



# 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 CXLVI NUMBER 155

MONDAY, AUGUST 12, 2019

Price: \$4.00

## TABLE OF CONTENTS

### PUBLIC HEARINGS AND MEETINGS

Board Meetings	4449
Administrative Trials and Hearings	4450
City Planning Commission	4450
Franchise and Concession Review Committee	4526
Office of Labor Relations	4526
Landmarks Preservation Commission	4526
Procurement Policy Board	4526
Transportation	4527

### COURT NOTICES

Supreme Court	4528
Richmond County	4528

### PROPERTY DISPOSITION

Citywide Administrative Services	4530
Office of Citywide Procurement	4530
Housing Preservation and Development	4530
Police	4530

### PROCUREMENT

Aging	4531
Contract Procurement and Support Services	4531
Brooklyn Navy Yard Development Corp.	4531
Design and Construction	4531
City Council	4531
Charter Revision Commission	4531

Citywide Administrative Services	4531
Office of Citywide Procurement	4531
Correction	4531
Central Procurement	4531
District Attorney - New York County	4531
Environmental Protection	4532
Agency Chief Contracting Office	4532
Finance	4532
Administration and Planning	4532
Health and Mental Hygiene	4532
Housing Authority	4532
Procurement	4532
Human Resources Administration	4533
Office of Contracts	4533
Law Department	4533
NYC Health + Hospitals	4533
Contract Services	4533
Parks and Recreation	4533
Capital Projects	4534
Revenue	4534

### AGENCY RULES

Environmental Protection	4534
Taxi and Limousine Commission	4549

### SPECIAL MATERIALS

Aging	4552
Comptroller	4552
Health and Mental Hygiene	4552
Human Resources Administration	4553
Mayor's Office of Contract Services	4553
Transportation	4553
Changes in Personnel	4553

## THE CITY RECORD

**BILL DE BLASIO**

Mayor

**LISETTE CAMILO**

Commissioner, Department of Citywide Administrative Services

**ELI BLACHMAN**

Editor, The City Record

**JANAE C. FERREIRA**

Assistant 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, NY  
POSTMASTER: Send address changes to  
THE CITY RECORD, 1 Centre Street,  
17th Floor, New York, NY 10007-1602

Editorial Office/Subscription Changes:  
The City Record, 1 Centre Street, 17th Floor,  
New York, NY 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

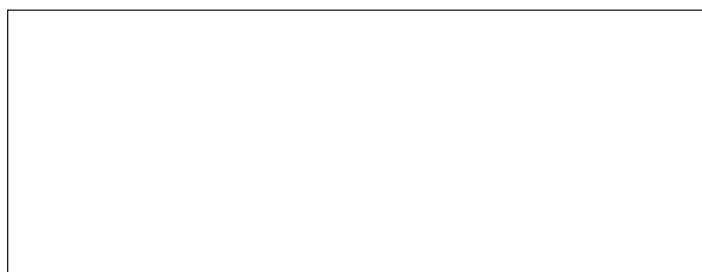
See Also: Procurement; Agency Rules

## BOARD MEETINGS

### MEETING

#### City Planning Commission

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



#### City Council

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

#### Contract Awards Public Hearing

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

#### Civilian Complaint Review Board

Generally meets at 10:00 A.M. on the second Wednesday of each month at 40 Rector Street, 2nd Floor, New York, NY 10006. Visit <http://www.nyc.gov/html/ccrb/html/meeting.html> for additional information and scheduling changes.

#### Design Commission

Meets at City Hall, Third Floor, New York, NY 10007. For meeting schedule, please visit [nyc.gov/designcommission](http://nyc.gov/designcommission) or call (212) 788-3071.

#### Department of Education

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

#### Board of Elections

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

#### Environmental Control Board

Meets at 100 Church Street, 12th Floor, Training Room #143, New York, NY 10007 at 9:15 A.M. once a month at the call of the Chairman.

#### Board of Health

Meets at Gotham Center, 42-09 28th Street, Long Island City, NY 11101, at 10:00 A.M., quarterly or at the call of the Chairman.

#### Health Insurance Board

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

#### Board of Higher Education

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

#### Citywide Administrative Services

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

**Commission on Human Rights**

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

**In Rem Foreclosure Release Board**

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

**Franchise and Concession Review Committee**

Meets in Spector Hall, 22 Reade Street, Main Floor, and other days, times and location as warranted.

**Real Property Acquisition and Disposition**

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

**Landmarks Preservation Commission**

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

**Employees' Retirement System**

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

**Housing Authority**

Board Meetings of the New York City Housing Authority are scheduled for the last Wednesday of each month (except August) at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, NY 10007 (unless otherwise noted). Any changes to the schedule will be posted here and on NYCHA's website at [http://www.nyc.gov/html/nycha/html/about/boardmeeting\\_schedule.shtml](http://www.nyc.gov/html/nycha/html/about/boardmeeting_schedule.shtml) to the extent practicable at a reasonable time before the meeting. For additional information, please visit NYCHA's website or contact (212) 306-6088.

**Parole Commission**

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

**Board of Revision of Awards**

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

**Board of Standards and Appeals**

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

**Tax Commission**

Meets in Room 936, Municipal Building, Manhattan, NY 10007, each month at the call of the President. Manhattan, monthly on Wednesdays, commencing 2:30 P.M.

**ADMINISTRATIVE TRIALS AND HEARINGS**

■ MEETING

The next meeting of the Environmental Control Board, will take place on Thursday, August 22, 2019, at **100 Church Street, 12th Floor, Training Room #143**, New York, NY 10007, at 9:30 A.M., at the call of the Chairman.

a9-13

**CITY PLANNING COMMISSION**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters to be held, at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, August 14, 2019, at 10:00 A.M.

**BOROUGH OF THE BRONX**  
**No. 1**  
**1155-1157 COMMERCE AVENUE**

**CD 9** **C 190426 PCX**  
**IN THE MATTER OF** an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property, located at 1155-1157 Commerce Avenue (Block 3840, Lot 23) for a vehicle maintenance and repair facility.

**BOROUGH OF MANHATTAN**  
**Nos. 2 & 3**  
**TERENCE CARDINAL COOKE**  
**No. 2**

**CD 11** **C 190158 ZMM**  
**IN THE MATTER OF** an application submitted by Catholic Health Care System, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6b, by changing from an R7-2 District to an R8 District property, bounded by East 106<sup>th</sup> Street, Madison Avenue, East 105<sup>th</sup> Street and a line 150 feet easterly of Fifth Avenue - Museum Mile, as shown on a diagram (for illustrative purposes only) dated April 8, 2019, and subject to the conditions of CEQR Declaration E-531.

**No. 3**

**CD 11** **N 190156 ZRM**  
**IN THE MATTER OF** an application submitted by Catholic Health Care System, 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 (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) 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**

**MANHATTAN** \* \* \*  
Manhattan Community District 11 \* \* \*  
Map 7 - [date of adoption] \* \* \*

[PROPOSED MAP]



■ Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))

Area 7 - [date of adoption] - MIH Program Option 2

**No. 4**  
**363 LAFAYETTE STREET**

**CD 2** **C 190317 ZSM**  
**IN THE MATTER OF** an application submitted by Lafayette Development Associates LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor, cellar and subcellar of a proposed 10-story building on property, located at 363 Lafayette Street (Block 530, Lot 17), in an M1-5B District.

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

**BOROUGH OF QUEENS**  
**Nos. 5, 6 & 7**  
**VERNON BOULEVARD BROADWAY REZONING**  
**No. 5**

**CD 1** **C 100421 ZMQ**  
**IN THE MATTER OF** an application submitted by Cipico

Construction Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a:

1. changing from an R5 District to an R6B District property, bounded by 10<sup>th</sup> Street, a line 100 feet northeasterly of 33<sup>rd</sup> Road, 11<sup>th</sup> Street, and 33<sup>rd</sup> Road;
2. changing from an R5 District to an R7X District property, bounded by 10<sup>th</sup> Street, Vernon Boulevard, Broadway, 11<sup>th</sup> Street and line 100 feet northeasterly of 33<sup>rd</sup> Road; and
3. establishing within the proposed R7X District a C1-3 District, bounded by 10<sup>th</sup> Street, Vernon Boulevard, Broadway, 11<sup>th</sup> Street and line 100 feet northeasterly of 33<sup>rd</sup> Road;

as shown on a diagram (for illustrative purposes only) dated April 22, 2019, and subject to the conditions of CEQR Declaration

No. 6

CD 1 N 190151 ZRQ IN THE MATTER OF an application submitted by Cipico Construction Inc., 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

\* \* \*

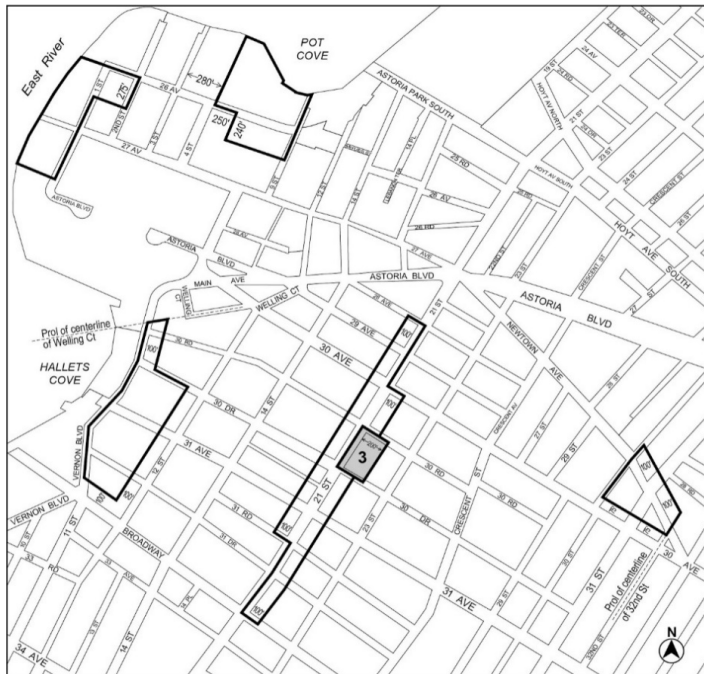
QUEENS

\* \* \*

Queens Community District 1

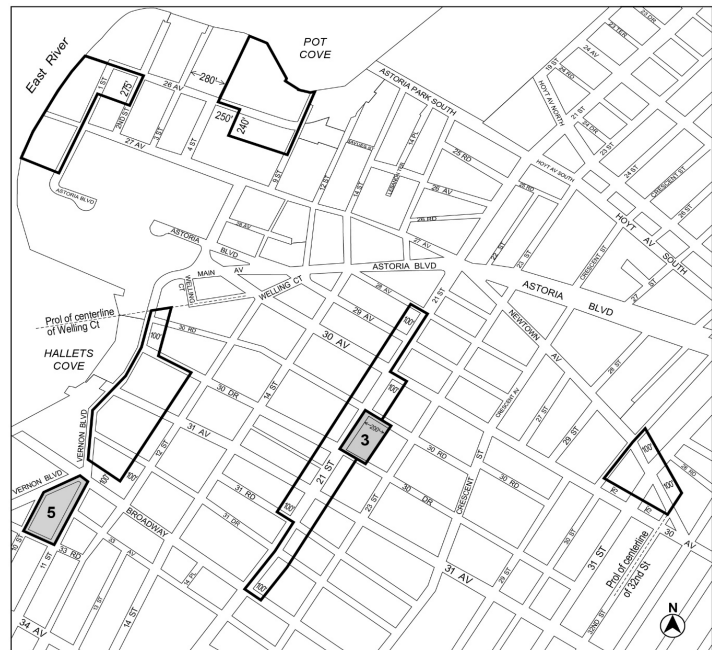
Map 1- (10/31/18) [date of adoption]

[EXISTING MAP]



Inclusionary Housing designated area Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3) Area 3 — 10/31/18 MIH Program Option 1 and Option 2

[PROPOSED MAP]



Inclusionary Housing designated area Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3) Area 3 — 10/31/18 MIH Program Option 1 and Option 2 Area 5 — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 1, Queens

\* \* \*

No. 7

CD 1 C 190386 ZSQ IN THE MATTER OF an application submitted by Cipico Construction Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-743 of the Zoning Resolution to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify the minimum base height requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) to facilitate a proposed mixed-use development, within a large-scale general development, on property, bounded by 10<sup>th</sup> Street, Vernon Boulevard, Broadway, 11<sup>th</sup> Street, and 33<sup>rd</sup> Road (Block 315, Lot 1), in R6B\* and R7X/C1-3\* Districts.

\* Note: The site is proposed to be rezoned by changing an existing R5 District to R6B and R7X/C1-3 Districts under a concurrent related application for a Zoning Map change (C 100421 ZMQ).

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.

Nos. 8 & 9 38<sup>TH</sup> STREET - 35<sup>TH</sup> AVENUE REZONING No. 8

CD 1 C 180036 ZMQ IN THE MATTER OF an application submitted by Empire MG Properties, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9b:

1. changing from an M1-1 District to an R6A District property, bounded by 34<sup>th</sup> Avenue, 38<sup>th</sup> Street, a line 240 feet northeasterly of 35<sup>th</sup> Avenue, and 37<sup>th</sup> Street; and
2. establishing within the proposed R6A District a C1-3 District, bounded by 34<sup>th</sup> Avenue, 38<sup>th</sup> Street, a line 240 feet northeasterly of 35<sup>th</sup> Avenue, and a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated April 22, 2019 and subject to the CEQR declaration of E-533.

No. 9

CD 1 N 180037 ZRQ IN THE MATTER OF an application submitted by Empire MG Properties, LLC, 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 1

Map 6 [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))
Area 6 — [date of adoption] — MIH Program Option 2

Portion of Community District 1, Queens

\* \* \*

No. 10
112-06 71ST ROAD REZONING

CD 6 C 190422 ZMQ
IN THE MATTER OF an application submitted by Dr T's Pediatrics PLLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District to an R3-2 District property, bounded by 71st Road, a line 100 feet northeasterly of 112th Street, 72nd Avenue and 112th Street, as shown on a diagram (for illustrative purposes only) dated May 20, 2019.

No. 11
91-05 BEACH CHANNEL DRIVE

CD 14 C 180282 ZMQ
IN THE MATTER OF an application submitted by Denis S. O'Connor Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c, by establishing within an existing R4-1 District, a C2-3 District, bounded by Beach Channel Drive, Beach 91st Street, a line 100 feet southeasterly of Beach Channel Drive, a line 100 feet northeasterly of Beach 92nd Street, a line 75 feet southeasterly of Beach Channel Drive, and Beach 92nd Street, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-534.

No. 12
130-24 SOUTH CONDUIT AVENUE SELF STORAGE

CD 10 C 190458 ZSQ
IN THE MATTER OF an application submitted by South Conduit Property Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-932 of the Zoning Resolution to allow, within a designated area in a Manufacturing District in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts), the development of a self-service storage facility (Use Group 16D) not permitted, pursuant to the provisions of Section 42-121 (Use Group 16D self-service storage facilities), on portions of the cellar, ground floor and second floor, and on the third, fourth and fifth floors of a proposed 5-story building, on property, located at 130-02 to 130-24 South Conduit Avenue (Block 11884, Lot 150), in an M1-2 District.

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

No. 13
15-33 CLINTONVILLE STREET REZONING
C 180291 ZMQ

CD 7
IN THE MATTER OF an application submitted by Enrico Scarda, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3-1 District, a C1-3 District, bounded by Cross Island Parkway Service Road South, a line perpendicular to the northeasterly street line of Clintonville Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Clintonville Street and the southerly street line of Cross Island Parkway, and Clintonville Street, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-535.

Nos. 14 & 15
LEFRAK CITY PARKING GARAGE
No. 14

CD 4 C 190439 ZSQ
IN THE MATTER OF an application submitted by the LSS Leasing Limited Liability Company, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-512\* of the Zoning Resolution to allow:

- 1. a public parking facility with a maximum capacity of 706 parking spaces including 356 self-park spaces and 350 attended parking spaces on the ground floor, 2nd floor and roof of an existing 2-story garage building;
2. to allow up to 350 spaces to be located on the roof of such public parking facility;
3. to allow floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS); and
4. to waive the reservoir space requirements of Section 74-512(c) for a public parking garage existing before [date of adoption] that was previously granted a special permit, pursuant to this Section;

on property, located on the northeasterly corner of Junction Boulevard and Horace Harding Expressway (Block 1918, Lots 1, 18, 25 and 114), in a C4-4 District, Borough of Queens, Community District 4.

\* Note: Section 74-512 is proposed to be modified under a concurrent related application for an amendment of the Zoning Resolution (N 190440 ZQR).

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

No. 15

CD 4 N 190440 ZRQ
IN THE MATTER OF an application submitted by LSS Leasing, Limited Liability Company, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying the provision of required reservoir spaces for existing public parking garages with special permits in C4-4 Districts.

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.

ARTICLE VII - ADMINISTRATION

Chapter 4 - Special Permits by the City Planning Commission

\* \* \*

74-50
OFF-STREET PARKING ESTABLISHMENTS

74-51
Public Parking Garages or Public Parking Lots Outside High Density Central Areas

\* \* \*

74-511
In C1 Districts

\* \* \*

74-512
In other Districts

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor

area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;
(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
(c) that such #use# has adequate reservoir space, at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
(d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
(e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
(f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before [date of adoption] and was previously granted a special permit, pursuant to this Section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

\* \* \*

No. 16-20
PENINSULA HOSPITAL REDEVELOPMENT PLAN
No. 16

CD 14 C 190325 ZMQ
IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c:

- 1. eliminating from within an existing R5 District, a C1-2 District, bounded by a line 420 feet southerly of Beach Channel Drive, Beach 50th Street, Rockaway Beach Boulevard, and the easterly street line of former Beach 51st Street;
2. changing from an R5 District to a C4-4 District property, bounded by Beach Channel Drive, the westerly street line of former Beach 51st Street, a line 420 feet southerly of Beach Channel Drive, Beach 50th Street, Rockaway Beach Boulevard, and Beach 53rd Street; and
3. changing from a C8-1 District to a C4-3A District property, bounded by Rockaway Beach Boulevard, a line 100 feet easterly of Beach 52nd Street, a line 85 feet northerly of Shore Front Parkway, and Beach 52nd Street;

as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-532.

No. 17

CD 14 C 190364 ZRQ
IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the use provisions of Article VII, Chapter 4 and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;
Matter struck through is to be deleted;
Matter within # # is defined in Section 12-10; and
\* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

ARTICLE VII - ADMINISTRATION

Chapter 4 - Special Permits by the City Planning Commission

\* \* \*

74-74
Large-Scale General Development

\* \* \*

74-744
Modification of use regulations

- (a) #Use# modifications
(1) Waterfront and related #commercial uses#
(2) Automotive sales and service #uses#
(3) Retail establishments
(4) #Physical culture or health establishments#

\* \* \*

\* \* \*

\* \* \*

For a #large-scale general development# located within an #MIH site#, in a C4 District within Queens Community District 14, #physical culture or health establishments# shall be permitted as-of-right. The special permit provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply.

\* \* \*

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

\* \* \*

QUEENS

\* \* \*

Queens Community District 14

\* \* \*

Map 3 - (date of adoption)



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

Area 3 - [date of adoption] - MIH Program Option 1 and Option 2

Portion of Community District 14, Queens

\* \* \*

No. 18

CD 14 C 190366 ZSQ
IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify:

- 1. the rear yard requirements of Section 23-533 (Required rear yard equivalents for Quality Housing buildings) and Section 35-53 (Modification of Rear Yard Requirements);
2. the side yard requirements of Section 35-54 (Special Provisions Applying Adjacent to R1 Through R5 Districts); and
3. the height and setback requirements of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) and Section 35-654 (Modified height and setback regulations for

certain Inclusionary Housing buildings or affordable independent residences for seniors);

in connection with a proposed mixed used development, within a large-scale general development, on property, bounded by Beach Channel Drive, the westerly street line of former Beach 51<sup>st</sup> Street, a line 420 feet southerly of Beach Channel Drive, Beach 50<sup>th</sup> Street, Rockaway Beach Boulevard, a line 100 feet easterly of Beach 52<sup>nd</sup> Street, a line 85 feet northerly of Shore Front Parkway, Beach 52<sup>nd</sup> Street, Rockaway Beach Boulevard and Beach 53<sup>rd</sup> Street (Block 15842, Lot 1 & p/o Lot 100, Block 15843, Lot 1, and Block 15857 Lot 1 & p/o Lot 7), in a C4-4\* and C4-3A\* Districts.

\* Note: The site is proposed to be rezoned by eliminating a C1-2 District within an existing R5 District and by changing an existing R5 and C8-1 Districts to C4-4 and C4-3A Districts under a concurrent related application for a Zoning Map change (C 190325 ZMQ).

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.

No. 19

CD 14 C 190375 ZSQ

IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-744(c)(1) of the Zoning Resolution to modify the surface area requirements of Section 32-64 (Surface Area and Illumination Provisions), in connection with a proposed mixed used development, within a large-scale general development, on property, bounded by Beach Channel Drive, the westerly street line of former Beach 51<sup>st</sup> Street, a line 420 feet southerly of Beach Channel Drive, Beach 50<sup>th</sup> Street, Rockaway Beach Boulevard, a line 100 feet easterly of Beach 52<sup>nd</sup> Street, a line 85 feet northerly of Shore Front Parkway, Beach 52<sup>nd</sup> Street, Rockaway Beach Boulevard and Beach 53<sup>rd</sup> Street (Block 15842, Lot 1 & p/o Lot 100, Block 15843, Lot 1, and Block 15857 Lot 1 & p/o Lot 7), in a C4-4\* and C4-3A\* Districts.

\* Note: The site is proposed to be rezoned by eliminating a C1-2 District within an existing R5 District and by changing an existing R5 and C8-1 Districts to C4-4 and C4-3A Districts under a concurrent related application for a Zoning Map change (C 190325 ZMQ).

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.

No. 20

CD 14 C 190251 MMQ

IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the establishment of a portion of Beach 52<sup>nd</sup> Street between Rockaway Beach Boulevard and Shorefront Parkway;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5033 dated April 17, 2019 and signed by the Borough President.

NOTICE

On Wednesday, August 14, 2019, at 10:00 A.M., at the CPC Public Hearing Room, located at 120 Broadway, Lower Concourse in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above public hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by the Peninsula Rockaway Limited Partnership for a zoning map amendment, City Map amendment, zoning text amendments, and Large-Scale General Development (LSGD) special permits. The proposed actions would facilitate a development consisting primarily of income-restricted residential dwelling units plus retail (including a fitness center and a supermarket) and community facility space along with accessory parking and a publicly accessible open space on an approximately 9.34-acre site located in the Edgemere neighborhood of Queens Community District 14. The Proposed Project also includes a privately owned, open internal street network with two new publicly-accessible private streets. In addition to the discretionary approvals noted above, the applicant also, intends to seek public funding and/or financing from various City and New York State agencies and/or programs related to affordable housing development. Written comments on the DEIS are requested and would be received and considered by the Lead Agency through Monday, August 26, 2019.

This hearing is being held, pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 18DCP124Q.

BOROUGH OF STATEN ISLAND

No. 21

WHITLOCK AVENUE BLUEBELT SITE SELECTION

CD 2 C 190431 PCR

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property, located at 69 Whitlock Avenue (Block 908, Lot 16) for use as a stormwater drainage feature.

