN FOR CHILDREN'S SVCS FOR PERIOD ENDING 07/14/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for Children's Services.

ADMIN FOR CHILDREN'S SVCS FOR PERIOD ENDING 07/14/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for Children's Services.



DEPARTMENT OF CORRECTION  
FOR PERIOD ENDING 07/14/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees and their status for the Department of Correction.

DEPARTMENT OF CORRECTION  
FOR PERIOD ENDING 07/14/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees and their status for the Department of Correction.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees and their status.

DEPARTMENT OF CORRECTION  
FOR PERIOD ENDING 07/14/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees and their status for the Department of Correction.

MAYORS OFFICE OF CONTRACT SVCS  
FOR PERIOD ENDING 07/14/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees and their status for the Mayor's Office of Contract Svcs.

CITY COUNCIL  
FOR PERIOD ENDING 07/14/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees and their status for the City Council.

CITY CLERK  
FOR PERIOD ENDING 07/14/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees and their status for the City Clerk.

DEPARTMENT FOR THE AGING  
FOR PERIOD ENDING 07/14/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees and their status for the Department for the Aging.

# THE CITY NEVER SLEEPS.

Your business keeps it running. Subscribe to *The City Record* to reach thousands of opportunities in New York City government business today and every day. *The information you need to get the business you want.*

VISIT US ONLINE AT [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord)



## SUBSCRIBE TODAY! CITY RECORD ORDER FORM

6-month print subscription:  by mail \$300  by fax \$400

1-year print subscription:  by mail \$500  by fax \$700

Pay by:  Visa  MasterCard  AMEX  Discover  Check  
Credit Card # \_\_\_\_\_

Expiration: \_\_\_\_/\_\_\_\_ Card ID # \_\_\_\_\_

2.49% of the payment amount will be added if you pay by credit card.

Send check payable to: **The City Record**  
1 Centre Street, 17th Floor, New York, NY 10007-1602

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip+4: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

**Note:** This item is not taxable and non-refundable. The City Record is published five days a week, except legal holidays. For more information call: 212-386-0055, fax: 212-669-3211 or email [crsubscriptions@dcas.nyc.gov](mailto:crsubscriptions@dcas.nyc.gov)