BOROUGH OF BROOKLYN

No. 22

BAY RIDGE PARKWAY-DOCTOR'S ROW HISTORIC DISTRICT

CD 10 N 200008 HKK

IN THE MATTER OF a communication dated July 5, 2019, from the Executive Director of the Landmarks Preservation Commission regarding the Bay Ridge Parkway-Doctors' Row Historic District designation, designated by the Landmarks Preservation Commission on June 25, 2019 (Designation List No. 514). The Bay Ridge Parkway - Doctors' Row Historic District consists of the properties, bounded by a line beginning on the northern curblineline of Bay Ridge Parkway, at a point on a line extending southerly from the western property line of 415 Bay Ridge Parkway, and extending northerly along said line and along the western property line of 415 Bay Ridge Parkway, easterly along the northern property lines of 415 to 473 Bay Ridge Parkway, southerly along the eastern property line of 473 Bay Ridge Parkway, easterly along the northern property line of 475 Bay Ridge Parkway, southerly along the eastern property line of 475 Bay Ridge Parkway, and across Bay Ridge Parkway to the southern curblineline of Bay Ridge Parkway, easterly along said curblineline to a point on a line extending northerly from the eastern property line of 478 Bay Ridge Parkway, southerly along said line and along the eastern property line of 478 Bay Ridge Parkway, westerly along the southern property lines of 478 to 416 Bay Ridge Parkway, northerly along the western property line of 416 Bay Ridge Parkway and across Bay Ridge Parkway to the northern curblineline of Bay Ridge Parkway and westerly along said curblineline to the point of beginning.

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



3/11/19

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters to be held at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, August 14, 2019 at 10:00 A.M.

BOROUGH OF THE BRONX

Nos. 1, 2 & 3

STATEN ISLAND AND BRONX SPECIAL DISTRICTS TEXT

UPDATE

No. 1

CD 8 C 190403 ZMX

IN THE MATTER OF an application submitted by NYC Department of City Planning pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 1a, 1b, 1c, and 1d:

1. eliminating a Special Natural Area District (NA-2) bounded by a boundary line of The City of New York, Riverdale Avenue, a line 300 feet southerly of West 261<sup>st</sup> Street, Independence Avenue, a line 600 feet northerly of West 256<sup>th</sup> Street, Arlington Avenue, West 254<sup>th</sup> Street, Henry Hudson Parkway West, West 252<sup>nd</sup> Street, Henry Hudson Parkway East, West 253<sup>rd</sup> Street, The Post Road, West 252<sup>nd</sup> Street, Tibbett Avenue, West 244<sup>th</sup> Street, Manhattan College Parkway, Henry Hudson Parkway East, West 246<sup>th</sup> Street, Henry Hudson Parkway West, West 249<sup>th</sup> Street, Arlington Avenue, a line perpendicular to the easterly street line of Arlington Avenue distant 268 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Arlington Avenue and the northwesterly street line of West 246<sup>th</sup> Street, West 246<sup>th</sup> Street, Independence Avenue, West 240<sup>th</sup> Street, the centerline of the former West 240<sup>th</sup> Street and its westerly centerline prolongation, Douglass Avenue, West 235<sup>th</sup> Street, Independence Avenue, West 232<sup>nd</sup> Street, Henry Hudson Parkway, West 231<sup>st</sup> Street, Independence Avenue, the westerly centerline prolongation of West 230<sup>th</sup> Street, Palisade Avenue, a line 620 feet southerly of the westerly prolongation of the southerly street line of West 231<sup>st</sup> Street, the easterly boundary line of Penn Central R.O.W. (Metro North Hudson Line), the northerly, easterly and southeasterly boundary lines of a park and its southwesterly prolongation, Edsall Avenue (northerly portion), Johnson

Avenue, the southerly boundary line of a park and its easterly and westerly prolongations, the U.S. Pierhead and Bulkhead Line, the northwesterly prolongation of the U.S. Pierhead and Bulkhead Line, and the westerly boundary line of a park and its southerly and northerly prolongations; and

- 2. establishing a Special Natural Resources District (SNRD) bounded by a boundary line of The City of New York, Riverdale Avenue, a line 300 feet southerly of West 261<sup>st</sup> Street, Independence Avenue, a line 600 feet northerly of West 256<sup>th</sup> Street, Arlington Avenue, West 254<sup>th</sup> Street, Henry Hudson Parkway West, West 252<sup>nd</sup> Street, Henry Hudson Parkway East, West 253<sup>rd</sup> Street, The Post Road, West 252<sup>nd</sup> Street, Tibbett Avenue, West 244<sup>th</sup> Street, Manhattan College Parkway, Henry Hudson Parkway East, West 246<sup>th</sup> Street, Henry Hudson Parkway West, West 249<sup>th</sup> Street, Arlington Avenue, a line perpendicular to the easterly street line of Arlington Avenue distant 268 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Arlington Avenue and the northwesterly street line of West 246<sup>th</sup> Street, West 246<sup>th</sup> Street, Independence Avenue, West 240<sup>th</sup> Street, the centerline of the former West 240th Street and its westerly centerline prolongation, Douglass Avenue, West 235<sup>th</sup> Street, Independence Avenue, West 232<sup>nd</sup> Street, Henry Hudson Parkway, West 231<sup>st</sup> Street, Independence Avenue, the westerly centerline prolongation of West 230<sup>th</sup> Street, Palisade Avenue, a line 620 feet southerly of the westerly prolongation of the southerly street line of West 231<sup>st</sup> Street, the easterly boundary line of Penn Central R.O.W. (Metro North Hudson Line), the northerly, easterly and southeasterly boundary lines of a park and its southwesterly prolongation, Edsall Avenue (northerly portion), Johnson Avenue, the southerly boundary line of a park and its easterly and westerly prolongations, the U.S. Pierhead and Bulkhead Line, the northwesterly prolongation of the U.S. Pierhead and Bulkhead Line, and the westerly boundary line of a park and its southerly and northerly prolongations;

Borough of the Bronx, Community District 8, as shown on a diagram (for illustrative purposes only) dated May 6, 2019.

No. 2

**CITY WIDE** **N 190430 ZRY**  
**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special Natural Resources District (Article XIV, Chapter 3), and modifying related provisions, including regulations related to lower density growth management areas, Article X, Chapter 5 (Special Natural Areas District), Article X, Chapter 7 (Special South Richmond Development District), Article XI, Chapter 9 (Special Hillside Preservation District) and related provisions.

\* \* \*

Matter underlined is new, to be added;  
Matter ~~struck out~~ is to be deleted;  
Matter within # # is defined in Section 12-10, 105-01 or 143-01;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**ARTICLE I**  
**GENERAL PROVISIONS**

**Chapter 1**  
**Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

**11-12**  
**Establishment of Districts**

\* \* \*

**11-122**  
**Districts Established**

\* \* \*

Special Purpose Districts

\* \* \*

Establishment of the Special Forest Hills District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 6, the #Special Forest Hills District# is hereby established.

Establishment of the Special Fort Totten Natural Area District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Fort Totten Natural Area District# is hereby established.

Establishment of the Special Garment Center District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 1, the #Special Garment Center District# is hereby established.

\* \* \*

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

~~Establishment of the Special Hillside Preservation District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 9, the #Special Hillside Preservation District# is hereby established.~~

Establishment of the Special Hudson River Park District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 9, the #Special Hudson River Park District# is hereby established.

\* \* \*

Establishment of the Special Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 3, the #Special Mixed Use District# is hereby established.

Establishment of the Special Natural Area District

~~In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Natural Area District# is hereby established.~~

Establishment of the Special Natural Resources District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 3, the #Special Natural Resources District# is hereby established.

Establishment of the Special Ocean Parkway District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 3, the #Special Ocean Parkway District# is hereby established.

\* \* \*

Establishment of the Special Sheepshead Bay District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 4, the #Special Sheepshead Bay District# is hereby established.

Establishment of the Special South Richmond Development District

~~In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.~~

Establishment of the Special Southern Hunters Point District

In order to carry out the special purposes of this Resolution, as set forth in Article XII, Chapter 5, the #Special Southern Hunters Point District# is hereby established.

\* \* \*

**11-40**  
**EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS**

\* \* \*

**11-45**  
**Authorizations or Permits in Lower Density Growth Management Areas**

The provisions of this Section shall apply within #lower density growth management areas#.

\* \* \*

- (b) Notwithstanding the provisions of N040414ZRY, the following provisions shall apply to certain #developments# within the #Special South Richmond Development District#-South Richmond Subdistrict of the #Special Natural Resources District#:

- (1) #Developments#, including minor modifications thereto, within the #Special South Richmond Development District# South Richmond Subdistrict of the #Special Natural Resources District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront

esplanade#, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

- (2) #Developments# within the #Special South-Richmond-Development-District#-South Richmond Subdistrict of the #Special Natural Resources District# accessed, in part, by #private roads# and consisting, in part, of construction within #streets# that are unimproved, and for which a conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, or its successor, and an application for an authorization for such #development# has been filed pursuant to paragraph (a) of Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets) prior to May 1, 2004, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

\* \* \*

**12-10 DEFINITIONS**

\* \* \*

**Special Forest Hills District**

The "Special Forest Hills District" is a Special Purpose District designated by the letters "FH" in which special regulations set forth in Article VIII, Chapter 6, apply.

**Special Fort Totten Natural Area District**

The "Special Fort Totten Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply.

**Special Garment Center District**

The "Special Garment Center District" is a Special Purpose District designated by the letters "GC" in which special regulations set forth in Article XII, Chapter 1, apply.

\* \* \*

**Special Hillside Preservation District**

The "Special Hillside Preservation District" is a Special Purpose District mapped in Staten Island designated by the letters "HS" in which special regulations set forth in Article XI, Chapter 9, apply.

\* \* \*

**Special Natural Area District**

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply. The #Special Natural Area District# includes any district whose designation begins with the letters "NA".

**Special Natural Resources District**

The "Special Natural Resources District" is a Special Purpose District designated by the letters "NR" in which special regulations set forth in Article XIV, Chapter 3, apply.

**Special Ocean Parkway District**

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply.

\* \* \*

**Special South Richmond Development District**

The "Special South Richmond Development District" is a Special Purpose District designated by the letters "SRD" in which special regulations set forth in Article X, Chapter 7, apply.

\* \* \*

**14-40 AREA ELIGIBILITY FOR SIDEWALK CAFES**

\* \* \*

**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).

\* \* \*

Staten Island	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
South Richmond Development District	Yes	Yes
Natural Resources District	No	Yes
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

\* \* \*

**ARTICLE II RESIDENCE DISTRICT REGULATIONS**

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

\* \* \*

**23-00 APPLICABILITY AND GENERAL PURPOSES**

\* \* \*

**23-03 Street Tree Planting in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:
  - #Special Bay Ridge District#;
  - #Special Clinton District#;
  - #Special Downtown Brooklyn District#;
  - #Special Downtown Jamaica District#;
  - #Special Grand Concourse District#;
  - #Special Hillside Preservation District#;
  - #Special Long Island City Mixed Use District#;
  - #Special Natural Resources District#;
  - #Special Ocean Parkway District#;
  - #Special South Richmond Development District#;

\* \* \*

**23-04 Planting Strips in Residence Districts**

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraph (b) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:
  - #Special Bay Ridge District#;
  - #Special Downtown Jamaica District#;
  - #Special Hillside Preservation District#;
  - #Special Natural Resources District#;
  - #Special Ocean Parkway District#;
  - #Special South Richmond Development District#;

\* \* \*

**23-30 LOT AREA AND LOT WIDTH REGULATIONS**

**Definitions and General Provisions**

\* \* \*



23-32 Minimum Lot Area or Lot Width for Residences

\* \* \*

However, in #lower density growth management areas# in the Borough of Staten Island, the following rules shall apply:

\* \* \*

(b) The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that the applicable #lot width#, in feet, set forth in the table in this Section shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing a #side lot lines# and any opposing #lot line# that is parallel to, or within 45 degrees of being parallel to, such #side lot line#, where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.

(c) For the purposes of determining the #lot area# of a #zoning lot#, #lot area# shall exclude the area of a #private road# from the area of the #zoning lot#. For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

\* \* \*

Chapter 6 Special Urban Design Regulations

\* \* \*

26-20 SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS

\* \* \*

26-26 Modification and Waiver Provisions

(a) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, provided that:

- (1)(a) such modifications or waivers will enhance the design quality of the #zoning lot#;
(2)(b) any decrease in the required width of the paved road bed is in conjunction with a superior parking plan that would not be feasible with a wider road bed; and
(3)(c) any decrease in the required width of the paved road bed will result in the preservation of existing natural features or a superior landscaping plan that would not be feasible with a wider road bed.

No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet, except as permitted in the #Special Natural Resources District# pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive.

(b) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, for #zoning lots# within the #Special South Richmond Development District#, that:

- (1) contain #designated open space# and a portion of the #waterfront esplanade#, where such #zoning lots#:
(i) have been granted an authorization pursuant to Section 107-65 (Modifications of Existing Topography) within one year prior to February 6, 2002; or
(ii) are conditioned upon a restrictive declaration that has received a minor modification by the City Planning Commission; or
(2) are located wholly or partially within Area M and have filed an application for an authorization pursuant to Section 107-69 (Residential Uses in Area M) within one year prior to February 6, 2002; or
(3) have been granted authorizations pursuant to Section 107-64 (Removal of Trees) and 107-65 and are located on a #zoning lot# where a change in the City Map has been approved within three years prior to February 6, 2002, and where certified copies of the alteration map for such change in the City Map have not yet been filed in accordance with

Section 198, subsection (c), of the New York City Charter, as of February 6, 2002.

In order to authorize such modifications or waivers pursuant to this paragraph, (b), the Commission shall find that such #zoning lots# will be #developed# pursuant to a good site plan, and that adequate access to all #dwelling units#, adequate parking spaces located outside of the roadbed of the #private road#, adequate spacing of all curb cuts and adequate landscaping will be provided.

26-27 Waiver of Bulk Regulations Within Unimproved Streets

\* \* \*

(b) #zoning lots# with #private roads# that access fewer than 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law and where such #zoning lot# has received an authorization pursuant to paragraph (a) of Section 26-26;

\* \* \*

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

\* \* \*

Chapter 2 Use Regulations

32-11 Use Groups 1 and 2

C1 C2 C3 C4 C5 C6

Use Groups 1 and 2, as set forth in Sections 22-11 and 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single-# or #two-family detached# or #zero lot line residences#.

In #lower density growth management areas# in the Borough of Staten Island, except C3A Districts, Use Groups 1 and 2 shall be permitted only within #mixed buildings#. However, no #residences# shall be allowed on the following #zoning lots#, except by special permit pursuant to Section 74-49 (Residential Use in C4-1 Districts in Staten Island):

- (a) any #zoning lot# in a C4-1 District, where such district occupies at least four acres within a #block#; or
(b) any other #zoning lot# in a C4-1 District, where such #zoning lot# had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.

\* \* \*

Chapter 3 Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

\* \* \*

33-00 APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

\* \* \*

33-03 Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:
#Special Bay Ridge District#;
#Special Clinton District#;
#Special Downtown Brooklyn District#;
#Special Downtown Jamaica District#;
#Special Grand Concourse District#;
#Special Hillside Preservation District#;
#Special Hudson Yards District#;
#Special Little Italy District#;

- #Special Long Island City Mixed Use District#;
- #Special Natural Resources District#;
- #Special Ocean Parkway District#;
- #Special South Richmond Development District#;

\* \* \*

**Chapter 6**  
**Accessory Off-street Parking and Loading Regulations**

\* \* \*

**36-50**  
**ADDITIONAL REGULATIONS FOR PERMITTED OR**  
**REQUIRED ACCESSORY OFF-STREET PARKING SPACES**

\* \* \*

**36-59**  
**Cross Access Connections in the Borough of Staten Island**

C4-1 C8

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# that provide #accessory# off-street parking spaces for customers shall be required to provide vehicular passageways for vehicles, pedestrians, or both between such open parking lots. Such vehicular passageways are hereinafter referred to as "cross access connections" and shall be provided in accordance with the requirements of this Section, inclusive.

**36-591**  
**Applicability**

- (a) Cross access connections shall be required for:
- (1)(a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area;
  - (2)(b) #enlargements# on a #zoning lot# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area, and such parking spaces are #accessory# to #commercial# or #community facility uses#; or
  - (3)(e) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility uses# is increased and such increase results in at least 36 parking spaces or more than 12,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall locate provide cross access connections in accordance with the requirements of Sections 36-592 and 36-593 and 36-594.

- (b) Cross access connections shall not be required between one or more #abutting zoning lots#, where the following conditions exist between such #abutting zoning lots#:
- (1) the open parking lot to be connected on the subject #zoning lot# or the #abutting zoning lot# provides #accessory# off-street parking spaces exclusively for any combination of the #uses# listed in the following Use Groups: 1, 2, 3, 6B, 7, 9, 11, 13, 14, 15 or 16;
  - (2) the Commissioner of Buildings certifies that a fence is necessary along the perimeter of the boundary of the open parking lot because the open parking lot is #accessory# to a #use# that is not retail and is not open to the general public;
  - (3) #abutting zoning lots# share a common #lot line# that is contiguous for less than 60 feet. For the purposes of this Section, "contiguous" shall include the sum of all continuous segments of a #lot line#;
  - (4) there is a recorded cross access easement on an #abutting zoning lot# as required pursuant to Section 36-594, and existing #buildings or other structures# to remain on the subject #zoning lot# are within 50 feet of the #lot line# and would block vehicular cross access connections;
  - (5) except for #zoning lots# that are one acre or greater in area in the #Special Natural Resources District#, where the subject #zoning lot# contains an open parking lot that is less than 150,000 square feet in area, and where:
    - (i) off-street accessory parking spaces are located more than 60 feet from a shared

#lot line# between two #abutting zoning lots#;

- (ii) the subject #zoning lot# is 68 feet or greater in width, measured perpendicular to the #abutting lot line# through the open parking lot, and the elevation difference between the nearest vehicular travel paths of the adjacent open parking lots is greater than three feet; or
  - (iii) the subject #zoning lot# is less than 68 feet in width, measured perpendicular to the #abutting lot line# through the open parking lot, and the elevation difference between the nearest vehicular travel paths of the adjacent open parking lots is greater than one and a half feet;
- (6) between two #abutting zoning lots# that do not front on the same #street#, and where:
- (i) existing or proposed #buildings or other structures# would block pedestrian cross access connections;
  - (ii) no open parking areas are proposed on the subject #zoning lot# within 60 feet of the #lot line# where pedestrian cross access would be required; or
  - (iii) the #aggregate width of street walls# exceed 90 percent of the length of the #street line# of the subject #zoning lot#;
- (7) wetlands regulated by the New York State Department of Environmental Conservation or by the United States Army Corps of Engineers, or pursuant to Section 143-16 (Aquatic Resource Protections), are located between the open parking areas or their access driveways along the entire length of #abutting lot lines#, except where blocked by existing #buildings# on the subject #zoning lot#, provided the Commissioner of Buildings shall determine that there is no way to locate a cross access connection that protects such wetlands. The Commissioner may request reports from licensed engineers or landscape architects in considering such waivers.

**36-592**  
**Certification of cross access connections**

No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the requirements of Section 36-59, inclusive, have been met.

**36-593 592**  
**Site planning criteria for cross access connections**

- Every potential cross access connection meeting the criteria of this Section shall be shown on the site plan required pursuant to Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations).
- (a) The connection shall be a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#.
  - (b) The connection shall be an extension of a travel lane of the subject open parking lot and align to the maximum extent practicable with a travel lane on any adjacent open parking lot.
  - (c) The connection shall have a grade not greater than 15 percent.
  - (d) The connection shall be placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other lot line boundary of the subject property.
  - (e) The connection shall be placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same or adjacent #zoning lots#.
- (a) All connections shall be located at least 23 feet from any #street line#, except where connecting to a driveway that does not have #abutting# parking spaces and that provides access to an open parking lot, in which case the connection shall be at least 60 feet from any #street line#.

(b) All cross access connections between two #abutting zoning lots# that front on the same #street# shall provide vehicular access as follows:

- (1) Each connection shall be, to the extent practicable, an extension of a travel lane or connect to a driveway accessing an open parking lot.
- (2) Each connection shall be a minimum of 22 feet in width as measured along a #lot line#. Where the connection is within 60 feet of a pedestrian walkway on the subject #zoning lot#, the connection shall also include a pedestrian pathway with a minimum width of six feet, for a total minimum width of 28 feet. The sides of the pedestrian pathway shall be separated from adjacent vehicle travel paths by a curb, bollard, or vegetation maintained at a maximum height of three feet.
- (3) All connections shall have a proposed slope not greater than 15 percent.
- (4) All connections shall be placed in an area that is not blocked by an existing #building or other structure# on the #abutting zoning lot# that is within 50 feet of the #lot line# of the subject #zoning lot# unless the only cross access location that would otherwise comply with all cross access rules is blocked by such #building or other structure# on the #abutting zoning lot#.

(c) A cross access connection between two #abutting zoning lots# that do not front on the same #street# shall only be required to provide pedestrian access as follows:

- (1) the pedestrian access connection easement shall be a minimum of nine feet in width as measured along a #lot line#;
- (2) the pedestrian access connection pathway shall have a proposed slope not greater than 1:12 for a paved walkway not less than three feet wide, or as otherwise required to meet standards for access determined by the Americans with Disabilities Act; and
- (3) the sides of the pedestrian pathway shall be separated from adjacent vehicle travel paths or parking spaces by a curb, bollards or vegetation maintained at a maximum height of three feet.

No screening or landscaping along a #lot line# shall be required in the connection area, except as required for pedestrian pathways pursuant to this Section.

### **36-594-593**

#### **Establishment of location of required cross access connection**

One cross access connection shall be provided on the subject property at each #zoning lot line# or other boundary on the same #zoning lot#, where the properties divided by such #lot line# or boundary are contiguous by at least 60 feet, and where the adjacent properties are located in C4-1, C8 or Manufacturing Districts. At least one cross access connection shall be provided on the subject #zoning lot# to each #abutting zoning lot# located in C4-1, C8 or Manufacturing Districts.

The location of required cross access connections shall be established as follows:

- (a) where an easement has not been previously recorded against any adjacent property an #abutting zoning lot# in accordance with Section 36-595 36-594 (Recordation and notice requirements), an easement shall be recorded against the subject property documenting the locations of all potential cross access connections identified all potential cross access connections shall be located pursuant to Section 36-593 36-592 (Site planning criteria for cross access connections) and the locations shall be selected to facilitate compliance with the criteria set forth in Section 36-592 on the #abutting zoning lot#. The easement shall provide for at least one future cross access connection to each adjacent property, at any of the locations; or
- (b) where an easement has been previously recorded against an adjacent property# abutting zoning lot# in accordance with Section 36-595 36-594 (Recordation and notice requirements), an easement providing for at least one a cross access connection to such #abutting zoning lot# shall be located to align with the one of locations identified in the previously recorded easement, meeting the criteria set forth in Section 36-593 shall be recorded against the subject property. Such cross access connection shall also align with one of the locations identified in the previously recorded easement against an adjacent property. If the previously recorded easement has identified more than one location for a cross

access connection along such #lot line# or other boundary, the owner of the subject property #zoning lot# shall select one of these locations for the construction of a cross access connection. The location selected on the subject #zoning lot# shall comply with the criteria set forth in Section 36-592.

Each property owner shall construct their portion of the cross access connection in accordance with the requirements of Sections 36-593 36-592 and 36-595 36-594 after easements are required to be recorded on both #abutting zoning lots#.

If such cross access connection has been established in a location that contained parking spaces upon the effective date of the easement, as set forth in Section 36-595 36-594, such connection shall be counted as four required parking spaces and shall be separated from any adjacent parking spaces by a an island that shall not be subject to the landscaping provisions of Section 37-922 (Interior landscaping). The island shall be either a planting island at least four feet wide and densely planted with shrubs maintained at a maximum height of three feet or, if providing a cross access connection at least 28 feet wide, shall include one paved pedestrian walkway at least six feet wide that provides pedestrian access to the #abutting zoning lot#.

Relocation of a previously recorded cross access connection, where a new location is acceptable to the owners of both #zoning lots# and such cross access connection complies with all requirements of Section 36-59, inclusive, shall be permitted as-of-right, provided the terms of the prior easement are modified accordingly to reflect the new easement.

### **36-595594**

#### **Recordation and notice requirements**

An easement through all required cross access connections for vehicular or pedestrian passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning Buildings, shall be recorded in the Office of the Richmond County Clerk. The easement shall be recorded prior to the issuance of any permit by the Department of Buildings. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property #abutting zoning lot#; whether on the same or adjacent #zoning lot#, pursuant to this Section. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non-customers.

If an easement pursuant to this Section has previously been recorded against any adjacent property #abutting zoning lot#, the owner of the subject property #zoning lot# shall notify the owner of the adjacent property #abutting zoning lot# of the easement location selected by sending such owner a copy of the recorded easement. Proof of notification shall be a condition of certification under this Section. Prior to issuance of a temporary certificate of occupancy or permit sign-off, as applicable, the subject property #zoning lot# owner shall further notify the adjacent property #abutting zoning lot# owner that the cross access connection must be constructed on the adjacent property #abutting zoning lot# within six months of the date of such notice. No temporary certificate of occupancy for any #development#, #enlargement# or increase in the number of parking spaces on the subject property# zoning lot#, or permit sign-off, if applicable, shall be issued until the applicant has demonstrated to the Department of Buildings that such owner of the adjacent property# abutting zoning lot# has been duly notified.

Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots within six months of the date of the notice shall constitute a violation of this Zoning Resolution by the adjacent property owner. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular or pedestrian passage between and among the adjacent parking lots at the time of the aforementioned temporary certificate of occupancy or permit sign-off, if applicable, shall constitute a violation of this Zoning Resolution by the owner of the subject property #zoning lot#.

### **36-596**

#### **Certification that no connection is required, relocation of previously certified connections and voluntary connections**

(a) Certification that no connection is required

The Chairperson shall certify to the Department of Buildings that no cross access connection is required along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of the following conditions, and provided that no alternate location along such #lot line# or other boundary between properties exists:

- (1) grade changes greater than 15 percent;
- (2) existing #buildings or other structures# to remain that are located within 50 feet of the subject #zoning lot# or property; or
- (3) wetlands or trees with a caliper of six inches or more.

- (b) Relocation of previously certified connection  
The Chairperson may relocate a previously-certified cross-access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.
- (c) Certification for voluntary connection  
The Chairperson may certify a non-required cross access connection provided such connection complies with all requirements of Section 36-59, inclusive.

**36-595**  
**Certification for modifications of cross access connections**

The Chairperson of the City Planning Commission may certify a cross access connection that does not meet the requirements of Section 36-59, inclusive, provided the Chairperson certifies that, due to existing #buildings or other structures# that are located within 50 feet of a #lot line#, it is not possible to design a complying parking lot with a complying cross access connection.

Turning diagrams and ground clearance diagrams shall be provided to indicate that vehicles can maneuver safely between the parking lots, and such cross access connections are adequately located so as not to impair adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

The Chairperson may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

**36-597596**  
**Authorizations for waivers or modifications of cross access connections**

The City Planning Commission may authorize modifications or waivers of the requirements of Section 36-59, inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection or the proposed site plan with a connection that does not follow the provisions of Section 36-592 (Site planning criteria for cross access connections) is the only one that is feasible; or
- (b) for open parking lots that are 150,000 square feet in area or greater, site planning constraints necessitate the placement of a new or #enlarged building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

The Commission may also approve an alternative cross access connection not meeting the requirements of Section 36-59, inclusive, provided that turning diagrams and ground clearance diagrams indicate that vehicles can maneuver safely between the parking lots, and such cross access connections are adequately located so as not to impair adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

\* \* \*

**Chapter 7**  
**Special Regulations**

\* \* \*

**37-20**  
**SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND**

**37-21**  
**Special Screening Requirements between Residential and Non-Residential Uses**

In all C1, C2, and C4-1 and C8 Districts in the Borough of Staten Island, all #developments# or horizontal #enlargements# containing non-#residential uses# shall be screened from adjoining adjacent to #zoning lots# containing only #residential uses# shall be screened by a planting strip, at least five feet wide. Such #zoning lots# containing non-#residential uses# shall be referred to as the 'subject #zoning lot#' and shall comply with the following provisions:

- (a) Along a #front lot line#  
Where the adjacent #zoning lot# containing only #residential uses# is located in a #Residence District#, is located across a #street# from the subject #zoning lot# and is within 100 feet of the subject #zoning lot#, the subject #zoning lot# shall provide the following:

- (1) a #building# located within 15 feet of the #front lot line# with glazing that meets the standards of Section 37-34 (Minimum Transparency Requirements); or
- (2) for any portion of the #front lot line# that does not meet the standards of paragraph (a)(1) of this Section, screening shall be provided by a planting strip at least four feet wide with shrubs with a maximum height of three feet, except as may be interrupted by normal entrances or exits;

- (b) Along a #side lot line#  
Where the #abutting zoning lot# containing only #residential uses# is located across a #side lot line# from the subject #zoning lot#, the subject #zoning lot# shall provide along such #side lot line# a planting strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting. No chain link fences shall be permitted along such #side lot line#.

- (c) Along a #rear lot line#  
Where the #abutting zoning lot# containing only #residential uses# is located across a #rear lot line# from the subject #zoning lot#, and where there is no existing or proposed #building# within 10 feet of such #rear lot line# or portion thereof, the subject #zoning lot# shall provide along the #rear lot line# a planting strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting.

along the common #side lot line#, densely planted with evergreen shrubs at least four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted.

However, no such screening shall be required where both such #buildings zoning lots# front upon a #street line# that forms the boundary of a #block# front mapped entirely as a #Commercial District#.

\* \* \*

**ARTICLE VI**  
**SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 4**  
**Special Regulations Applying in Flood Hazard Areas**

\* \* \*

**64-90**  
**SPECIAL APPROVALS**

**64-91**  
**Modification of Certain Certification Requirements in the Special South Richmond Development District Special Natural Resources District**

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability to Developments in the Waterfront Area).

In the #Special South Richmond Development District# #Special Natural Resources District#, Sections 107-22 143-51 (Designated Open Space), inclusive, and 107-23 143-52 (Waterfront Esplanade) shall not apply to the reconstruction or repair of #buildings# that were damaged due to the effects of #Hurricane Sandy#, provided that:

- (a) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012; and
- (b) there is no increase in impervious surfaces on the #zoning lot#.

In addition, the provisions of Section 107-22 143-51, inclusive, shall not apply to a #site alteration# that is not a #development# or #enlargement# where the Commissioner of Buildings determines it is the minimum necessary to enable the reconstruction of a #building#. The Commissioner may request reports from licensed engineers or landscape architects in considering such determination.

\* \* \*

**Appendix A**  
**Special Regulations for Neighborhood Recovery**

\* \* \*

**64-A30**  
**SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012**

\* \* \*

**64-A352**  
**Special provisions for narrow lots**

R1 R2 R3 R4 R5 R6

\* \* \*

(b) In the #Special South Richmond Development District# #Special Natural Resources District#, the provisions of Sections 107-42 (Minimum Lot Area and Lot Width for Residences) and 107-462 (Side yards) 143-343 (Minimum lot area and lot width in the South Richmond Subdistrict) and 143-352 (Side yards in South Richmond) shall not apply. In lieu thereof, the regulations of the applicable underlying #Residence District# shall apply pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences) and Section 23-46 (Minimum Required Side Yards) and may be modified, as applicable, by the regulations of this Appendix.

\* \* \*

ARTICLE X SPECIAL PURPOSE DISTRICTS

\* \* \*

Chapter 5 Special Fort Totten Natural Area District

105-00 GENERAL PURPOSES

The "Special Fort Totten Natural Area District" (hereinafter also referred to as the "Special 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:

- (a) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas;
(b) to preserve land having qualities of exceptional recreational or educational value to the public;
(c) to protect aquatic, biologic, botanic, geologic, topographic and other natural features having ecological and conservation values and functions;
(d) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
(e) to preserve hillsides having unique aesthetic value to the public; and
(f) to preserve, protect and enhance the combination of historically significant buildings and other structures, public open spaces, outstanding scenic views and pedestrian and vehicular circulation system which by their siting create a unique balance between buildings and open spaces and which, together with the harmonious scale of development and landscaping, add to the quality of life in the area;
(g) to improve the quality of new development in the area by fostering the provision of specified public amenities and recreational facilities in appropriate locations and by making these facilities directly accessible to the public; and
(h) to promote the most desirable use of land and the direction of building development in accordance with a well-considered plan, to promote stability of residential development, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and thereby protect the City's tax revenues.

\* \* \*

105-01 Definitions

\* \* \*

Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Designated open space

The "designated open space" is an #open space# as shown on the District Plan.

Hillside

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section 105-10 (NATURAL FEATURES) and existing within a the #Special Fort Totten Natural Area District#.

\* \* \*

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Street

For the purpose of this Section, a "street" is a way existing within the #Special Fort Totten Natural Area District# as shown on the District Plan (Appendix A) complying with the definition of #street# in Section 12-10, except that the #street# width shall be limited to existing dimensions. No modification of existing dimensions shall be permitted without prior certification of the City Planning Commission.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

\* \* \*

105-02 General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Fort Totten Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

- (a) any #development#, #enlargement# or #site alteration#;
(b) any subdivision of a #zoning lot# existing on the effective date of the Special District designation into two or more #zoning lots#; and
(c) any public improvement projects located within the #Special Fort Totten Natural Area District#, which shall be subject to the provisions of Sections 105-92 (Special Provisions for City-owned Land) and 105-93 (Inter-agency Coordination), except for any such projects which were approved by the Board of Estimate prior to the effective date of the Special District designation.

Prior to issuance by the Department of Buildings or other City or State agencies, of a permit for any #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District#, or for any #site alteration# for which no permit is required by the Department of Buildings or other City or State agencies, an application shall be submitted to the City Planning Commission for review and approval pursuant to Section 105-40 (SPECIAL REVIEW PROVISIONS), except those #developments#, #enlargements# and #site alterations# that are not subject to the provisions of Section 105-40, as specified in Section 105-021 (Actions not requiring special review).

\* \* \*

105-022 Requirements for application

An application to the City Planning Commission for certification, authorization or special permit and to the Department of Buildings respecting any #development#, #enlargement# or #site alteration#, to be made within any the #Special Fort Totten Natural Area District#, shall include the following:

\* \* \*

- (b) photographs showing the location and condition of such #natural features# for verification with pre-existing aerial survey and/or other photographs for each the #Special Fort Totten Natural Area District#;
(g) any other information necessary to evaluate the request; and
(h) for #developments#, #enlargements# and #site alterations# on #Tier II sites#, the application shall also include:
(1) an alignment and paving plan for any #private road# with a typical cross-section; and
(2) a construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the

proposed method for protecting trees, understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site; and if the #critical root zone# is proposed to be modified, a #tree protection plan# for any tree proposed for preservation; and

(i) In addition, an application for #development# within Area B, as shown on the map in Appendix A of this Chapter, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The application shall include a landscaping plan, #building# sections and elevation and an appropriate model of the planned community.

The Commission shall require, where relevant, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

For a #site alteration#, #enlargement# or #development# within any the #Special Fort Totten Natural Area District#, the Commission may modify one or more requirements set forth in paragraphs (a) through (h) (i) of this Section, when such modification is requested by the applicant in writing and when the Commission determines that the requirements are unnecessary for evaluation purposes.

Appendix B of this Chapter should be used as a guide to assist in identifying the #natural features# on the survey required in this Section.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a permit is required for a #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District# from any City or State agency, an application for such permit shall be filed simultaneously with such agency and the Commission.

\* \* \*

105-03 District Plan

The regulations of this Chapter are designed to implement the #Special Fort Totten Natural Area District# Plan. The District Plan includes the following:

Appendix A - Special Fort Totten Natural Area District Plan Maps

\* \* \*

105-20 PROTECTION OF NATURAL FEATURES

All #natural features# within a the #Special Fort Totten Natural Area District# shall be protected by the regulations of this Chapter in accordance with the provisions set forth in Sections 105-02 (General Provisions), 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES).

\* \* \*

105-30 PRESERVATION OF NATURAL FEATURES

The provisions of this Section are applicable to all #developments#, #enlargements# and #site alterations# within the #Special Fort Totten Natural Area District#, pursuant to Section 105-02 (General Provisions). When pursuant to Sections 105-41 (Certification) or 105-021 (Actions not requiring special review), it is not necessary for an applicant for a #development#, #enlargement# or a #site alteration# to apply for an authorization or special permit, such #development#, #enlargement# or #site alteration# shall nonetheless comply with the #natural feature# preservation requirements of this Section, inclusive.

\* \* \*

105-32 Botanic Environment and Tree Planting Requirements

Any vegetation that cannot be saved as a result of #site alteration#, #enlargement# or #development# shall be replaced with alternative vegetation to be approved by the City Planning Commission. All #developments#, #enlargements# and #site alterations# shall comply with the tree planting requirements set forth in this Section, whether

or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#.

The replanting of elements of vegetation that are parts of an association or community shall be such as to reestablish, as rapidly as is reasonable, the vigor and character of the association. When necessary to establish ecological balance, the Commission may also require additional vegetation to be planted.

(a) Tree planting

For the purposes of this Section, the following minimum standard shall apply for tree planting:

(1) For any #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District#, trees of at least three-inch #caliper#, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area# or portion thereof or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

\* \* \*

105-33 Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422

The maximum permitted percentage of #lot coverage# for #residences# on a #zoning lot# shall be 22.5 percent where the average percent of slope is between 10 and 14.9 percent, 20 percent where the average percent of slope is between 20 and 24.9 percent, and 17.5 percent where the average percent of slope is between 10 and 14.9 percent, determined by Table I or Table II of this Section, as applicable.

TABLE I PERMITTED PERCENTAGE OF LOT COVERAGE ON A TIER II ZONING LOT BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE

Table with 8 columns: #Residence District#, #Average Percent of Slope#, R1, R2, R3, R4, R5, 1-2 Family, Other. Rows include slope ranges 10-14.9, 15-19.9, and 20-24.9.

\* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 105-422, the maximum permitted percentage of #lot coverage# for such #zoning lot# shall not exceed 12.5 percent, the maximum set forth in Table II of this Section.

TABLE II PERMITTED PERCENTAGE OF LOT COVERAGE ON ANY ZONING LOT OR PORTION OF ANY ZONING LOT WITH A STEEP SLOPE GRANTED AN AUTHORIZATION PURSUANT TO SECTION 105-422

Table with 8 columns: #Residence District#, #Average Percent of Slope#, R1, R2, R3, R4, R5, 1-2 Family, Other. Rows include slope ranges 12.5, 12.5, 12.5, 20.0, 25.0.

\* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

105-34 Grading Controls for Tier II Sites

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation,

measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

- (a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
- (b) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Fort Totten Natural Area District#.

\* \* \*

**105-36 Controls During Construction**

The following requirements must be met during construction and identified on the construction plan:

- (a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15-foot limit infeasible or impractical.
- (b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Fort Totten Natural Area District#.

\* \* \*

**105-40 SPECIAL REVIEW PROVISIONS**

The provisions of this Section shall apply to all #developments#, #enlargements# or #site alterations# located within a the #Special Fort Totten Natural Area District#.

Prior to the issuance by the Department of Buildings of any permit for a #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District#, the City Planning Commission shall certify to the Department of Buildings that the #development#, #enlargement# or #site alteration# is approved pursuant to Sections 105-41, 105-42, 105-43 or 105-44, inclusive.

\* \* \*

**105-42 Authorizations to Alter Natural Features**

For a #development#, #enlargement# or #site alteration# located within the #Special Fort Totten Natural Area District#, the City Planning Commission may authorize:

\* \* \*

- (d) alteration of aquatic features, pursuant to Section 105-426 in NA-1, NA-2 and NA-3 Districts.

The Commission may prescribe appropriate additional conditions and safeguards to protect the character of the #Special Fort Totten Natural Area District#.

\* \* \*

**105-421 Modification of topographic features on Tier I sites**

The topographic features, including natural topography and #topsoil#, existing at the time of designation of a the #Special Fort Totten Natural Area District# may be modified by the City Planning Commission, provided that the Commission finds that:

\* \* \*

**105-422 Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer**

\* \* \*

The #lot coverage# regulations of Table H of Section 105-33 (Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422) shall apply

to any #residential development#, #enlargement# or #site alteration# granted an authorization pursuant to this Section.

**105-423 Relocation of erratic boulders**

No erratic boulder with a diameter at any point of six feet or more may be moved from its location at the time of designation of a the #Special Fort Totten Natural Area District# to another location within the Special District during #development#, #enlargement# or #site alteration# except in compliance with the provisions of this Section.

Prior to the moving of an erratic boulder from its present location to a location elsewhere within the #Special Fort Totten Natural Area District#, an application shall be filed with the City Planning Commission showing the present location and the proposed location. Moving of an erratic boulder will be permitted only by authorization of the Commission under the following circumstances:

- (a) where such a boulder is located in an area to be occupied by #buildings#, driveways, parking areas or recreation areas and it is not possible to avoid such location by minor adjustments in the arrangement of such #buildings#, driveways, parking areas or recreation areas on the site;
- (b) where the boulder's continued existence in its present location would create hazards or dangers; or
- (c) where authorizations granted by the Commission under the provisions of this Chapter require or clearly contemplate the boulder's relocation from its present position.

In issuing an authorization under this Section, the Commission shall require an appropriate relocation site, visible, if possible, from a public #street#, park, or public place, preferably on the #zoning lot# or elsewhere within the #Special Fort Totten Natural Area District#. The Commission may prescribe appropriate conditions to enhance the setting of the relocated boulder.

\* \* \*

**105-425 Modification of botanic environment and tree preservation and planting requirements**

\* \* \*

Where on-site replanting of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Fort Totten Natural Area District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

\* \* \*

**105-43 Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations**

For a #development#, #enlargement# or #site alteration# located within the #Special Fort Totten Natural Area District#, the City Planning Commission may authorize:

\* \* \*

**105-434 Modification of requirements for private roads and driveways**

For any #development#, #enlargement# or #site alteration#:

- (a) the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 105-35 (Tier II Site Requirements for Driveways and Private Roads), as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts) provided that:
  - (1)(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
  - (2)(b) such modification is the least modification required to achieve the purpose for which it is granted;
  - (3)(c) the modification will not disturb the drainage pattern and soil conditions of the area;
  - (4)(d) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
  - (5)(e) such modification will enhance the quality of the design of the #development#, #enlargement# or #site alteration#; or;

(b) located on a #zoning lot# containing historic buildings designated by the Landmarks Preservation Commission within the New York City Farm Colony-Seaview Hospital Historic District, as shown on Map 2 in Appendix A of this Chapter, the City Planning Commission may authorize modifications or waivers of the requirements for #private roads# as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) through Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets), inclusive, and Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) through 26-35 (Screening), inclusive, provided that such modification or waiver:

- (1) results in greater environmental conservation or preservation of existing natural features;
- (2) results in a superior site and landscape plan that will not unduly disturb the drainage pattern and soil conditions of the area;
- (3) results in greater preservation of historic #buildings# or other architectural elements of the Historic District designated by the Landmarks Preservation Commission;
- (4) enhances vehicular and pedestrian connections between #buildings# on the site and the surrounding neighborhood;
- (5) will not impair the essential character of the Historic District and the surrounding area;
- (6) is the least required to achieve the purpose for which it is granted; and
- (7) will not reduce the required minimum width of the #private road# to a width less than 34 feet unless the Fire Department has approved such reduction and determined that emergency vehicles can adequately access and move within the site.

\* \* \*

**105-44  
Special Permits**

For any #development#, #enlargement# or #site alteration# within the #Special Fort Totten Natural Area District#, the City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Sections 105-441 and 105-442.

\* \* \*

**105-441  
Modification of use regulations**

In addition to any #use# modifications which may be granted under the provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may permit #semi-detached# or #attached single-family residences# in R2 Districts and #attached single-# or #two-family residences# in R3-1 Districts.

Furthermore, except in the #Special Natural Area District#-1 (NA-1), the Commission may permit #semi-detached# or #attached single-family residences# in R1-2 Districts provided that the #development# or #enlargement# is on a tract of land of at least four acres, and provided the Commission finds that:

\* \* \*

**105-50  
REGULATIONS FOR PROTECTION OF NATURAL FEATURES**

The provisions of this Section establish regulations for City Planning Commission review of #development#, #enlargement# or #site alteration# plans from the standpoint of the adequacy of protection for #natural features# within a the #Special Fort Totten Natural Area District#. Plans that are deficient in this regard may be rejected or required to be modified, even though they comply with all other applicable regulations of this Chapter.

- (1) For a #steep slope#, these additional requirements apply:
  - (1) In all #Residence Districts#, for #residential developments# on individual #zoning lots# substantially within a #steep slope# area, the #lot area per dwelling unit# requirement shall not be less than 12,500 square feet. Except in R1 Districts located in #Special Natural Area District#-1 (NA-1), the The Commission may, for a tract of land of at least four acres substantially within the #steep slope# area, modify, by authorization, the #lot area per dwelling unit# requirement set forth in this paragraph, (1)(1), for the #steep slope# area, and may allow #development# to be concentrated

in clusters to preserve the #steep slope# areas in their natural state, provided that such clusters are located to the extent feasible in areas of comparatively flat topography and will not require unnecessary grading on adjacent slopes or the creation of new #steep slopes#.

\* \* \*

**105-60  
MAINTENANCE OF NATURAL FEATURES**

For any #development#, #enlargement# or #site alteration# on a tract of land within a the #Special Fort Totten Natural Area District#, the City Planning Commission may require a maintenance plan for a #natural feature#. Where a maintenance plan is required, approval of the development plan and the granting of any certification, authorization or special permit shall be conditioned upon the Commission's approval of the maintenance plan.

\* \* \*

**105-701  
Applicability of large-scale residential development regulations**

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), shall apply except as modified by the provisions of this Section.

Any #zoning lots developed#, used predominantly for #residential uses#, may be treated as a #large-scale residential development# and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein or in Section 105-80 (JOINT APPLICATIONS), regardless of whether such #zoning lot# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential development#, as set forth in Section 12-10 (DEFINITIONS).

However, in R1 Districts located in the #Special Natural Area District#-1 (NA-1), no modification of minimum required #lot area# as set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) shall be allowed for any #development# pursuant to paragraph (c) of Section 78-311 (Authorizations by the City Planning Commission) or Section 78-32 (Bonus for Good Site Plan) but modifications of required #front# or #rear yards# and height and setback regulations on the periphery of such #zoning lot#, pursuant to paragraphs (c) and (d) of Section 78-312 (Special permits by the City Planning Commission), shall apply. Modification of #side yards# of all #zoning lots#, including #zoning lots# in R1 Districts, shall be subject to the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations):

Bonuses which may be granted for #large-scale residential developments#, pursuant to Section 78-32 through Section 78-35 (Special Bonus Provisions), may not be granted for #zoning lots# which have less than 10 acres and less than the number of #buildings# or number of #dwelling units# required by the definitions of a #large-scale residential development#.

\* \* \*

**105-702  
Applicability of lower density growth management area regulations**

The regulations for #developments# or #enlargements# within #lower density growth management areas# are modified as follows:

- (a) Parking location regulations
  - #Accessory# parking spaces shall be permitted within a #front yard#.
- (b) Private road regulations

The provisions of paragraph (b) of Section 105-35 (Tier II Requirements for Driveways and Private Roads) shall apply to #Tier II sites# accessed by #private roads#.

**105-90  
FUTURE SUBDIVISION**

Within a the #Special Fort Totten Natural Area District#, any #zoning lot# existing on the effective date of the Special District designation may be subdivided into two or more #zoning lots#, provided that #natural features# are preserved to the greatest extent possible under future development options.

\* \* \*

**105-91  
Special District Designation on Public Parks**

When a the #Special Fort Totten Natural Area District# is designated on a #public park# or portion thereof, any #natural features# existing on December 19, 1974, within such area shall not be removed,



destroyed or altered unless authorized by the City Planning Commission. As a condition for granting such authorization, the Commission shall find that any alteration of #natural features# is the least alteration required to achieve the purpose intended and such authorization is consistent with the intent of the #Special Fort Totten Natural Area District#.

\* \* \*

**105-93  
Inter-agency Coordination**

Where an authorization or permit is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Departments of Transportation or Buildings for land contour work, by the Department of Environmental Protection for storm water drainage systems for #buildings# or adjacent areas or where construction of a public improvement project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District# will best meet the purposes of the Special District. Applications for any required permit or authorizations shall be filed simultaneously with each agency requiring a permit.

**105-94  
Special Natural Area Districts Specified  
Special Regulations**

**105-941  
Special Natural Area District-1:  
Emerson Hill, Dongan Hills, Todt Hill, Lighthouse Hill and the  
Central Wetlands Area of Staten Island**

The central, serpentine, hilly spine of Staten Island is composed of Emerson Hill, Dongan Hills, Todt Hill and Lighthouse Hill. These hills are richly endowed with steep slopes, rock outcrops, erratic boulders and ponds, lakes, swamps, creeks and many trees of the glaciated Oak Chestnut association.

To the south and west of the serpentine hills are tidal wetlands, a habitat for marine life and water fowl. The wetlands include parts of Latourette Park, Fresh Kills Park and New Springville Park. The high and low wetlands of Latourette Park and New Springville Park and most of the low wetlands of Fresh Kills Park remain in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

**105-942  
Special Natural Area District-2:  
Riverdale, Spuyten Duyvil and Fieldston, The Bronx**

The Riverdale Ridge of The Bronx is composed of part of Riverdale, Spuyten Duyvil and Fieldston. This ridge contains steep slopes, rock outcrops, ponds, brooks, swampy areas and mature trees.

The western foot of the ridge contains marshes, feeding areas for water fowl. The shore line of the Hudson River estuary contains the aquatic food web necessary to sustain marine life.

The marshes and most of the Hudson River shore line are included in Riverdale Park. Much of the Riverdale Ridge and Riverdale Park are in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

**105-943  
Special Natural Area District-3:  
Shore Acres Area of Staten Island**

The Shore Acres area of Staten Island owes its unique character to Shore Acres Pond, which is fed predominantly by springs percolating from an underground aquifer through Pleistocene strata of sand and gravel.

The Pond is a resting place for migratory and local fowl as well as a watering hole for opossums which are abundant along the wooded cliffs of the Narrows. The Pond has shaped its built environment, including the street layout, landscaping and orientation of neighboring homes. The surrounding area is distinguished by rolling topography with orientation of the northeastern edge toward Lower New York Bay and the Narrows.

The natural drainage area is in need of protection to ensure survival and maintenance of the Pond which in turn is essential to the preservation of this special area.

**105-944  
Special Fort Totten Natural Area District-4**

(a) General purposes

The "Special Fort Totten Natural Area District"-4 (hereinafter referred to as the Special District), established in this Resolution, is designed to promote and protect public health,

safety, general welfare and amenity. These general goals include, among others, the following general purposes:

- (1) to preserve, protect and enhance the combination of historically significant buildings and other structures, public open spaces, outstanding scenic views and pedestrian and vehicular circulation system which by their siting create a unique balance between buildings and open spaces and which, together with the harmonious scale of development and landscaping, add to the quality of life in the area;
- (2) to protect aquatic, biologic, geologic, topographic and other natural features having ecological and conservation values and functions;
- (3) to improve the quality of new development in the area by fostering the provision of specified public amenities and recreational facilities in appropriate locations and by making these facilities directly accessible to the public; and
- (4) to promote the desirable use of land improvements in accordance with the District Plan and in conformance with the character of the Fort Totten area and thus conserve the value of land and buildings and thereby protect the City's tax revenue.

(b) Definitions

(1) Designated open space

The "designated open space" is an #open space# as shown on the District Plan.

(2) Street

For the purpose of this Section, a "street" is a way existing within the #Special Fort Totten Natural Area District#-4 as shown on the District Plan (Appendix A) complying with the definition of #street# in Section 12-10, except that the #street# width shall be limited to existing dimensions. No modification of existing dimensions shall be permitted without prior certification of the City Planning Commission.

(c) General requirements

(1) Requirements for applications

An application to the Commission for any #development# within the Special District shall be subject to the requirements of Section 105-021 (Actions not requiring special review). In addition, an application for #development# within Area B shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, #building# sections and elevation and an appropriate model of the planned community.

The Commission shall require, where relevant, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

(a)(2) Pier #development#

The City Planning Commission may permit, by special permit, pier #development#, only upon finding that the proposed #development# shall have no significant adverse impact on the Special District or surrounding environment. The Commission may prescribe appropriate conditions and safeguards to minimize possible adverse effects on the surrounding area.

(d) Special regulations

(b)(1) Demolition

Except in Area E, no demolition permit or alteration permit for alterations which may affect the character or design of the facade of a #building or other structure# shall be issued

by the Department of Buildings, except as permitted by the Commission, unless it is an unsafe #building or other structure# and demolition or alteration is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code. An applicant for any such permit shall notify the Landmarks Preservation Commission of the application.

The City Planning Commission, by special permit, may allow:

- (i)(1) the alteration of such #building or other structure#, provided that such alteration treatment of the facade relates harmoniously to the character and materials of the original facade and to the adjoining #buildings or other structures#; or
- (ii)(2) the demolition of such #buildings or other structures#, other than those deemed unsafe as defined by the Department of Buildings, provided that the Commission finds that the existing #building or other structures# are not suitable for rehabilitation.

Where a #building or other structure# has been demolished pursuant to this Section, the Commission may, by special permit, allow the replacement of the demolished structure provided that the design of the new structure in terms of scale, #lot coverage#, #building# height and exterior treatment of the facade shall replicate as nearly as possible the design and site plan of the original #building#.

(c)(2) Special height regulations

In order to preserve the unique character of the Special District and to protect the views of and to the water within the Special District, Section 23-631 (General provisions) shall apply except that the maximum height for any #development# or #enlargement# shall be 32 feet or three #stories#, whichever is less.

(d)(3) Location of zoning district boundaries at the shore line

Zoning district boundary lines shall coincide with the shore line lawfully existing on April 28, 1983, or any natural or lawful alteration thereof.

A zoning district boundary line which intersects the shore line lawfully existing on April 28, 1983 shall be prolonged, in a straight line, to such naturally or lawfully altered shore line. Lawfully approved piers or other lawfully approved structural extensions of the shore line, as may be so altered, shall not generate development rights.

(e)(4) Designated open space

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan, shall require certification by the Commission that such #designated open space# shall not be reduced in size or altered in shape and shall be preserved in its natural state by the owner of the #zoning lot#.

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

#Designated open space# may be used for active recreational facilities provided that the Commission certifies that such #uses# have minimal impact on tree removal, topographic alteration or drainage conditions.

All #designated open spaces# shall be directly accessible to the public from public rights-of-way between dawn and dusk. A prominent plaque or other permanent #sign# shall be displayed on all #designated open spaces# in a prominent location, designated by the Commission, visible from the adjacent public right-of-way. Such plaque or permanent #sign# shall have a #surface area# of not less than three nor more than six square feet, and shall contain the following statement:

“This area is open to the public between sunrise and sunset.”

(f)(5) District plan

The District Map for the #Special Fort Totten Natural Area District#-4 identifies specific areas comprising the District Plan in which special zoning regulations carry out the general purposes of the #Special Fort Totten Natural Area District#-4. The District Plan is set forth in Appendix

A and is made an integral part hereof. These areas and the specific paragraphs of this Section which contain regulations pertaining thereto are as follows:

- Area A - Historic Fort Area, paragraph (d)(6)(g)
- Area B - Planned Community Area, paragraph (d)(7)(h)
- Area C - Water Related Area, paragraph (d)(8)(i)
- Area D - Bay Area, paragraph (d)(9)(j)
- Area E - Development Area, paragraph (d)(10)(k)

(g)(6) Historic Fort Area (Area A)

Within Area A (Fort Area) there shall be no #development# nor #enlargement# of existing #buildings or other structures# except that the Commission may authorize necessary renovation to protect existing structures. In all cases the Commission shall refer all applications to the Landmarks Preservation Commission and Department of Parks and Recreation or other City agencies with primary responsibilities in the conservation area, for its report thereon.

(h)(7) Planned Community Area (Area B)

In order to protect the unique scale, character and design relationships between the existing #buildings# and public #open spaces# and parade grounds, no #development#, #enlargement# nor alteration of landscaping or topography shall be permitted, except as set forth herein and as provided by paragraph (d)(1)(b) of this Section.

(1)(i) Special permit

For any #development#, #enlargement# or alteration of landscaping or topography, the Commission may, by special permit, allow:

- (i)(a) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning lot lines#;
- (ii)(b) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lot# within the development to be distributed without regard for #zoning lot lines#;
- (iii)(c) minor variations in the #yard# and #court# regulations required by the applicable district regulations;
- (iv)(d) minor variations in the height and setback regulations required by the applicable district regulations;
- (v)(e) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot);
- (vi)(f) permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard to #zoning lot lines#, or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to findings of Section 78-41 (Location of Accessory Parking Spaces), or where such requirement substantially injures the functioning of the existing area, authorize waiver of all or part of the required parking.

(vii)(ii) Findings

As a condition precedent to the granting of a special permit under the provisions of paragraph (d)(7)(i)(h)(1) of this Section, the Commission shall make the following findings:

- (a) that the #development#, #enlargement# or said alteration is related to the existing #buildings or other structures# in the Planned Community Area (Area B) in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the area;
- (b) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #buildings# and the landscaping surrounding the new landscaping arrangement and conditions of the community;
- (c) that the #development# or #enlargement# is sited such that it will not require at the same time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community;
- (d) that minimal landscaping is to be removed during construction and such areas will be fully restored upon completion of construction.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions, and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community.

(2)(iii) Parade ground

Unless ownership is retained in a governmental agency, the parade ground #designated open space# shall be commonly owned with a #zoning lot# within Area B or Area E and the maintenance of the parade ground shall be the collective responsibility of said owner or owners. The parade ground shall be used for open recreational #uses# and may contain minor #accessory# structures to said #use#. The parade ground shall be directly accessible from the adjoining #streets# along its entire perimeter. There shall be no fences nor walls around or within the parade ground.

(i)(8) Water Related Area (Area C)

In order to protect the unique aquatic and botanic characteristics of the area, there shall be no #development# in Area C except as provided by paragraph (d)(1)(b) of this Section.

(j)(9) Bay Area (Area D)

In order to promote waterfront related activities, only the following #uses# of the C3 District shall be permitted in Area D:

- (i) #residential uses#, which #uses# are permitted only above the ground floor of those #buildings# existing prior to April 28, 1983;
- (ii) all #uses# of Use Group 14, except for boat showrooms or sales, and the storage, repair, or painting of boats other than crew sculls used for intercollegiate competition;
- (iii) all retail or service establishment #uses# of Use Group 6, except automobile supply stores.

(k)(10) Development Area (Area E)

Any #zoning lot developed# predominantly for #residential uses# may be considered a #large-scale residential development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, except that the #accessory uses# of Section 78-22 (Accessory Uses in Large-Scale Residential Developments) shall not apply.

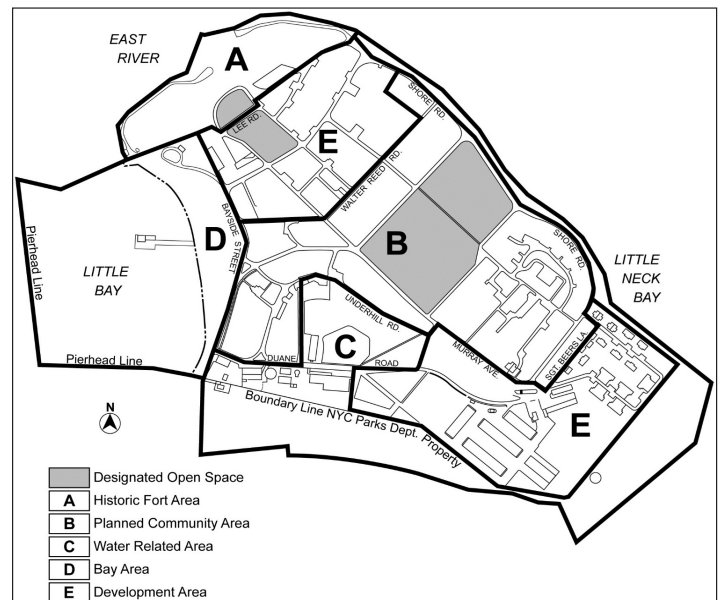
Any #zoning lot developed# predominantly for #community facility uses# may be treated as a #large-scale community facility development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 9.

In Area E, the Commission may authorize clustering of #single-family# and #two-family residences# and a modification of housing types in order to maximize the preservation of existing #natural features# in the area, and to provide adequate view protection, and to relate these new structures with the existing structures in the general vicinity. Clustering shall be limited to a maximum #street wall# of 100 feet.

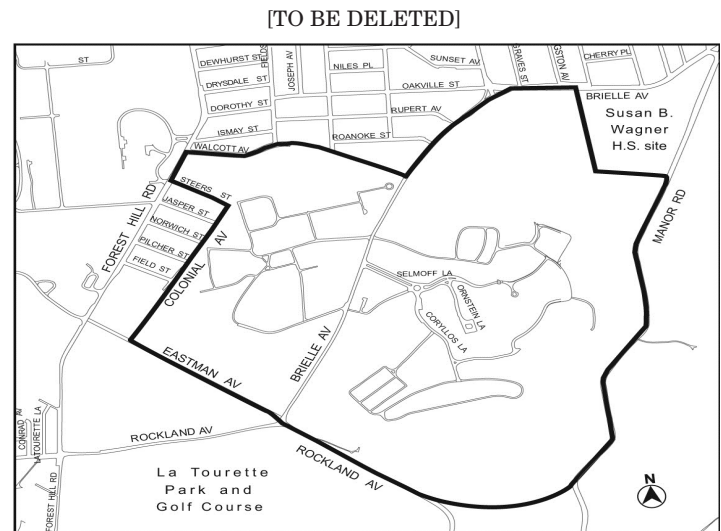
Any and all bonuses permitted in Sections 78-32 through 78-353, inclusive, shall not apply to #development# in Area E.

Appendix A  
Special Natural Area District Plan Maps Special Fort Totten Natural Area Plan Map

Map 1. Special Fort Totten Natural Area District-4 Plan Map, Borough of Queens



Map 2. New York City Farm Colony-Seaview Hospital Historic District, Borough of Staten Island



\* \* \*

**Chapter 7  
Special South Richmond Development District**

[ENTIRE CHAPTER TO BE DELETED]

\* \* \*

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 9  
Special Hillside Preservation District**

[ENTIRE CHAPTER TO BE DELETED]

\* \* \*

**ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 3  
Special Natural Resources District**

**CONTENTS**

143-00 GENERAL PURPOSES

- 143-01 Definitions
- 143-02 General Provisions
  - 143-021 Zoning lots subject to different zoning requirements
  - 143-022 Applications to the City Planning Commission prior to [date of adoption]
  - 143-023 Permits issued prior to [date of adoption]
- 143-03 District Plan and Maps
- 143-04 Subdistricts and Ecological Areas
- 143-05 Application Requirements

143-10 NATURAL RESOURCES

- 143-11 Natural Resource Protection Requirements
  - 143-111 Controls during construction
  - 143-112 Invasive species
- 143-12 Modifications of Certain Natural Features
  - 143-121 Grading standards
  - 143-122 Retaining wall standards
  - 143-123 Rock outcrops and erratic boulders
- 143-13 Tree Regulations
  - 143-131 Tree credits
  - 143-132 Determining tree requirements
  - 143-133 Planting standards for tree credits
  - 143-134 Tree preservation requirement
- 143-14 Biodiversity Requirement
  - 143-141 Determining biodiversity requirements
  - 143-142 Landscape elements
  - 143-143 Planting standards for landscape elements
  - 143-144 Planting requirements for buffer area adjacent to designated aquatic resources
- 143-15 Special South Richmond Landscaping and Buffering Provisions
  - 143-151 Landscaped buffer along Residence District boundaries
  - 143-152 Landscaped buffer for commercial or manufacturing development adjacent to residences
  - 143-153 Landscaped buffer for open parking areas
  - 143-154 Waiver of landscaped buffer
- 143-16 Aquatic Resource Protections
  - 143-161 Permitted encroachment area
  - 143-162 Location of permitted encroachment

143-20 SPECIAL USE REGULATIONS

- 143-21 Residential Uses in South Richmond Subdistrict
  - 143-211 Affordable independent residences for seniors in Subarea SH
  - 143-212 Special use regulations in Subarea M

143-30 SPECIAL BULK REGULATIONS

- 143-301 Special bulk regulations for certain community facility uses in lower density growth management areas
- 143-31 Floor Area and Density Regulations
  - 143-311 Floor area regulations in the South Richmond Subdistrict
  - 143-312 Maximum number of dwelling units in R3 and R4 Districts within the South Richmond Subdistrict
- 143-32 Lot Coverage
- 143-33 Hard Surface Area
- 143-34 Lot Area and Lot Width
  - 143-341 Minimum lot area for zoning lots containing designated aquatic resources
  - 143-342 Minimum lot area within Escarpment Areas
  - 143-343 Minimum lot area and lot width in the South Richmond Subdistrict

- 143-344 Special provisions for existing small lots
- 143-35 Yard Regulations in the South Richmond Subdistrict
  - 143-351 Front yards in the South Richmond Subdistrict
  - 143-352 Side yards in the South Richmond Subdistrict
  - 143-353 Side yard regulations for other residential buildings in the South Richmond Subdistrict
  - 143-354 Side yards for permitted non-residential use in the South Richmond Subdistrict
  - 143-355 Special provisions for arterials in the South Richmond Subdistrict
  - 143-356 Building setbacks along railroad rights-of-way in the South Richmond Subdistrict
- 143-36 Special Yard Regulations for the Protection of Natural Features
  - 143-361 Permitted obstructions in yards
  - 143-362 Front yard reductions
  - 143-363 Rear yard reductions
  - 143-364 Measurement of yards in unimproved streets
  - 143-365 Special rear yard equivalent regulations
- 143-37 Height and Setback Regulations
  - 143-371 Modified height and setback for the protection of natural features
  - 143-372 Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources
  - 143-373 Height and setback in South Richmond Subdistrict
- 143-38 Court and Open Area Regulations
  - 143-381 Open area requirements for residences
  - 143-382 Court regulations in the South Richmond Subdistrict
- 143-39 Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space

143-40 SPECIAL PARKING REGULATIONS

- 143-41 Location of Parking Spaces in Lower Density Growth Management Areas
- 143-42 Parking Modifications for the Protection of Natural Features
- 143-43 Parking Waiver Not Applicable in the South Richmond Subdistrict
- 143-44 Access Restrictions Along Arterial Streets in the South Richmond Subdistrict
- 143-45 Special Surfacing Regulations

143-50 SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK

- 143-51 Designated Open Space
  - 143-511 Certification for public pedestrian ways
  - 143-512 Certification for active recreational facilities
- 143-52 Waterfront Esplanade
- 105-53 Boundary Adjustments of Designated Open Space

143-60 SPECIAL REGULATIONS FOR PLAN REVIEW SITES

- 143-61 General Provisions
  - 143-611 Habitat preservation area standards
  - 143-612 Amenities allowed in connection with reduced habitat preservation area
  - 143-613 Planting regulations for plan review sites
  - 143-614 Open area and lot coverage requirements for community facilities
  - 143-615 Requirements for private roads
  - 143-616 Minor enlargements or site alterations on plan review sites
  - 143-617 Site planning requirements
- 143-62 Authorization for Plan Review Sites
- 143-63 Development Plan
  - 143-631 Establishment of a development plan
  - 143-632 Certification for preliminary plan site
  - 143-633 Authorization for conceptual plan site
- 143-64 Habitat Preservation Area
  - 143-641 Modification of habitat preservation area standards
  - 143-642 Special permit for modification of habitat preservation area
  - 143-643 Natural area dedicated for public use
- 143-65 Residential Sites
  - 143-651 Modification of permitted residential building types
  - 143-652 Modification of bulk regulations for residential sites
- 143-66 Modification of Bulk Regulations for Certain Community Facilities
- 143-67 Certification to Permit Tree Removal

- 143-70 CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE SOUTH RICHMOND SUBDISTRICT
- 143-71 Public Schools in the South Richmond Subdistrict
- 143-72 Authorizations Applicable Within the South Richmond Subdistrict
- 143-721 Affordable independent residences for seniors in Subarea SH
- 143-722 Residential uses in Subarea M
- 143-73 Special Permits Applicable Within the South Richmond Subdistrict
- 143-731 Exceptions to height regulations in the South Richmond Subdistrict

**143-00 GENERAL PURPOSES**

The "Special Natural Resources District" (hereinafter also referred to as the "Special 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, to:

- (a) guide development in order to preserve, maintain and enhance aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;
- (b) protect and enhance ecological communities existing within parklands through planting regulations and limits on the extent of paved areas and other unvegetated areas that are based on the proximity of properties to such natural areas;
- (c) preserve land having qualities of recreational or educational value to the public;
- (d) reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (e) preserve natural features having unique aesthetic value to the public;
- (f) promote and preserve the character of the neighborhoods within the district;
- (g) promote balanced land use and the development of future land uses and housing in the South Richmond Subdistrict, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan, and to ensure the availability of essential public services and facilities for new development in an efficient and economic manner;
- (h) provide clear standards balancing ecology and development for small properties;
- (i) ensure a basic standard of ecological protection for larger properties identified as containing significant natural features, while also ensuring a predictable development outcome; and
- (j) promote the most desirable use of land, guiding future development in accordance with a well-considered plan, and to conserve the value of land and buildings and thereby protect the City's tax revenues.

**143-01 Definitions**

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS). Maps referenced in this Section (Definitions) are located in Appendix A through D of this Chapter.

Area adjacent to aquatic resources

An "area adjacent to aquatic resources" is an area of land within 100 feet of #designated aquatic resources#, except that land separated from a #designated aquatic resource# by a #street# which is open and in use by the general public, or is separated by a #private road#, shall be exempt from this definition. In addition, for a #designated aquatic resource# that is not regulated by the New York State Department of Environmental Conservation, only land within 100 feet of such #designated aquatic resource# that is within a #plan review site# that is one acre in size or greater shall be included in this definition.

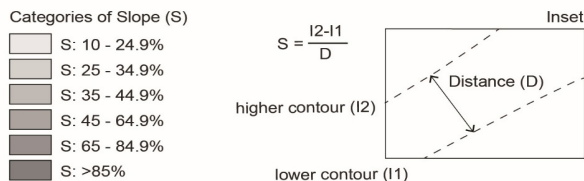
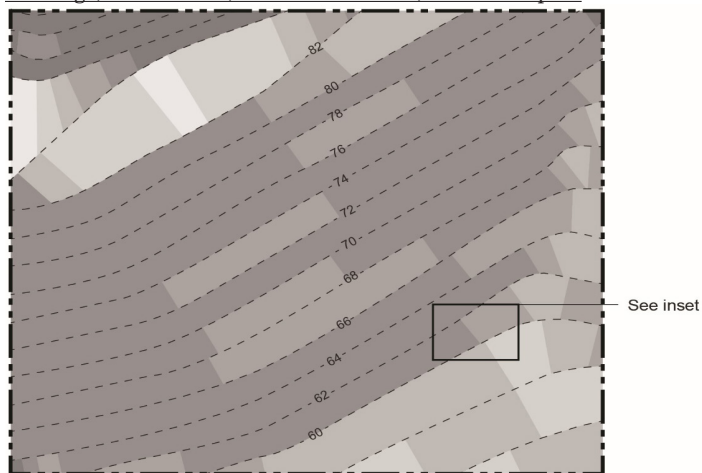
Area of existing slope

An "area of existing slope" is an area of land with a slope, as measured at the time of application, categorized as follows (S): 10 through 24.9 percent; 25 through 34.9 percent; 35 through 44.9 percent; 45 through 64.9 percent; 65 through 84.9 percent; and 85 percent or greater. Such slope category percentages shall be established in plan view based on contour intervals (I) of two feet or less by considering the distance (D) between two contour lines.

$$S = \frac{I^2 - I^1}{D}$$

Such slopes may be verified using contours on 2017 New York City LiDAR (Light Detection and Ranging) data or a survey conducted less than two years before the date of the application, or as or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable.

Slopes of less than 10 percent shall be excluded from an #area of existing slope#. #Areas of existing slope# are used for the purposes of determining the maximum #lot coverage# and #hard surface area# on certain #zoning lots# as set forth in Sections 143-32 (Maximum Lot Coverage) and 143-33 (Hard Surface Area) of this Chapter.



AREA OF EXISTING SLOPE

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that must be protected from any type of disturbance, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, or construction of #hard surface areas#. #Areas of no disturbance# shall include:

- (a) within the Escarpment Area, an #area of existing slope# of 25 percent or greater when located more than 20 feet from a #building# except as provided in Section 143-121 (Grading standards);
- (b) #rock outcrops# except as provided in Section 143-123 (Rock outcrops and erratic boulders);
- (c) the #critical root zone# of each tree proposed for preservation, except as provided in Section 143-133 (Planting standards for tree credits);
- (d) all vegetation proposed to be preserved as #landscape elements# pursuant to Section 143-143 (Planting standards for landscape elements)
- (e) #designated aquatic resources# and #buffer areas# except as modified pursuant to Section 143-16 (Aquatic Resource Protections); and
- (f) for #plan review sites#, any area of trees, slopes, or other natural feature deemed significant and feasible to preserve by the City Planning Commission.

Arterial

An "arterial" is any portion of #street# listed herein and located within the South Richmond Subdistrict.

Amboy Road  
 Arthur Kill Road  
 Huguenot Avenue  
 Hylan Boulevard  
 Page Avenue  
 Richmond Avenue  
 Richmond Parkway – frontage roads  
 West Shore Expressway – service roads  
 Woodrow Road

In accordance with the primary function of an #arterial# to accommodate vehicular through traffic, access is restricted to #arterials# pursuant to Section 143-355 (Special provisions for arterials in South Richmond). In addition, along portions of arterials as indicated on Map 2 in the Appendix D to this Chapter, Section 143-355 (Special provisions for arterials in South Richmond) applies.

Designation of an #arterial# pursuant to this definition shall not modify underlying regulations pertaining to Sections 32-66 and 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and APPENDIX H (Designation of Arterial Highways) of the Zoning Resolution.

#### Biodiversity point

A “biodiversity point” is a value given to a #landscape element# for the purposes of determining compliance with minimum areas of vegetation required, as set forth in Section 143-14 (Biodiversity Requirement).

#### Buffer area

A “buffer area” is an area within 60 feet of a #designated aquatic resource# regulated by the New York State Department of Environmental Conservation. For #plan review sites# of one acre or more, a #buffer area# also includes areas within 30 feet of all other #designated aquatic resources#; such 30-foot #buffer area# shall only be applicable within such #plan review sites#.

#### Caliper (of a tree)

“Caliper” of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

#### Designated aquatic resources

A “designated aquatic resource” is a freshwater wetland regulated by the New York State Department of Environmental Conservation and, within #plan review sites# with an area of one acre or more, a #designated aquatic resource# also includes other freshwater wetland or water features including, but not limited to, streams, intermittent streams, vernal pools, ponds and lakes identified by the Department of City Planning as serving an ecological function.

The delineation of #designated aquatic resources# regulated by the New York State Department of Environmental Conservation shall be determined by such agency. All other #designated aquatic resources# shall be delineated by an #environmental professional# using the standards specified by the Department of City Planning and subject to review and approval by the Department.

#### Designated open space

“Designated open space” is a portion of the #open space network# located on a #zoning lot# as shown on Map 1 in Appendix D of this Chapter, and is to be preserved in its natural state in accordance with the provisions of Section 143-50 (SPECIAL SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK).

#### Environmental professional

An “environmental professional” is an individual who has expert knowledge of the natural environment and is capable of performing a site assessment pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning. #Environmental professionals# shall be limited to:

American Society for Horticultural Science (A.S.H.S.)  
 Certified Professional Horticulturist  
 Ecological Societies of America (E.S.A.) Certified Ecologist  
 New York Botanical Garden Certified Urban Naturalist  
 Registered Landscape Architect  
 Society for Ecological Restoration (S.E.R.) Certified Ecological  
 Restoration Professional Society of Wetland Scientists  
 (S.W.S.) Professional Wetland Scientist  
 Wildlife Society Certified Wildlife Biologist

#### Erratic boulder

An #erratic boulder# is a solid mass of rock deposited during glacial retreat that is above natural grade, and measures more than six feet in any dimension.

#### Ground layer

The “ground layer” is the layer of vegetation closest to the ground, with a height of up to three feet, and is composed of non-woody herbaceous plants including, but not limited to, ferns, flowering plants and grasses.

#### Habitat area

A “habitat area” is an area that includes forests, wetlands, grasslands, shrublands or other natural cover that provides shelter, resources and opportunities for reproduction for wildlife. #Habitat area# includes #designated aquatic resources# and may occur in some cases within #designated open space#. Zones of potential #habitat area# are shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning. For #plan review sites# that are over one acre in size and are located within such zones shown on the map, #habitat area# shall be identified pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

#### Habitat preservation area

A “habitat preservation area” is an area identified as #habitat area# to be preserved in perpetuity pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

#### Hard surface area

“Hard surface areas” are areas that include, but are not limited to, driveways, #private roads#, walkways, patios, decks, swimming pools, retaining walls, any other paved surfaces, and any areas that, when viewed directly from above, would be covered by a #building# or any part of a #building#. #Hard surface areas# do not include #rock outcrops# or other such naturally occurring surfaces.

#### Invasive species

“Invasive species” or “invasive” plants are species that are listed in the New York State Invasive Plant list, at 6 NYCRR 575.3 and 575.4, or as amended. Species categorized as regulated or as prohibited by 6 NYCRR 575.3 and 575.4 may not be planted or counted as preserved vegetation within the #Special Natural Resources District#.

In addition, plants listed as Problematic Species in the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation pursuant to Local Law 11 of 2013) shall be #invasive species#. Plants listed therein may not be planted or counted as preserved vegetation within the #Special Natural Resources District#.

#### Landscape element

A “landscape element” is an arrangement of #ground layer# or #shrub layer# vegetation intended to provide ecosystem services, including, but not limited to, wildlife habitat, food for wildlife, soil erosion protection, pollination, stormwater infiltration, or the facilitation of plant, water, nutrient or soil cycles. #Landscape elements# are described and assigned a #biodiversity point# value in Section 143-142 (Landscape elements).

#### Open space network

The “open space network” is a planned system of open spaces within the South Richmond Subdistrict as shown on Map 1 in Appendix D of this Chapter, and includes #public parks#, #designated open space# and the #waterfront esplanade#.

#### Plan review site

A “plan review site” shall include any site existing on [date of certification], or on the date of application for a permit from the Department of Buildings, that:

- (a) contains one or more acres, where there is a proposed #development#, #enlargement#, #site alteration# or subdivision of such #zoning lot# into two or more #zoning lots#;
- (b) is located in a Resource Adjacent Area, an Escarpment Area, or an #area adjacent to aquatic resources# and is proposed to contain the following, which did not exist on [date of certification]:
  - (1) four or more #buildings#, not including #accessory buildings#;
  - (2) eight or more #dwelling units#; or
  - (3) subdivisions that result in four or more #zoning lots#;
- (c) is in a Historic District or contains a Historic Landmark designated by the Landmarks Preservation Commission and, in either case, is proposed to contain a #development# or is proposed to be subdivided into two or more #zoning lots#; or
- (d) includes the proposed construction, widening or extension of a #private road#.

The area of a #plan review site# shall include all contiguous tracts of land under single fee ownership or control, including #abutting zoning lots# under the same ownership or control, and with respect to which each party having any interest therein is a party in interest, and such tract of land is declared to be treated as one #plan review site# for the purposes of this Chapter. However, such #abutting zoning lots# that are contiguous for less than 10 linear feet shall not be considered part of a single #plan review site#. In addition, at the option of an applicant, tracts of land which would be contiguous except for their separation by a #street# may be considered by the Commission to be part of a single #plan review site#.

Any #plan review site# for which an application is made, in accordance with the provisions of this Chapter, for an authorization, special permit or modification thereto shall be on a tract of land that at the time of application is under the control of the applicants as the owners or holders of a written option to purchase. No authorization, special permit or modification to such #plan review site# shall be granted unless the applicants acquired actual ownership (single fee ownership or alternate ownership arrangements according to the definition of #zoning lot# in Section 12-10 for all #zoning lots# comprising the #plan review site#) of, or executed a binding sales contract for, all of the property comprising such tract. However, a tract of land which is the subject of an application for an authorization or special permit under the provisions of this Chapter may include adjacent property, provided that the application is filed jointly by the owners, or holders of a written option to purchase, of all properties involved.

The provisions of Section 143-60, (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive, shall apply to any #plan review site#.

#### Qualifying lot

A "qualifying lot" is a #zoning lot# where the maximum permitted #lot coverage# has been limited to 20 percent or less, and where special provisions protecting natural features apply.

#### Rock outcrop

A "rock outcrop" is the portion of a bedrock formation that appears above natural grade and measures more than three feet in any horizontal dimension.

#### Root zone, critical

The "critical root zone" of a tree is the area containing the roots of a tree that must be considered and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of two radial feet, measured from the center of the tree trunk. The #critical root zone# encompasses and extends beyond the #structural root zone#.

#### Root zone, structural

The "structural root zone" of a tree is the area around the base of the tree that must be fully protected from compaction or excavation to ensure its survival. The area of the #structural root zone# is measured as five radial inches for every #caliper# inch of the tree, with a required minimum of two radial feet, measured from the center of the tree trunk.

#### Shrub layer

The "shrub layer" is the layer of vegetation above the #ground layer# and below the tree canopy, and is composed of woody plants that typically have multiple stems at or near the base and have a mature height range from three feet to 15 feet.

#### Site alteration

A "site alteration" is an alteration of any tract of land, including an alteration in unimproved portions of privately owned mapped #streets#, that consists of newly constructed or relocated #hard surface area#, removal of trees with a #caliper# of six inches or more, modification of #designated aquatic resources#, modification of #rock outcrops#, relocation or modification of #erratic boulders# or change in the ground elevation of land that is greater than two feet of cut or fill.

The use of heavy machinery for excavation or similar purpose shall be considered a #site alteration# except that soil borings or test pits shall not be considered a #site alteration# where #areas of no disturbance# are protected pursuant to the provisions of Section 143-11 (Controls During Construction).

#### Target species

A "target species" is a species listed under 'trees' in the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation pursuant to Local Law 11 of 2013). Any trees not listed under such guide, and not #invasive species#, shall be considered non-#target# species.

#### Tree credit

A "tree credit" is a value given to a tree for the purposes of calculating its relative value pursuant to vegetation requirements. #Tree credits#

are based on the #caliper# of a tree and whether or not the tree is a #target species#. #Tree credits# are described in Sections 143-13 (Tree Regulations) and 143-131 (Tree credits) of this Chapter.

#### Tree protection plan

A "tree protection plan" is a plan for preserved trees provided in accordance with Section 143-133 (Planting standards for tree credits). #Tree protection plans# shall be prepared by a registered landscape architect or a certified arborist (Registered Consulting Arborist, as certified by the American Society of Consulting Arborists (A.S.C.A.), or Certified Arborist/Certified Master Arborist as certified by the International Society of Arboriculture (I.S.A.), and shall include:

- (a) relevant portions of the proposed site plan and locations of #areas of no disturbance#;
- (b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (c) where construction staging is proposed to be located within a #critical root zone#, or where heavy machinery is proposed to pass through a #critical root zone#; soil compaction is mitigated by the installation of root protection measures and pneumatic decompaction with appropriate soil amendments;
- (d) specification that all excavation within the #critical root zone# shall be done by hand or by pneumatic excavation, and shall be monitored on site by a certified arborist;
- (e) a drawing specifying the #structural root zone# of the preserved tree. No excavation or other disturbance shall be permitted within the #structural root zone#, except to permit the planting of new #ground layer# vegetation in containers no larger than one-quarter gallon in size;
- (f) clearance pruning and root pruning as necessary, which shall be done only under the supervision of a certified arborist;
- (g) a schedule for site monitoring during construction;
- (h) a procedure to communicate protection measures to contractors and workers; and
- (i) post-construction treatment.

#### Waterfront esplanade

The "waterfront esplanade" is a pedestrian way to be provided for public use within the #open space network# along the Raritan Bay waterfront within the South Richmond Subdistrict, as shown on Map 1 in Appendix D of this Chapter. Provisions for #waterfront esplanades# are set forth in Section 143-52 (Waterfront Esplanade).

### 143-02

#### General Provisions

The provisions of this Chapter shall apply within the #Special Natural Resources District#. 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. 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.

A #development#, #enlargement#, #site alteration# or subdivision of either a #zoning lot# or a #plan review site# shall require a certification, authorization or special permit from the City Planning Commission, as provided in the following Sections:

Section 143-211	Affordable independent residences for seniors in Subarea SH
Section 143-50	SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK
Section 143-60	SPECIAL REGULATIONS FOR PLAN REVIEW SITES
Section 143-70	CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE SOUTH RICHMOND SUBDISTRICT

However, property within the jurisdiction and control of the Department of Environmental Protection shall be exempt from the provisions of this Chapter where such property is an existing or planned portion of the Staten Island Bluebelt.

### 143-021

#### Zoning lots subject to different zoning requirements

Whenever a #zoning lot# is located partially within the #Special Natural Resources District# and partially outside of such Special District, it shall be regulated in its entirety by the provisions of this Chapter, except that any subdivision of such portion located outside of such Special District shall not be subject to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

Whenever a #zoning lot# is located in two or more of the Ecological Areas described in Section 143-04 (Ecological Areas and Subdistricts), it shall be regulated by the provisions of this Section.

The provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply to #zoning lots# divided by zoning district boundaries between two underlying zoning districts with different #use#, #bulk# or parking regulations. Where the provisions of this Section are in conflict with the provisions of Article VII, Chapter 7, the provisions of this Section shall control.

Except as otherwise provided in this Section or Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), each portion of a #zoning lot# or #plan review site# shall be regulated by the provisions applicable to the Ecological Area in which such portion is located.

The requirements of Section 143-14 (Biodiversity Requirement) shall apply as follows: #biodiversity point# requirements for the entire #zoning lot# shall be the weighted average achieved by multiplying the percentage of the #zoning lot# in which different requirements apply based on the #biodiversity points# required, and totaling the sum of such products. Such requirements may be satisfied by plants meeting the applicable provisions anywhere on the #zoning lot#.

#Floor area# may be distributed on a single #zoning lot# without regard to boundaries between Resource Adjacent Areas, Escarpment Areas and Base Protection Areas.

#Lot coverage# shall be calculated separately for each portion of the #zoning lot#. However, an adjusted average shall be calculated pursuant to the provisions of Section 77-24 (Lot Coverage) for the purposes of determining the applicability of regulations relating to #qualifying lots#.

The provisions of Section 143-36 (Modified Yard Regulations for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided any portion of the #zoning lot# is within a Resource Adjacent Area, an Escarpment Area, or an #area adjacent to aquatic resources#.

The regulations of Section 143-371 (Modified height and setback for the protection of natural features) shall apply only to those portions of a #zoning lot# located within Resource Adjacent Areas or within an #area adjacent to aquatic resources#, except if the #zoning lot# is a #qualifying lot#, in which case the entire #zoning lot# shall be subject to the regulations of Section 143-371.

The provisions of Section 143-42 (Parking Modifications for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided that 50 percent or more of the #lot area# is located within a Resource Adjacent Area or an #area adjacent to aquatic resources#.

**143-022 Applications to the City Planning Commission prior to [date of adoption]**

- (a) Applications for authorization or special permit referred, certified or granted prior to [date of adoption]
  - (1) Applications for authorization or special permit which were referred out or certified as complete prior to [date of adoption] may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified, and the City Planning Commission may grant or deny such application in accordance with the regulations in effect on the date that such application was certified or referred out for public review.
  - (2) Applications for authorization or special permit granted by the Commission prior to [date of adoption] may be continued, in accordance with the terms thereof or as such terms may be subsequently modified, pursuant to the regulations in effect on the date that such authorization or special permit was granted.

Continuance of such application shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

- (b) Applications for certification filed prior to [date of certification]

Any application for a certification of future subdivision, or certification that no authorization is required, which was filed by an applicant prior to [date of certification] may be continued pursuant to the terms of such certification, and the Commission may grant or deny such application in accordance with the regulations in effect at the time such application was filed.

**143-023 Permits issued prior to [date of adoption]**

For "other construction" as specified in Section 11-332 (Extension of period to complete construction), such construction having permits issued prior to [date of adoption] may be continued under regulations existing at the time of issuance of such permits, provided that such construction is completed prior to [three years from date of adoption].

**143-03 District Plan and Maps**

The regulations of this Chapter implement the #Special Natural Resources District# Plan.

The District Plan includes the following maps in the Appendices to this Chapter:

- Appendix A. Special Natural Resources District and Subdistricts
  - Map 1: Staten Island Subdistricts
  - Map 2: The Bronx: Riverdale-Fieldston Subdistrict
- Appendix B. Resource Adjacent Areas in The Bronx
- Appendix C. Staten Island Ecological Areas
  - Map 1: Escarpment Areas (Maps 1.1 through 1.7)
  - Map 2: Resource Adjacent Areas (Maps 2.1 through 2.31)
- Appendix D. South Richmond Subdistrict
  - Map 1: Open Space Network in South Richmond Subdistrict (Maps 3.1 to 3.6)
  - Map 2: Arterial Setback Plan in South Richmond Subdistrict
  - Map 3: Special Areas LL, M and SH South Richmond Subdistrict

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

**143-04 Subdistricts and Ecological Areas**

In order to carry out the purposes and provisions of this Chapter, four subdistricts are designated, with three Ecological Areas superimposed on such subdistricts. In each of these Subdistricts, certain regulations apply that do not apply in the remainder of the #Special Natural Resources District#.

- (a) Subdistricts are established within the #Special Natural Resources District#. The Subdistricts are as follows:
  - South Richmond Subdistrict, Staten Island
  - Hillside Subdistrict, Staten Island
  - Shore Acres Subdistrict, Staten Island
  - Riverdale-Fieldston Subdistrict, The Bronx

The subdistricts are shown on Maps 1 and 2 in Appendix A (Special Natural Resources District and Subdistricts) of this Chapter.

The South Richmond Subdistrict additionally includes three subareas, shown on Map 3 in Appendix D, in which special regulations apply. These Subareas, together with the Sections of this Chapter specially applying to each, are as follows:

Subareas within the South Richmond Subdistrict	Sections having special application
Subarea LL	143-343, 143-35
Subarea M	143-212, 143-311, 143-712
Subarea SH	143-211, 143-711

- (b) Ecological Areas are established within the #Special Natural Resources District#. The regulations of the Ecological Areas supplement and modify the regulations of the Subdistricts. In each of these Ecological Areas, certain special regulations apply that do not apply in the rest of the #Special Natural Resources District#. The Ecological Areas consist of:
  - (1) Resource Adjacent Areas are designated on those portions of land within 100 feet of and adjacent to



#habitat areas# on public lands. Resource Adjacent Area boundaries are shown along the boundaries of public lands on Maps 1 and 2 of Appendix B (The Bronx) and Maps 2.1 through 2.31 of Appendix C (Staten Island) of this Chapter. Resource Adjacent Areas shall be measured perpendicular to the Resource Adjacent Area boundaries shown on such maps.

- (2) Escarpment Areas are designated on land that contains steep slopes located through the serpentine hills of the central and northern portions of Staten Island. These areas are shown on Maps 1.1 through 1.7 of Appendix C.
- (3) Base Protection Areas are all other areas within the #Special Natural Resources District# that do not fall within Resource Adjacent Areas or Escarpment Areas. Base Protection Areas do not include #areas adjacent to aquatic resources#.

**143-05  
Application Requirements**

An application to the Department of Buildings for any #development# or #enlargement# shall include the materials set forth in paragraphs (a) or (b) of this Section, as applicable, in addition to any materials otherwise required by the Department of Buildings. An application to the Department of Buildings for any #site alteration# shall include the materials set forth in paragraph (c). An application to the Chairperson of the City Planning Commission for certification, or to the Commission for authorization or special permit, shall include the application materials set forth in paragraph (d) of this Section.

Surveys submitted to the Department of Buildings or the Commission shall be prepared by a licensed surveyor. Site plans shall be prepared by a registered architect or professional engineer. Drainage plans and soil reports shall be prepared by a professional engineer.

Landscape plans, including those that satisfy the requirements set forth in paragraph (a)(6) of this Section, may be prepared and submitted to the Department of Buildings by a registered architect or registered landscape architect. However, such plans submitted to the Commission shall be prepared by a registered landscape architect.

- (a) Applications for #developments#, #enlargements# that increase #lot coverage# by 400 square feet or more, or #enlargements# that result in an increase in #floor area# of 20 percent or greater that increase the #lot coverage# by any amount, shall include the following materials:

- (1) A site context map that shows the location of the #zoning lot#, zoning district boundaries, boundaries between Resource Adjacent Areas, Escarpment Areas and Base Protection Areas, #designated aquatic resources#, #areas adjacent to aquatic resources#, #buffer areas# and #designated open space#, as applicable, within 100 feet of the #zoning lot#.
- (2) A survey, dated no more than two years from the date of application, or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable, that establishes existing conditions related to topography at two-foot contours, the location of trees that are of six inch #caliper# or greater, #rock outcrops# and #erratic boulders#, #designated aquatic resources#, #buffer areas#, #buildings or other structures# and all other #hard surface areas#.
- (3) A compliance report that compares the survey described in paragraph (a)(2) of this Section with the most recent plans approved by the City Planning Commission or the Department of Buildings, as applicable.
- (4) Photographs, representing current conditions at the time of the application, showing the location and condition of trees proposed to be preserved and any #rock outcrops# or #erratic boulders# within or adjacent to the subject area within which construction or disturbance is proposed.
- (5) A set of architectural drawings, including:
  - (i) a site plan representing changes in topography at two-foot contours, when applicable, location of new #buildings or other structures# or #enlargements#, and modified locations of #hard surface areas#, with detailed zoning calculations as per Section 143-30 (SPECIAL BULK REGULATIONS); and

- (ii) plans, elevations and section drawings detailing all new and modified #buildings or other structures# and #hard surface areas#;
- (6) A set of landscape drawings for the entire #zoning lot# or subject area with a key plan showing:
  - (i) the location and details of newly proposed or modified #hard surface areas#;
  - (ii) the location, #critical root zone#, #caliper# and species of all trees, newly planted or preserved, to be counted as #tree credits# with tree schedule pursuant to Section 143-13 (Tree Requirement), inclusive;
  - (iii) the location of all newly planted vegetation to be counted as part of a #landscape element# for #biodiversity points#, or otherwise required pursuant to Section 143-14 (Biodiversity Requirement), inclusive;
  - (iv) the boundaries and square footage of all existing vegetation to be preserved and counted as part of a #landscape element# for #biodiversity points# or otherwise required pursuant to Section 143-14, inclusive;
  - (v) for sites with #areas of existing slope#, a grading plan, showing all existing and proposed contours at two-foot intervals, all categories of slope affected by areas of encroachment, pursuant to Section 143-32 (Lot Coverage), critical spot elevations, and at least one longitudinal and one latitudinal cross-section located within areas of modified topography at the greatest areas of topographical change, showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;
  - (vi) where applicable, #designated aquatic resources# and #buffer areas# pursuant to Section 143-16 (Aquatic resource protections);
- (7) a drainage plan and soil report, as applicable, showing direction of water flow over land, and locations of stormwater collection or infiltration; and
- (8) A set of construction plans detailing erosion controls, #area of no disturbance#, location of temporary fence, staging area, trenching for utilities and foundations, areas used by construction equipment and other provisions pursuant to Section 143-11 (Controls During Construction).
- (b) Applications for #enlargements# that result in an increase of #lot coverage# of less than 400 square feet and that result in an increase in #floor area# of less than 20 percent shall include materials described in paragraphs (a)(1), (a)(5), (a)(6)(i) and (a)(6)(ii) of this Section. Applications for #enlargements# that do not result in an increase in #lot coverage# shall include materials described in paragraphs (a)(1) and (a)(5) of this Section.
- (c) Applications for #site alterations# that modify the location or size of #hard surface area# totaling:
  - (1) an area 400 square feet or greater, or that remove more than 12 #tree credits#, shall include the materials set forth in paragraphs (a)(1), (a)(2), (a)(4) and (a)(6) of this Section, as applicable; or
  - (2) an area of less than 400 square feet shall include the materials set forth in paragraphs (a)(6)(i) and (a)(6)(ii) of this Section.
- (d) In addition to materials required pursuant to Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), all applications to the Commission:
  - (1) shall include the materials set forth in paragraph (a) of this Section;
  - (2) shall include an area map and an aerial photograph illustrating the #plan review site# and any #designated resource area# or #designated open space# partially or wholly within 600 feet of such #zoning lot#;

- (3) for any subdivision, #zoning lot# merger or other change to #lot lines#, the site plan shall include the proposed layout of individual #zoning lots# and all proposed improvements thereupon, in addition to all the other requirements of this Section;
- (4) may also be required by the Commission to include:
  - (i) a schedule for carrying out the proposed construction;
  - (ii) a maintenance plan for any common areas, including #private roads# and any #habitat preservation areas# to be commonly held; and
  - (iii) any other information necessary to evaluate the request.

The Chairperson of the City Planning Commission may modify one or more requirements set forth in paragraph (d) of this Section, when such modification is requested by the applicant in writing and when the Chairperson determines that the requirements are unnecessary for evaluation purposes.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a wetland permit from the New York State Department of Environmental Conservation is required for a #development#, #enlargement# or #site alteration#, a copy of an approved wetland delineation shall be submitted.

**143-10  
NATURAL RESOURCES**

The provisions of this Section, inclusive, apply to all tracts of land, including #site alterations# in unimproved portions of privately owned mapped #streets#.

For #plan review sites# subject to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), the regulations relating to tree and biodiversity requirements set forth in Sections 143-13 and 143-14, inclusive, shall be modified in accordance with the provisions of Section 143-613 (Planting regulations for plan review sites).

No permanent certificate of occupancy or final sign-off, as applicable, shall be issued by the Department of Buildings unless an inspection report is filed with the Department of Buildings, stating that the planting requirements of the following provisions, as applicable, have been satisfied based on a field inspection:

- Section 143-13 (Tree Requirement)
- Section 143-14 (Biodiversity Requirement)
- Section 143-15 (Special South Richmond Landscaping and Buffering Provisions) and paragraph (d) of Section 143-122 (Retaining wall standards)

For #zoning lots# with #developments# or #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that involve an increase in #lot coverage#, the certificate of occupancy shall specify that the #zoning lot# is subject to the provisions of Sections 143-13 and 143-14.

**143-11  
Natural Resource Protection Requirements**

**143-111  
Controls during construction**

[Note: provisions relocated from Sections 105-36, 119-113, 119-217 and modified]

The provisions of this Section shall apply to all tracts of land with proposed #development#, #enlargement# or #site alteration#, except that a #site alteration# consisting only of the removal of trees totaling 12 #tree credits# or fewer shall not be required to comply with the provisions of this Section.

The following requirements shall be met during construction and clearly identified on the construction plan as set forth in Section 143-05 (Application Requirements):

- (a) Equipment access roads, loading and unloading areas, concrete washout locations, fueling locations, utility trenching locations with soil stockpiling and staging areas;
- (b) The staging area shall be as close to the construction area as practical, or within the nearest #hard surface area# of sufficient size for such purpose;
- (c) Deep mulch blankets or other methods to avoid soil compaction shall be provided in all locations used for

equipment access, staging or storage, except where such uses are located on # hard surface areas#;

- (d) Construction fences shall be erected so as to be located between all areas of construction activity and all #areas of no disturbance#;
- (e) Excavating for the purpose of producing fill shall be prohibited; and
- (f) Any exposed earth area, other than areas excavated for #buildings#, shall have straw, jute matting or geotextiles placed on it and be seeded with annual rye grass within two days of exposure. All areas downhill of areas of disturbance shall have temporary structural measures for erosion and sediment controls in accordance with New York State Standards and Specifications for Erosion and Sediment Control.

A compliance report, verifying that the requirements of this Section have been met, shall be maintained on site and shall be available for review by the Department of Buildings. Such compliance report shall be based on a review of the property during each calendar week that heavy construction equipment is present on site.

**143-112  
Invasive species**

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land in the #Special Natural Resources District# and in no case shall any existing #invasive species# be counted towards fulfillment of the requirements of Section 143-13 (Tree Regulations), inclusive, or be included as preserved vegetation within a #landscape element# or counted as #biodiversity points# pursuant to Section 143-14 (Biodiversity Requirement), inclusive.

**143-12  
Modifications of Certain Natural Features**

**143-121  
Grading standards**

[Note: provisions relocated from Sections 105-34 and 119-213 and modified]

- (a) In the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, the following grading requirements shall apply to all tracts of land with #areas of existing slope#:
  - (1) cut slopes shall be no steeper than one horizontal to one vertical, and subsurface drainage shall be provided as necessary for stability;
  - (2) fill slopes shall be no steeper than three horizontal to one vertical; and
  - (3) tops and toes of cut slope or fill slopes shall be set back from #lot lines# and #buildings or other structures# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.
- (b) Within the Escarpment Area, for tracts of land with #areas of existing slope# with a slope category of 25 percent or greater and that are more than 150 square feet in area, no topographical changes shall be permitted beyond 20 feet of a #building#, excluding #accessory buildings#, except that driveways with a maximum width of 10 feet may be permitted beyond 20 feet of such #building#.

**143-122  
Retaining wall standards**

For the purposes of applying the provisions of this Section, retaining walls shall not include walls that are part of a #building#.

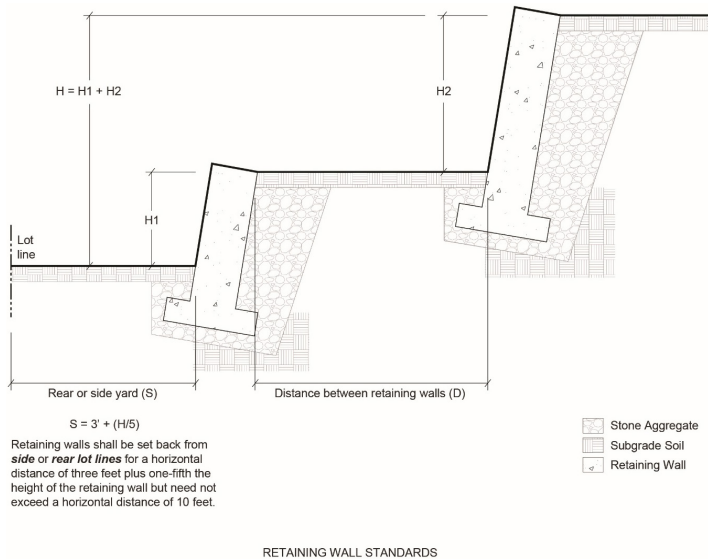
- (a) Maximum height  
Within 10 feet of a #street line#, individual retaining walls shall not exceed an average height of four feet, as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of six feet.  
Beyond 10 feet of a #street line#, retaining walls shall not exceed an average height of six feet as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of eight feet.
- (b) Minimum distance between retaining walls

Where the aggregate height of any two adjacent retaining walls exceeds a height of three feet, as measured in elevation, a minimum average distance shall be provided between such retaining walls, in accordance with the following:

<u>Aggregate height of any two walls (in feet)</u>	<u>Minimum average distance between walls (in feet)</u>
3-5	3
5-10	5
10 or more	10

(c) Minimum distance between retaining walls and #side# or #rear lot lines#

Retaining walls shall be set back from #side# or #rear lot lines# for a horizontal distance of three feet plus one-fifth the height of the retaining wall but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.



(d) Planting requirements

Where the aggregate height of any two retaining walls exceeds a height of 10 feet, as measured in elevation, and such retaining walls are located within 10 feet of each other, planting shall be provided between such walls consisting of at least 75 percent of the linear footage of such retaining walls, through any combination of perennials, annuals, decorative grasses or shrubs. The height of planted material shall be at least three feet at the time of planting.

**143-123**

**Rock outcrops and erratic boulders**

The provisions of this Section shall apply in all #Residence Districts#. To the greatest extent possible, #rock outcrops# and #erratic boulders# shall be maintained in their existing state and location, and shall be disturbed only as set forth in this Section.

Disturbance of more than 400 square feet of #rock outcrop# area, measured both in plan and in elevation, shall not be permitted within a single #zoning lot#, except that an application may be made to the City Planning Commission for an authorization to permit disturbance in excess of 400 square feet. Such application shall be subject to the conditions and findings of Section 143-62 (Authorization for Plan Review Sites).

(a) No #rock outcrop# shall be removed or disturbed in any way within a #front yard#, except as set forth in paragraph (c).

(b) Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within 50 feet of the #front lot line# in R1 Districts, or within 30 feet of the #front lot line# in all other Residence Districts, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation.

(c) Nothing in paragraphs (a) or (b) shall preclude the construction of a single driveway no more than 10 feet in width and a single walkway or staircase no more than five feet in width in the area between the #street wall# and its extensions and the #street line#. For driveways providing access to more than one dwelling unit, the maximum width shall be 20 feet, or where the driveways are separated by a distance of 60 feet, two driveways with a maximum width of 10 feet each.

(d) No #rock outcrop# shall be removed or disturbed in any way within a #rear yard#, except as set forth in this paragraph (d). Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within a #rear yard#, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation. Elevation view shall be based on the view of the #rear yard# from the #rear yard line#.

(e) No #erratic boulder# shall be removed or destroyed in any way, except that they may be relocated from their existing location to anywhere within 50 feet of the #front lot line# in an R1 District or within 30 feet of the #front lot line# in all other Districts.

**143-13**

**Tree Regulations**

All #developments# and #enlargements# that involve an increase in #lot coverage#, and #site alterations# shall comply with the tree requirements set forth in this Section, inclusive.

Trees with #tree credits# or trees that are of six inch #caliper# or greater may only be removed in compliance with the provisions of this Section, inclusive. However, for the removal of unsafe trees determined by the Department of Buildings or the Department of Parks and Recreation to constitute a hazardous condition, and for trees that are destroyed by natural causes, compliance with the provisions of this Section and Section 143-14 (Biodiversity Requirement), as applicable, shall be required only after one year has passed since such event.

Trees required under previous Special District regulations shall be maintained in good health except as provided in this Section, inclusive.

Trees that are required pursuant to other Sections of this Resolution and that meet the standards of this Section, inclusive, may be used towards fulfillment of the requirements of Section 143-131, except that street trees required pursuant to the following Sections shall not be counted towards the fulfillment of such requirements: 23-03 (Street Tree Planting in Residence Districts), 26-23 (Requirements for Planting Strips and Trees), 33-03 (Street Tree Planting in Commercial Districts) and 43-02 (Street Tree Planting in Manufacturing Districts).

**143-131**

**Tree credits**

In order to satisfy the tree requirements set forth in Section 143-132 (Determining tree requirements), trees shall be assigned #tree credits# in accordance with this Section. Such trees shall be newly planted or preserved in accordance with the provisions set forth in Section 143-133 (Planting standards for tree credits).

INDIVIDUAL TREE CREDIT VALUES

<b>Individual Tree Designation</b>	<b>Description</b>	<b>#Tree Credits#: #Target species#</b>	<b>#Tree Credits#: Non-#target species#</b>
Old tree	A preserved tree of 50 inch #caliper# or greater, or at least 144 years of age*	36	18
Mature tree	A preserved tree of 34 inch #caliper# or greater, or at least 98 years of age*	18	12
Large tree	A preserved tree of 22 inch #caliper# or greater, or at least 62 years of age*	6	4

Medium tree	A preserved tree of 14 inch #caliper# or greater, or at least 38 years of age*	4	3
Standard tree	A preserved tree of six inch #caliper# or greater, or at least 24 years of age*	3	2
Young tree	A newly planted tree of two inch #caliper# or greater	2	1
Sapling	A newly planted tree of between one and two inch #caliper#	1	n/a

\* In cases where #tree credits# are determined by the age of a tree, such determination shall be made by a professional arborist. Age may be determined by a core sample, and may be extrapolated to other trees of the same species and similar size on the same #zoning lot#.

Where there is a cluster of four or more trees, of which at least one tree is within 15 feet of three other trees measured on center, and such cluster consists of preserved trees that are six inch #caliper# or greater, or newly planted trees that are one inch #caliper# or greater, for each tree comprising the tree cluster, #tree credits# shall be 1.5 times the #tree credit# value of each preserved #target# tree or 1.25 times the #tree credit# value of each preserved non-#target# tree or newly planted tree.

For the purposes of applying the provisions of this Section, trees classified as "newly planted" may retain such classification provided they appear on an approved site plan after [date of adoption] filed with the Department of Buildings, remain in good health and continue to comply with the standards set forth in Section 143-133 (Planting standards for tree credits), until such trees meet the requirements to be classified as a standard tree.

**143-132 Determining tree requirements**

In order to satisfy the tree requirements set forth in this Section, trees shall be assigned #tree credits# in accordance with Section 143-131 (Tree credits).

(a) #Zoning lots# containing #residential uses# in #Residence Districts#

#Tree credits# shall be determined as follows for #zoning lots# in #Residence Districts# that contain #residential use#:

- (1) the minimum number of #tree credits# on a #zoning lot# shall be three #tree credits# per 750 square feet of #lot area# in R1, R2 and R3 Districts, or two #tree credits# per 750 square feet of #lot area# in R4, R5 and R6 Districts;
- (2) the minimum number of trees that are one inch #caliper# or greater shall be one tree per 1,000 square feet of #lot area#; and
- (3) for #zoning lots# with a #lot width# greater than 40 feet, the total number of #tree credits# located in the area between all #street walls# of a #building# and their prolongations and the #street line# shall be greater than or equal to the #lot width# divided by 10 and rounded to the nearest whole number, except that such #tree credits# need not exceed 16.

(b) All other #zoning lots#

For #zoning lots# in #Residence Districts# without #residential uses#, and for #zoning lots# in all #Commercial# or #Manufacturing Districts# the minimum number of #tree credits# on a #zoning lot# shall be:

- (1) 1.5 per 750 square feet of #lot area#; and
- (2) the minimum number of trees that are one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

(c) Trees within unimproved portions of mapped #streets#

For the purposes of this Section, trees located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-13 (Tree Regulations), where:

- (1) the unimproved portion of the privately owned mapped #street# is not required for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for a #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

Where #tree credits# or numbers of trees required for a #zoning lot# result in a fraction, the requirements of Section 143-13 (Tree Regulations), inclusive, shall be satisfied by providing a whole number of #tree credits# or trees in excess of such fractional amount.

**143-133 Planting standards for tree credits**

#Tree credits# shall only be assigned to trees planted or preserved in accordance with the provisions set forth in this Section. #Invasive species# are prohibited from being planted on a #zoning lot# or tract of land and in no case shall they be counted towards fulfillment of the requirements of Section 143-132 (Determining tree requirements).

(a) **Newly planted trees**

Newly planted trees shall be eligible for #tree credits# provided that each tree shall be no smaller than the applicable #caliper# specified in the table in Section 143-131 (Tree credits), and shall be planted no closer to nearby trees than:

- (1) five feet between saplings; or
- (2) 7 feet, 6 inches between young trees, saplings and preserved trees.

Such distances shall be measured on center. If two trees of different size designations are planted next to each other, the greater distance shall control.

In addition, newly planted trees shall have no #hard surface area# within their #critical root zone#.

(b) **Preserved trees**

#Tree credits# shall only be assigned to preserved trees, provided no area shall be disturbed within their #structural root zones#, and provided no more than 10 percent of the #critical root zone# is disturbed by any combination of the following:

- (1) proposed #hard surface area#; or
- (2) modifications to topography, including any excavation or fill, except for newly planted vegetation within a container that is sized one quarter-gallon or smaller.

However, preserved trees with more than 10 percent and no more than 30 percent of their #critical root zones# disturbed by proposed #hard surface area#, topographic modification, construction staging, use of heavy machinery or newly planted vegetation as set forth in this paragraph may be counted towards the assigned #tree credit# value set forth in Section 143-131 (Tree credits) only if such trees have a #tree protection plan#.

For the purposes of this paragraph (b), a deck or porch that is elevated above natural grade shall not be considered as disturbance within a #critical root zone# or #structural root zone#, except for the area of excavation required for the structural support of such #hard surface area#.

Removal of #hard surface area# from the #critical root zone# of a tree, when conducted pursuant to a #tree protection plan# shall not be considered disturbance.

For the purposes of assigning #tree credits#, preserved trees that are less than six inches in #caliper# may be treated as a newly planted "young tree" or "sapling," as applicable, for #zoning lots# where the total #tree credit# of all trees existing prior to any proposed #development#, #enlargement# or #site alteration# is less than the amount required pursuant to Section 143-132 (Determining tree requirements). A survey of existing site conditions showing the location of all existing trees that are six inches in #caliper# or greater shall be provided.

**143-134 Tree preservation requirement**

In all #Residence Districts#, removal of live trees that are six inch #caliper# or greater, where the trunks of such trees are located within 15 feet of a #rear lot line#, shall be permitted only under the following circumstances:

- (a) where such trees are located in areas to be occupied by #buildings#, or within a distance of eight feet of an existing or proposed #building#, provided that it is not possible to avoid such removal by adjustments in the location of such #buildings#;
(b) for #zoning lots# no greater than 3,800 square feet of #lot area#, where such trees are located in areas to be occupied by swimming pools, or within a distance of eight feet of an existing or proposed swimming pool, provided that it is not possible to avoid such removal by adjustments in the location of such swimming pools;
(c) where such trees are located in an area to be occupied by a driveway or area required for #accessory# parking, provided that it is not possible to avoid such removal by adjustments in the location of such driveway or parking area;
(d) where a total of over 30 percent of the #critical root zone# of such trees would be impacted by proposed disturbances, provided that it is not possible to avoid such impacts by adjustments in the location of proposed #buildings#, swimming pools, driveways, #private roads# or parking areas;
(e) where a defect exists in such tree with a rating of "Moderate," "High," or "Extreme," as described in the Best Management Practices for Tree Risk Assessment published by the International Society of Arboriculture (ISA) and as determined by a professional arborist possessing a current Tree Risk Assessment qualification issued by the ISA; and where it is not possible or practical to mitigate such defect by any means other than removal of the tree; or
(f) where any portion of a #rear lot line# of a #zoning lot# is located within 70 feet of the #front lot line# of such #zoning lot#.

Notwithstanding the removal of any trees permitted pursuant to paragraphs (a) through (f) of this Section, such #zoning lot# shall comply with all other requirements of Section 143-13 (Tree Regulations), inclusive.

143-14 Biodiversity Requirement

The biodiversity planting requirements of this Section shall apply within the #Special Natural Resources District#.

(a) Applicability of biodiversity requirement to #developments#, #enlargements# and certain #site alterations#

The planting requirements set forth in this Section, inclusive, shall apply on #zoning lots# or other tracts of land, to:

- (1) #developments#;
(2) #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that result in an increase in #lot coverage#;
(3) the removal of more than 12 #tree credits#;
(4) newly constructed or relocated #hard surface area# with an area of 400 square feet or more; or
(5) for #zoning lots# previously subject to paragraphs (a)(1), (a)(2), (a)(3) or (a)(4) of this Section, the establishment of a new category of #landscape element# where such newly planted vegetation counts toward #biodiversity points# previously satisfied by another type of #landscape element#.

The minimum biodiversity requirement on a #zoning lot# shall be as set forth in Section 143-141 (Determining biodiversity requirements). Required vegetation shall be grouped within #landscape elements# and assigned #biodiversity points# in accordance with Section 143-142 (Landscape elements). Vegetation within #landscape elements# shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements). #Buffer areas# shall be planted pursuant to the provisions set forth in Section 143-144 (Planting requirements for buffer area adjacent to designated aquatic resources).

For #zoning lots# that have planted or preserved #landscape elements# pursuant to the provisions of this Section, inclusive, such vegetation may be subsequently altered, provided that the required area of vegetation is not reduced below the area required for such #landscape element#.

However, where Section 37-90 (PARKING LOTS) applies, and the open parking area covers at least 40 percent of the #zoning lot# or #plan review site#, as applicable, the provisions of Sections 143-141, 143-142 and 143-143 shall be deemed satisfied by the provision of landscaping pursuant to Section 37-90.

(b) Requirements for maintaining vegetation on all other lots

For #zoning lots# with #buildings# constructed prior to [date of adoption] that are not subject to the biodiversity requirements of paragraph (a) of this Section, the provisions of Sections 143-141 (Determining biodiversity requirements), 143-142 (Landscape elements) and 143-143 (Planting standards for landscape elements) shall not apply. However, such #zoning lots# shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of paragraph (b) of this Section, as follows.

Existing square footage of vegetation that is not lawn or trees shall not be reduced to less than:

- (1) 15 percent of the #lot area# in Resource Adjacent Areas and in #areas adjacent to aquatic resources#;
(2) 10 percent of the #lot area# in Escarpment Areas; or
(3) five percent of the #lot area# in Base Protection Areas.

143-141 Determining biodiversity requirements

In order to satisfy the biodiversity requirements set forth in Section 143-14 (Biodiversity Requirements), inclusive, vegetation shall be assigned #biodiversity points#. All #zoning lots# shall have #biodiversity points# greater than or equal to the point requirement set forth in of this Section, as applicable:

- (a) six #biodiversity points# in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
(b) four #biodiversity points# in Escarpment Areas;
(c) four #biodiversity points# for #zoning lots# that contain #residential uses# in R1, R2 and R3 Districts in Base Protection Areas;
(d) two #biodiversity points# for #zoning lots# that do not contain #residential uses# in R1, R2 and R3 Districts in Base Protection Areas; and
(e) two #biodiversity points# in Base Protection Areas containing R4, R5, R6 Districts and Commercial and Manufacturing Districts.

In the event of a conflict between the provisions of one paragraph of this Section and another paragraph, the more restrictive shall control.

143-142 Landscape elements

In order to satisfy the #biodiversity point# requirements set forth in Section 143-141 (Determining biodiversity requirements), vegetation shall be categorized into one of the #landscape elements# set forth in the table in this Section. All vegetation shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements).

BIODIVERSITY POINT VALUE PER REQUIRED AREA

Table with 3 columns: #Landscape element#, #Biodiversity points#, Design requirements. Rows include Basic Garden, Wildlife Garden, Green Roof—Intensive, and Green Roof—Extensive.

The total area of a #landscape element# shall not be less than as set forth in the Table in this Section. In addition, the following design requirements shall apply:

(a) Basic gardens, wildlife gardens and green roofs

The minimum horizontal dimension of each basic garden, wildlife garden or green roof shall be eight feet, except that, for #zoning lots# with a #lot area# less than 3,800 square

feet, each wildlife garden or green roof shall have a minimum horizontal dimension of four feet.

**(b) Wildlife garden buffers**

For #developments# on #zoning lots# located in a Resource Adjacent Area, wildlife gardens shall be located within buffers as specified in this paragraph (b), and special planting standards shall apply to such gardens pursuant to Section 143-143 (Planting standards for landscape elements). To fulfill #biodiversity point# requirements, wildlife garden buffers shall be located along #side# and #rear lot lines#, or portions thereof, adjacent to a Resource Adjacent Area boundary line, as shown on the Map in Appendix B of this Chapter and Map 2 of Appendix C of this Chapter. For wildlife garden buffers along #side lot lines#, or portions thereof, the minimum width shall be eight feet. For wildlife garden buffers along #rear lot lines#, or portions thereof, the minimum depth shall be 10 feet. The width or depth of wildlife garden buffers shall be measured perpendicular to such #side# or #rear lot lines#, respectively.

However, where #buildings# or other #hard surface area# lawfully existing as of [date of adoption] are located so as to be in conflict with the requirements of this paragraph (a), such areas that are in conflict may be exempt from such requirements.

**(c) #Landscape elements# within unimproved portions of mapped #streets#**

For the purposes of this Section, #landscape elements# located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-14 (Biodiversity Requirement), where:

- (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than thirty days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

**143-143**

**Planting standards for landscape elements**

Vegetation planted or preserved within #landscape elements# shall be in good health and shall comply with the provisions set forth in this Section. Trees shall not count toward the vegetation coverage requirements of #landscape elements#; coverage requirements shall only be satisfied through #ground# and #shrub layer# plantings. Vegetation required pursuant to other Sections of this Resolution that meet the standards of this Section may be used towards fulfillment of the requirements of Section 143-141 (Determining biodiversity requirements).

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land and in no case shall existing #invasive species# be included as preserved vegetation within a #landscape element# or counted as #biodiversity points#.

**(a) Basic gardens**

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied.

**(b) Wildlife gardens**

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall each be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#.

**(c) Wildlife garden buffers**

In Resource Adjacent Areas, the #shrub layer# shall occupy at least 20 percent of the wildlife garden buffer and the #ground layer# shall occupy at least 40 percent of such buffer. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#. Such wildlife garden buffer area shall also have three #tree credits# per 750 square feet of area within such wildlife garden buffer area.

Trees required within wildlife garden buffers shall be planted or preserved in accordance with Section 143-133 (Planting standards for tree credits). Such trees shall contribute toward satisfying the requirements of Section 143-13 (Tree Regulations).

**(d) Green roofs**

The minimum depth of planting medium for "intensive green roofs" shall be eight inches, and the minimum depth of planting medium for "extensive green roofs" shall be three inches. A minimum of six different species shall be provided for "intensive green roofs" and a minimum of four different species shall be provided for "extensive green roofs."

**Illustrative Example**

The following example, while not part of the Zoning Resolution, is included to demonstrate how biodiversity planting requirements are calculated.

**Example of calculations for a "basic garden" on a 5,000 square-foot lot**

Basic gardens are assigned one #biodiversity point# for each 2.5 percent of the #lot area# they occupy, as set forth in the table in Section 143-142 (Landscape elements). For a #zoning lot# with a #lot area# of 5,000 square feet, a basic garden of 500 square feet, or 10 percent, would achieve the required four #biodiversity points#. In this example, because of design considerations, two areas are established for basic gardens: one along a side lot line, eight feet wide by 20 feet deep (providing 1.28 #biodiversity points#), and another across the front of the lot, 40 feet wide by 8 feet 6 inches deep (providing 2.72 #biodiversity points#).

Paragraph (b) of Section 143-143 (Planting standards for landscape elements) specifies that both the #ground layer# and #shrub layer# each need to be at least 15 percent of the square footage of each #landscape element#. That means that both the #ground layer# and #shrub layer# each need to have a coverage of at least 24 square feet in the side garden, and at least 51 square feet in the front garden. Additional vegetation required for the remaining 70 percent coverage may be either in the #ground layer# or #shrub layer#.

**143-144**

**Planting requirements for buffer area adjacent to designated aquatic resources**

Vegetation shall be planted or preserved in #buffer areas# adjacent to #designated aquatic resources# in accordance with this Section. For #designated aquatic resources# regulated by the New York State Department of Environmental Conservation (DEC), vegetation other than lawn shall be located in a #buffer area# and shall be planted or preserved in a manner determined by DEC.

For #plan review sites# containing #designated aquatic resources# not regulated by DEC, vegetation other than lawn shall be planted in a #buffer area# that extends for 30 feet measured from the edge of the #designated aquatic resource#. Vegetation shall be planted or preserved as directed by the City Planning Commission pursuant to Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES). Such #buffer area# boundary shall be demarcated by a split rail fence or a similar boundary marker, with a gate permitted for maintenance purposes.

For #zoning lots# that are not #plan review sites# or a portion thereof, the planting required pursuant to this Section shall be waived in the following instances:

- (a) For all #uses# lawfully existing on [date of adoption], planting shall not be required within portions of #buffer areas# that contain #buildings# and other #hard surface areas#, to the extent that such #buildings# and other #hard surface areas# lawfully existed in those locations on [date of adoption]. In addition, planting shall not be required within portions of #buffer areas# within five feet of any #building# lawfully existing on [date of adoption]; and
- (b) For a #residential building# lawfully existing on [date of adoption], and for a #development# or #enlargement# of a #residential building# on a #zoning lot# existing both on [date of certification] and on the date of application for a building permit, planting shall not be required within portions of #buffer areas# that:

- (1) are open areas where disturbance is permitted pursuant to Section 143-161 (Permitted encroachment area); and
- (2) are within a #front yard#.

Vegetation planted or preserved pursuant to the provisions of this Section may be counted towards satisfying the requirements of Section 143-13 (Tree Regulations), inclusive, and the biodiversity requirements of Sections 143-141, 143-142 and 143-143.

**143-15  
Special South Richmond Landscaping and Buffering Provisions**

The provisions of this Section, inclusive, requiring landscape screening along #Residence District# boundaries, between #residences# and #commercial# or #manufacturing uses# and along open parking areas, shall apply within the South Richmond Subdistrict.

**143-151  
Landscaped buffer along Residence District boundaries**

[Note: provisions relocated from Section 107-481 and modified]

For any #commercial# or #manufacturing development# on a #zoning lot# adjoining a #Residence District# boundary, there shall be within the open area required by the provisions of Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) along the #lot line# adjoining the #Residence District#, a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting, or evergreen trees and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

However, this requirement shall not apply along a #rear lot line# or portion of a #rear lot line# where there is an existing or proposed #building# within 10 feet of such #rear lot line# or portion thereof.

**143-152  
Landscaped buffer for commercial or manufacturing development adjacent to residences**

[Note: provisions relocated from Section 107-482 and modified]

Where an existing #residential use# is located adjacent to a #development# containing a #commercial# or #manufacturing use#, the #side# or #rear lot line# adjacent to such #residential use# shall be planted with a strip at least four feet wide consisting of densely planted evergreen shrubs at least four feet high at the time of planting, or evergreen trees and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

However, this requirement shall not apply along a #rear lot line# or portion of a #rear lot line# where there is an existing or proposed #building# within 10 feet of such #rear lot line# or portion thereof.

**143-153  
Landscaped buffer for open parking areas**

[Note: provisions relocated from Section 107-483(b) and modified]

Any #development# with open #accessory# off-street parking areas consisting of 10 or more spaces shall provide a landscaped buffer in accordance with the provisions of this Section. Where the provisions of 37-90 (PARKING LOTS) apply, those provisions shall instead control.

The parking area shall be screened from all adjoining #zoning lots# by a landscaped area at least four feet in width, densely planted with shrubs maintained at a maximum height of four feet. Such parking area shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area. All screening shall be maintained in good condition at all times.

**143-154  
Waiver of landscaped buffer**

[Note: provisions relocated from Section 107-483(c) and modified]

The landscaped buffer requirements of Section 143-15 (Special South Richmond Landscaping and Buffering Provisions), inclusive, may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (a) unique geological conditions, such as excessive subsurface rock conditions or high water table;
- (b) underground municipal infrastructure; or
- (c) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer, architect or landscape architect that such conditions exist.

**143-16  
Aquatic Resource Protections**

For #zoning lots# containing #designated aquatic resources# or #buffer areas#, the provisions of this Section, inclusive, shall apply.

No removal of trees or other vegetation, no disturbance of topography, no #development#, no horizontal #enlargement# and no increase in #hard surface area# shall be permitted within a #designated aquatic resource# or #buffer area#, except as provided in this Section, inclusive, or as otherwise approved by the New York State Department of Environmental Conservation. However, removal of #invasive species# and the construction of unpaved trails using hand tools shall be permitted within a #designated aquatic resource# or #buffer area# where permitted by the New York State Department of Environmental Conservation or the City Planning Commission, as applicable.

For #designated aquatic resources# and adjacent areas that are regulated by the New York State Department of Environmental Conservation, nothing in the regulations of this Chapter shall modify state regulations requiring application to such agency for proposed #development# or other state-regulated activity.

Section 143-161 (Permitted encroachment area) establishes the size and shape of a permitted encroachment area. Section 143-162 (Location of permitted encroachment) establishes the #zoning lots# that are eligible to encroach upon #designated aquatic resources# and #buffer areas# and rules to minimize such encroachment. Section 143-39 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space) establishes rules to allow clustering of #buildings# outside of #designated aquatic resources# and #buffer areas# in order to minimize encroachment.

**143-161  
Permitted encroachment area**

For the purposes of this Section and Section 143-162 (Location of permitted encroachment), the "permitted encroachment area" shall be as described in paragraph (a) in #Residence Districts# and as described in paragraph (b) in #Commercial# or #Manufacturing Districts#. The permitted encroachment area is the largest area allowed to be disturbed within a #designated aquatic resource# or #buffer area#.

- (a) Permitted encroachment area in #Residence Districts#  
In all #Residence Districts#, the permitted encroachment area shall be a combination of permitted #lot coverage# and an area adjacent to a #building#.
  - (1) Permitted #lot coverage#  
The maximum permitted #lot coverage# on a #zoning lot# shall be determined by the applicable Zoning District as indicated in the following table:

Zoning District	#Lot coverage# (in square feet)
R1-1	1200
R1-2	800
R2 or R3 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

A #building# shall be located on a #zoning lot# so that its #lot coverage# shall avoid or minimize disturbance of #designated aquatic resources# and #buffer areas#, except that the minimum width of a #building# need not be less than 15 feet, and the shape, in plan view, of the outermost walls of such #building# need not be other than a rectangle.

- (2) Permitted encroachment adjacent to a #building#  
An area with a depth of five feet, as measured perpendicular to the #building# wall, shall be exempt from the planting requirements of Section 143-144, and shall be permitted around a single #building# that contains the primary #use# on the #zoning lot#, except the depth of such area shall be 20 feet adjacent to a rear #building# wall that is opposite a #street# or #private road#. For #zoning lots# with multiple #street# frontages, such depth of 20 feet may be utilized only once. Within this area, an encroachment of fill for lawn, #hard surface area# or other similar encroachment shall be permitted within a #buffer area# or #designated aquatic resource#.

The provisions of Section 143-36 (Modified Yard Regulations for the Protection of Natural Features) shall be used, as applicable, to facilitate a #building# location that, combined with the permitted encroachment adjacent to such #building#, minimizes the area of encroachment on a #designated aquatic resource# or #buffer area#, as applicable.

(b) Permitted encroachment area in #Commercial# or Manufacturing Districts#

In #Commercial Districts# or #Manufacturing Districts#, the permitted encroachment area shall not exceed a #hard surface area# of 4,500 square feet. Such #hard surface area# shall be arranged to avoid or minimize encroachment upon #designated aquatic resources# and #buffer areas#, except that the minimum width of the #hard surface area# need not be less than 40 feet and the shape of the outermost boundaries, in plan view, of such #hard surface area# need not be other than a rectangle.

**143-162**  
**Location of permitted encroachment**

On a #zoning lot#, existing both on [date of certification], and on the date of application for a building permit, encroachment on a #designated aquatic resource# or #buffer area# shall only be permitted as follows:

- (a) Where the permitted encroachment area is located utilizing the applicable modified #yards#, but cannot be located fully outside of a #designated aquatic resource# or #buffer area#:
  - (1) the permitted encroachment area may encroach into a #buffer area# to the minimum extent necessary to accommodate such permitted encroachment area;
  - (2) where encroachment into a #buffer area# pursuant to paragraph (a)(1) of this Section does not accommodate the entire permitted encroachment area, only then shall encroachment into a #designated aquatic resource# be permitted, to the minimum extent necessary to accommodate such permitted encroachment area.
- (b) A single driveway with a width of 10 feet, or greater where required by the New York City Fire Department, shall be permitted to access a permitted encroachment area, and may encroach into a #buffer area# or #designated aquatic resource# to the minimum extent necessary.
- (c) the provisions of Section 143-42 (Parking Modifications for the Protection of Natural Features) shall be used, as applicable, to facilitate the location of required off-street parking that minimizes the area of encroachment on a #designated aquatic resource# and #buffer area#. Required #accessory# off-street parking spaces need not be located within a #building# in order to minimize the area of encroachment;
- (d) in #Residence Districts#, if it is necessary to locate proposed #accessory# off-street parking spaces within a #designated aquatic resource# or #buffer area#, no more than one #dwelling unit# shall be permitted.

**143-20**  
**SPECIAL USE REGULATIONS**

**143-21**  
**Residential Uses in South Richmond Subdistrict**

In the South Richmond Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the underlying #Residence District use# regulations shall be modified to prohibit #zero lot line buildings#.

Within Subareas SH and M of the South Richmond Subdistrict, additional special #use# regulations are set forth in the following Sections.

**143-211**  
**Affordable independent residences for seniors in Subarea SH**

[Note: provisions relocated from Section 107-411 and modified]

In Subarea SH, as shown on Map 3 in Appendix D of this Chapter, any #development# or #enlargement# containing #affordable independent residences for seniors# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

- (a) such #development# or #enlargement# will contain no more than 250 #dwelling units# of #affordable independent residences for seniors#, individually or in combination with other #developments# or #enlargements# within Subarea SH that have received prior certification pursuant to this Section;
- (b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and

- (c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts). The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #affordable independent residences for seniors# in Subarea SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section 143-721 (Affordable independent residences for seniors in Subarea SH).

**143-212**  
**Special use regulations in Subarea M**

[Note: provisions relocated from Section 107-491 and modified]

In Subarea M, as shown on Map 3 in Appendix D of this Chapter, the regulations of the underlying districts and the Special District are supplemented or modified as follows:

- (a) #Residential uses# existing prior to August 17, 1995, shall be considered conforming and when an existing #building# containing such #uses# is damaged or destroyed by any means, it may be reconstructed within two years of such event to its #bulk# prior to such damage or destruction or to R3X District #bulk# requirements, whichever is greater.
- (b) #Residential extensions# shall be subject to R3X District regulations as modified by the applicable Special District regulations except that an existing #detached building# may contain non-#residential uses# in addition to not more than two #dwelling units#.
- (c) Non-#residential uses# shall be located below the lowest #story# occupied in whole or in part by #residential uses#.
- (d) #Floor area# in a #building# originally designed for #residential use# that has been continuously vacant for two or more years prior to the date of filing an alteration application, may be re-occupied for #residential use#.
- (e) #Residential developments#, and #residential enlargements# that result in an increase in #lot coverage# shall be subject to the provisions of Section 143-722 (Residential Uses in Subarea M).

**143-30 SPECIAL BULK REGULATIONS**

The special #bulk# regulations of this Section, inclusive, shall apply throughout the #Special Natural Resources District#.

**143-301**  
**Special bulk regulations for certain community facility uses in lower density growth management areas**

[Note: provisions relocated from Section 107-412 and modified]

The #bulk# regulations of this Chapter applicable to #residential buildings# shall also apply to all #zoning lots# in #lower density growth management areas# that contain #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or
- (b) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where:
  - (1) such #zoning lot# contains #buildings# used for houses of worship; or
  - (2) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

**143-31**  
**Floor Area and Density Regulations**

**143-311**  
**Floor area regulations in the South Richmond Subdistrict**

[Note: provisions relocated from Sections 107-44, 107-491(e), 107-492 and modified]

The following provisions shall apply within the South Richmond Subdistrict and shall modify the underlying district regulations:

- (a) The provisions of Sections 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and 33-15 (Floor Area Bonus for Front Yards) shall not apply to any #community facility use#; and



- (b) In Subarea M, as shown on Map 3 in Appendix D of this Chapter, the following provisions shall apply:
- (1) The maximum #floor area ratio# for two or more #uses# on a #zoning lot# shall be determined by the #use# that is permitted the greatest #floor area ratio#, provided that the #floor area# occupied by each #use# does not exceed the amount permitted by the #floor area ratio# for that #use#; and
  - (2) #Residential enlargements#, not to exceed 500 square feet of #floor area#, shall be permitted subject to R3X District regulations as modified by the applicable Special District regulations, provided that there is no increase in the number of #dwelling units# and that such #enlargements# do not result in an increase in #lot coverage#.

**143-312**  
**Maximum number of dwelling units in R3 and R4 Districts within the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-42 and modified]  
 In R3 and R4 Districts within the South Richmond Subdistrict, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #single-# and #two-family semi-detached residences# in R3-1 and R3-2 Districts.

**143-32**  
**Lot Coverage**

R1 R2 R3  
 In the districts indicated, for #zoning lots# containing predominantly #residential uses#, the #lot coverage# and #open space# regulations of the underlying districts shall not apply. In lieu thereof, the provisions set forth in this Section shall apply. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential uses# shall be defined as a #zoning lot# containing predominantly #residential uses#.

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include #accessory buildings# permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). Such #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

The maximum permitted #lot coverage# shall be as set forth in paragraph (a) of this Section. However, in the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, the provisions of paragraph (b) modify the maximum #lot coverage# of a #zoning lot# in cases of encroachment of #areas of existing slope#. In no case shall the #lot coverage# resulting from paragraphs (a) or (b) be required to be less than the #lot coverage# set forth in paragraph (c) of this Section. Paragraph (d) sets forth an exemption from #lot coverage# for a #building# or portion of a #building# containing required off-street #accessory# parking spaces in certain instances.

- (a) Basic maximum #lot coverage#

TABLE I  
 BASIC MAXIMUM LOT COVERAGE

Area	Maximum permitted #lot coverage# (in percent)
Base Protection Area: R1 District	25
Base Protection Area: R2 and R3 Districts	30
Escarpment Area	25
Resource Adjacent Area and #areas adjacent to aquatic resources#	15

- (b) #Lot coverage# determined by slope encroachment

In the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, where an area of encroachment is proposed in an #area of existing slope# that is greater than 150 square feet in cumulative area, the maximum #lot coverage# shall be determined by the steepest slope category encroached upon that has an area greater than 150 square feet cumulatively, as set forth in Table II of this Section. Where there is no encroachment upon a slope category with an area greater than 150 square feet cumulatively, the maximum #lot coverage# shall be

determined by the slope category with the largest area encroached upon. When the maximum permitted #lot coverage# indicated in Table II exceeds the maximum permitted #lot coverage# set forth in Table I, the more restrictive shall apply.

For the purposes of this Section “encroachment” shall be the area of proposed changes in ground elevation by more than two feet of cut or fill, including areas proposed for excavation to such depth for #buildings#, #hard surface areas#, structural elements for decks and for any other #site alteration# related to such grade change of more than two feet.

TABLE II  
 MAXIMUM LOT COVERAGE FOR ENCROACHMENT WITHIN AREAS OF EXISTING SLOPE

Slope category (in percent) #area of existing slope#	Maximum permitted #lot coverage# (in percent)
85 or greater	12.5
65–84.9	15
45–64.9	17.5
35–44.9	20
25–34.9	22.5
10.0–24.9	25

- (c) Notwithstanding any other provisions of this Section, in no case shall the resulting maximum #lot coverage#, in square feet, be required to be less than the permitted #lot coverage# set forth in Table III.

TABLE III  
 PERMITTED LOT COVERAGE

Zoning District	Permitted #lot coverage# (in square feet)
R1-1	1,200
R1-2	800
R2 or R3 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

- (d) Exemption from #lot coverage# for enclosed #accessory# parking spaces

For #qualifying lots#, an #accessory building# enclosing required off-street #accessory# parking spaces, or a portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces, shall be exempt from #lot coverage# requirements if such #accessory building# or portion of a #building#:

- (1) is located on a slope that rises above the adjacent #street# or #private road#;
- (2) is no more than 10 feet in height above #curb level#;
- (3) is located entirely within 25 feet of a #street# or #private road#; and such #building# or portion either:
  - (i) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
  - (ii) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

Such #accessory building# or portion of a #building# shall not be exempt from #hard surface area# limitations.

**143-33  
Hard Surface Area**

The maximum permitted #hard surface area# for a #zoning lot# is set forth in this Section. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential use# shall be defined as a #zoning lot# containing predominantly #residential use#.

R1 R2 R3

- (a) In the districts indicated, for #zoning lots# containing predominantly #residential use#, the maximum permitted #lot coverage# set forth in paragraphs (a) or (b) of Section 143-32 (Lot Coverage) shall determine the maximum permitted #hard surface area# in accordance with Table I of this Section. The maximum permitted #hard surface area# on a #zoning lot# shall not exceed the percent of #lot area# set forth in Table I.

TABLE I

PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ZONING LOTS CONTAINING PREDOMINANTLY RESIDENTIAL USE IN R1 THROUGH R3 DISTRICTS

Maximum permitted #lot coverage# (in percent)	Maximum permitted #hard surface area# (in percent)
12.5	40
15	45
17.5	45
20	50
22.5	50
25	50
30	65

R1 R2 R3 R4 R5 R6 C1 C2 C3 C4 C8 M1 M2 M3

- (b) In the districts indicated, the maximum permitted #hard surface area# for all #zoning lots# not subject to paragraph (a) of this Section, shall be as set forth in Table II for the applicable zoning district.

TABLE II

PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ALL OTHER ZONING LOTS

Zoning district	Maximum permitted #hard surface area# (in percent)
R1 R2 R3 R4 R5 R6	75
C1 C2 in Escarpment Area, Resource Adjacent Area, or in #areas adjacent to aquatic resources#	85
C1 C2 in Base Protection Area	90
C3	75
C4 C8 M1 M2 M3	85

**143-34  
Lot Area and Lot Width**

The minimum #lot area# and #lot width# regulations set forth in Article II, Chapters 3 and 4, as applicable, shall be modified as set forth in this Section, inclusive.

**143-341  
Minimum lot area for zoning lots containing designated aquatic resources**

Where the sum of all areas containing #designated aquatic resources# and #buffer areas# on the #zoning lot# constitutes more than 10 percent of the #lot area#, such area shall be excluded for the purposes

of calculating #lot area# necessary to meet minimum #lot area# requirements of Section 23-32 (Minimum Lot Area or Lot Width for Residences), Section 143-342 (Minimum lot area within Escarpment Areas) or Section 143-343 (Minimum lot area and lot width in the South Richmond Subdistrict), as applicable.

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts, both on [date of certification] and on the date of application for a building permit.

**143-342  
Minimum lot area within Escarpment Areas**

R1 R2 R3

In the districts indicated, within Escarpment Areas, Section 23-32 (Minimum Lot Area or Lot Width for Residences) shall be modified as follows:

- (a) In R1 Districts, the minimum required #lot area# per #single-family residence# shall be 12,500 square feet;
- (b) In R2 Districts, and for #detached single- or two-family residences# in R3 Districts, the minimum required #lot area# for each #single-# or #two-family residence#, where permitted, shall be 6,250 square feet;
- (c) In R3 Districts, for #attached# or #semi-detached single- or two-family residences#, the minimum required #lot area# for each #attached# or #semi-detached single-# or #two-family residence# shall be 4,000 square feet;
- (d) In R3 Districts, for all other #residences#, the minimum required #lot area# for each #dwelling unit# shall be 2,650 square feet; and
- (e) In R1, R2, and R3 Districts, the following provisions shall also apply:
  - (1) Where at least 50 percent of the area of a #zoning lot# has slopes of less than 25 percent, the provisions of Section 23-32 shall apply without modification;
  - (2) For #zoning lots# subject to the provisions of paragraphs (a), (b) or (c) of this Section, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:
    - (i) has less than the minimum #lot area# required pursuant to this Section; and
    - (ii) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts both on [date of certification] and on the date of application for a building permit.

**143-343  
Minimum lot area and lot width in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-421 and modified]

The following provisions shall apply within the South Richmond Subdistrict and modify the underlying #residence district# regulations:

- (a) Minimum #lot area# and #lot width# for #residences#  
For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements adjusted by #building# height#, shall apply as set forth in the table in this paragraph (a). Where two or more #buildings# that are #single-# or #two-family detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.  
The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10 (DEFINITIONS), provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between a #side lot line# and any opposing #lot line# that

is parallel to, or within 45 degrees of being parallel to, such #side lot line#, where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum #lot width#, in feet, set forth in the table.

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land that:

- (1) has less than the minimum #lot area# or #lot width# required pursuant to this Section; and
- (2) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts, both on December 8, 2005 and on the date of application for a building permit.

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R1-1	#detached#	1-4	9,500	100
R1-2	#detached#	1-2 3 4	5,700 5,700 5,700	40 50 60
R2	#detached#	1-4	3,800	40
R3-1	#detached#	1-2 3-4	3,800 3,800	40 45
R3-1 R3-2	#semi-detached#	1-2 3-4	2,375 <sup>2</sup> 3,800	24 <sup>2</sup> 40
R3-2	#detached#	1-2 3-4	3,800 4,275	40 45
	#attached#	1-2 1-2 3-4 3-4	1,700 2,375 <sup>1</sup> 2,280 3,800 <sup>1</sup>	18 24 <sup>1</sup> 24 40 <sup>1</sup>
R3A	#detached#	1-3	3,325	35
R3X <sup>2</sup>	#detached#	1-2 3 4	3,800 4,750 5,700	40 50 60
R4A	#detached#	1-3	3,325	35
R4-1	#semi-detached# #detached#	1-3 1-3	2,375 <sup>2</sup> 3,325	24 <sup>2</sup> 35

<sup>1</sup> For #attached buildings# that #abut# an #attached building# on a separate #zoning lot# on one side and on the other side are bounded by #yards# or open area.

<sup>2</sup> In Area LL as shown on the District Plan (Map 3 in Appendix D) of this Chapter, all #residences# shall have a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 50 feet.

<sup>3</sup> For #two-family semi-detached residences# with a height of one or two #stories# in R3-1 and R3-2 Districts and for all #two-family semi-detached residences# in R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

(b) Minimum #lot area# and #lot width# for #zoning lots# containing certain #community facility uses#

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts, the provisions of this paragraph (b) shall apply to #zoning lots# containing #buildings# used for:

- (1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and
- (2) child care service as listed under the definition of #school# in Section 12-10, except where:
  - (i) such #zoning lot# contains #buildings# used for houses of worship; or
  - (ii) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where these #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between a #side lot line# and any opposing #lot line# that is parallel to, or within 45 degrees of being parallel to, such #side lot line#, where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care services or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

**143-35  
Yard Regulations in the South Richmond Subdistrict**

In the South Richmond Subdistrict, required #yards# shall be provided in accordance with the provision of this Section, inclusive. However, for certain #zoning lots#, the provisions set forth in this Section may be modified in accordance with the provisions set forth in Section 143-36 (Modified Yard Regulations for the Protection of Natural Features).

**143-351  
Front yards in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-461 and modified]

In all #Residence Districts#, the #front yard# requirements of the underlying districts set forth in Section 23-45 shall apply, except that in R2 Districts without a letter suffix, R3-1, R3-2, R4 Districts without a letter suffix and R5 Districts without a letter suffix, #front yards# shall be at least 18 feet in depth. On #corner lots#, one #front yard# may have a depth less than 18 feet as permitted by the underlying district regulations. These provisions may be modified, where applicable, by the provisions of 143-362 (Front yard reductions).

**143-352  
Side yards in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-462 and modified]

In all districts, except R1 Districts, for all #single-# or #two-family detached# and #semi-detached residences#, #side yards# shall be provided pursuant to the #residence district#, type of #residence# and number of #stories# of the #building# as set forth in the following table:

REQUIRED SIDE YARDS

District	Type of #residence#	Number of stories	Number of #side yards# required	Required total width	Minimum width of any #side yard#
R2	#detached#	1-2	2	15	5
R3-1		3-4	2	20	5
R3-2	#semi-detached#	1-2 3-4	1 1	9 15	9 15
R3A R4A	#detached#	1-4	2	15	5

R3X*	#detached#	1-2	2	15	5
		3	2	20	8
		4	2	25	10
R4-1	#detached#	1-4	2	15	5
		#semi-detached#	1-4	1	9

\* In Subarea LL, as shown on Map 3 in Appendix D of this Chapter, two #side yards# with a total width of at least 16 feet shall be required for all #residences#, and each #side yard# shall have a minimum width of eight feet.

In R1 Districts, the #side yard# regulations of Section 23-46 shall apply, except that on a #corner lot#, one #side yard# shall be at least 20 feet in width.

In R2, R3, R4A and R4-1 Districts, the #side yard# regulations set forth in the Table in this Section shall apply, except that on a #corner lot#, one #side yard# shall be at least 20 feet in width.

**143-353**  
**Side yard regulations for other residential buildings in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-463 and modified]

For all #residential buildings# other than #single-# or #two-family detached# or #semi-detached residences#, the provisions of Section 23-462 (Side yards for all other buildings containing residences) shall apply, except that no #side yard# shall have a width less than 10 feet.

Furthermore, for #attached residences# that #abut# an #attached building# on a separate #zoning lot# on one side and are bounded by open area on the other side, one #side yard# with a minimum width of nine feet shall be required for such one or two #story residences#, and one #side yard# with a minimum width of 15 feet shall be required for such three or four #story residences#.

**143-354**  
**Side yards for permitted non-residential use in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-464 and modified]

For #community facility buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section 24-35 (Minimum Required Side Yards) shall apply to such #community facility buildings# or the provisions of Section 23-464 (Side yards for buildings used for permitted non-residential uses) shall apply to such other #non-residential buildings#, except that no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three #stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

Where greater widths of #side yards# are required by the provisions of Sections 23-464 or 24-35 than by the provisions of this Section, such requirement of greater width shall apply.

**143-355**  
**Special provisions for arterials in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-251(b) and modified]

In all districts, along portions of #arterials#, as indicated on Maps 2.1 through 2.4 in Appendix D of this Chapter, #buildings# shall be set back 20 feet from the #front lot line# for the full length of the #front lot line abutting# such #arterial#. Such setback area shall be unobstructed from its lowest level to the sky except that, where a setback area is at least 35 feet in depth, such setback area may be used for required #accessory# off-street parking or loading facilities, provided such facilities are not enclosed. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, #buildings# shall be set back 30 feet from the #front lot line# and required off-street parking and loading facilities shall be permitted within such setback area.

Within all required setback areas, one tree of two inch #caliper# or greater, pre-existing or newly planted, shall be provided for each 400 square feet of such setback area.

However, in #Commercial# or #Manufacturing Districts#, along all #arterials# except the service roads of the West Shore Expressway, #buildings# may be located within 20 feet of the #front lot line#, provided that:

- (a) the #street wall# of the building shall be located within 15 feet of the #street line# for a minimum of 50 percent of the frontage of the #zoning lot#;

- (b) the #street wall# of the building facing the #arterial# shall comply with the standards set forth in Section 37-34 (Minimum Transparency Requirements);
- (c) the area of the #building# within 30 feet of the #street wall# facing the #arterial# does not contain Use Groups 16, 17 or 18;
- (d) the sidewalk fronting the #arterial# shall have a minimum width of 10 feet; and
- (e) the area of the #zoning lot# between the sidewalk and all #street walls# of the #building# shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such planting shall not be required for those portions of the #zoning lot# between the sidewalk and #buildings#, or portions thereof containing Use Group 6 #uses#, and except that such plantings shall not be required at the entrances to and exits from the #building#, or within driveways accessing off-street parking spaces located within such #building#.

**143-356**  
**Building setbacks along railroad rights-of-way in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-253 and modified]

#Buildings# on #zoning lots# immediately adjacent to or directly opposite the Staten Island Rapid Transit right-of-way, shall be set back 20 feet from the #lot line# adjacent to or directly opposite the right-of-way of such railroad. Such setback area shall be measured perpendicular to such #lot line#. Such setback area shall be unobstructed from its lowest level to the sky, except that such setback area may be used for #accessory# off-street parking or loading facilities, and for obstructions permitted in a #rear yard# pursuant to Sections 23-44, 24-33, 33-23 or 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), as applicable. Such setback area may be used for #public parking garages# or #public parking lots#, where permitted pursuant to underlying regulations.

Within such #building# setback area, there shall be provided one tree of two inch #caliper# or greater, pre-existing or newly planted, for each 400 square feet of such open area.

**143-36**  
**Special Yard Regulations for the Protection of Natural Features**

In order to facilitate the protection of natural features, the provisions of this Section, inclusive, shall modify the #yard# regulations of the underlying districts as applicable in the #Special Natural Resources District# and the regulations of 143-35 (Yard Regulations in South Richmond). However, in no case shall the provisions of both Sections 143-362 (Front yard reductions) and 143-363 (Rear yard reductions) be applied to the same #zoning lot#.

**143-361**  
**Permitted obstructions in yards**

For #residential buildings# on #qualifying lots#, the provisions of Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 25-622 (Location of parking spaces in lower density growth management areas) shall be modified to allow required off-street parking spaces, open or enclosed, as permitted obstructions within a #front yard#, provided the height of any #building# enclosing such off-street parking spaces does not exceed 10 feet above #curb level#.

A portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces on such #qualifying lots#, shall be considered a permitted obstruction in a #front yard# if such portion of a #building#:

- (a) is located on a slope that rises above the adjacent #street# or #private road#;
- (b) is no more than 10 feet in height above #curb level#;
- (c) is located entirely within 25 feet of a #street# or #private road#; and such portion of a #building# either:
  - (1) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
  - (2) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

In addition, for #zoning lots# subject to the provisions of Section 143-373 (Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources), the provisions of Section 23-44 shall be modified to allow portions of #buildings# that project up to three feet into #yards# as permitted obstructions within such #yards#.

**143-362****Front yard reductions**

The regulations for minimum #front yards# shall be modified in accordance with the provisions set forth in paragraphs (a) or (b) of this Section, as applicable, and required setback areas along arterials and railroad rights-of-way, as set forth in the Special South Richmond Subdistrict shall be modified as set forth in paragraph (c) of this Section:

- (a) In R1, R2, R3, R4 and R5 Districts
- (1) In R1 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet;
  - (2) In R2 and R3 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet; or
  - (3) In R2 through R5 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet, provided that certain natural features are preserved within specified portions of the #zoning lot#, as follows:
    - (i) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
    - (ii) such natural features, including #critical root zones#, are, in whole or in part located beyond 30 feet of the #rear lot line# and are in the rear half of the #zoning lot#; and
    - (iii) such natural features are located within an #area of no disturbance#.
- (b) In Resource Adjacent Areas, Escarpment Areas or #areas adjacent to aquatic resources#
- (1) In R1 Districts, #front yards# shall have a minimum required depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet; and
  - (2) In R2 and R3 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet.
- (c) Along #arterials# and railroad rights-of-way
- (1) In all districts, for #zoning lots# subject to the provisions of Section 143-355 (Special provisions for arterials in the South Richmond Subdistrict), the required setback area shall be 15 feet provided that natural features are preserved as specified in paragraph (a)(3) of this Section.
  - (2) In all districts, for #zoning lots# subject to the provisions of Section 143-356 (Building setbacks along railroad rights-of-way in the South Richmond Subdistrict), the required setback area shall be 10 feet provided that natural features are preserved as specified in paragraph (a)(3) of this Section.

However, if an open #accessory# off-street parking space is located between the #street wall# of a #building# containing #residences# and the #street line#, there shall be an open area between such #street wall# and #street line# which is at least 8 feet 6 inches in width by 18 feet in depth to accommodate such parking space.

**143-363****Rear yard reductions**

#Rear yards# shall have a minimum depth of 20 feet as set forth in paragraphs (a) or (b) of this Section:

- (a) In R2 and R3 Districts, for #qualifying lots#, and for #zoning lots# located in Resource Adjacent Areas, Escarpment Areas or #areas adjacent to aquatic resources#; and
- (b) In R1 through R6 Districts, provided that certain natural features are preserved as follows:
- (1) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25

percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;

- (2) such natural features, including #critical root zones#, are, in whole or in part located outside of the #front yard# and are in the front half of the #zoning lot#; and
- (3) such natural features are located within an #area of no disturbance#.

**143-364****Measurement of yards in unimproved streets**

For #qualifying lots# in R2 and R3 Districts, or for #zoning lots# within Resource Adjacent Areas, Escarpment Areas, or #areas adjacent to aquatic resources#, the minimum required #front yard# depth shall be measured from a tax lot boundary within a #street# shown on the City Map, instead of from the #street line# in cases where:

- (a) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (b) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

**143-365****Special rear yard equivalent regulations**

R1 R2 R3

In the districts indicated, in #lower density growth management areas#, Section 23-532 (Required rear yard equivalents) shall be modified for #zoning lots# with a single #detached residence# existing on August 12, 2004, to permit a #rear yard equivalent# to be provided as set forth in paragraphs (a), (b) or (c) of Section 23-532.

**143-371****Height and Setback Regulations**

In the #Special Natural Resources District#, the special height and setback regulations of Sections 143-371 (Modified height and setback for the protection of natural features) and 143-372 (Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources) shall apply.

The special height and setback regulations of Section 143-373 (Height and setback in the South Richmond Subdistrict) shall apply within the South Richmond Subdistrict.

**143-371****Modified height and setback for the protection of natural features**

In order to facilitate the protection of natural features, the maximum perimeter wall height and maximum #building# height of a #residential building#, or the #residential# portion of a #building# may be modified in accordance with the provisions of this Section.

Within Resource Adjacent Areas, #areas adjacent to aquatic resources#, and for #qualifying lots#, Section 23-60 (HEIGHT AND SETBACK REGULATIONS) shall be modified as follows:

- (a) In R1 and R2 non-contextual districts, paragraph (a) of Section 23-631 (General provisions) shall be modified so that the front wall or any other portion of a #building# or other structure# shall not penetrate the #sky exposure plane# beginning at a height of 30 feet above the #front yard line#.
- (b) In R3 Districts, paragraph (b) of Section 23-631 shall be modified as follows:

- (1) Perimeter walls shall be subject to setback regulations at a maximum height of 31 feet above the #base plane#.
- (2) The provisions set forth in paragraphs (b)(1) through (b)(6)(i) of Section 23-631 shall be modified so that the sloping planes controlling the maximum #building# height shall meet at a ridge line of 40 feet above the #base plane#.

**143-372****Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources**

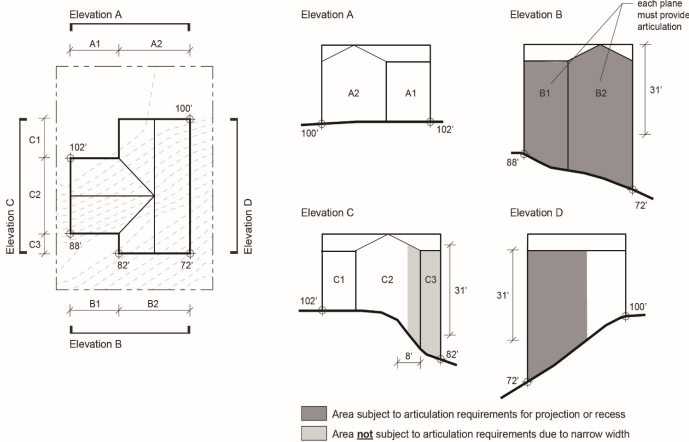
R1 R2 R3

In the districts indicated, the provisions of this Section shall apply to #residential buildings# in Escarpment Areas, Resource Adjacent

Areas and #areas adjacent to aquatic resources#. The provisions of this Section shall not apply to #accessory buildings#.

For any portion of such #residential building# that is eight feet in width or greater and exceeds a vertical distance of 31 feet between the roof of the #building# and the final adjoining grade, an area equaling at least 25 percent of the surface area of such portion must project from or be recessed from an exterior wall covering at least 25 percent of the area in a continuous plane by at least 18 inches from the wall above or below.

Four elevation views shall be provided for each #building# in addition to application materials set forth in 143-05 (Application Requirements). Each such elevation view shall show that such #residential building# complies with the recess and projection requirements of this Section.



ARTICULATION REQUIREMENTS

143-373

Height and setback in the South Richmond Subdistrict

[Note: provisions relocated from Section 107-43 and modified]

In the South Richmond Subdistrict, in addition to the requirements for maximum height of walls and required setbacks in Sections 23-63, 24-52, 33-43 or 143-371, no #building# shall exceed a height of four #stories# and no structures other than #buildings# shall exceed a height of 50 feet, unless by special permit of the City Planning Commission, pursuant to Section 143-731 (Exceptions to height regulations in the South Richmond Subdistrict). In the event of a conflict between the provisions of this Section and the provisions of any other Section of this Resolution, the provisions of this Section shall control.

143-38

Court and Open Area Regulations

The open area regulations of this Section, inclusive, shall apply throughout the #Special Natural Resources District#, and the special court regulations shall apply in the South Richmond Subdistrict.

143-381

Open area requirements for residences

Open areas shall be provided between #residential buildings# and each of the following: #designated aquatic resources#, #buffer areas#, #designated open space#, or #habitat preservation area#, in accordance with the requirements of this Section.

- (a) An open area shall be provided adjacent to the rear wall of each #residential building# or #building segment#. For the purposes of this Section, the "rear wall" shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 20 feet when measured perpendicular to each rear wall.
- (b) An open area shall also be provided adjacent to the side walls of each #residential building# or #building segment#. For the purposes of this Section, a "side wall" shall be a wall that does not face a #street# or #private road#, and is not a rear wall. The depth of such open area shall be equal to the depth of each #building# or #building segment#, and the width of such open area shall be at least five feet when measured perpendicular to each side wall.
- (c) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private

road#, one wall of such #building# or #building segment# shall be designated the rear wall, and any remaining walls not facing a #street# or #private road# shall be designated side walls. The open area provisions of this Section shall apply to the areas adjacent to such rear wall and side walls.

Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted within such open areas.

143-382

Court regulations in the South Richmond Subdistrict

[Note: provisions relocated from Section 107-466 and modified]

In the South Richmond Subdistrict, the special court regulations set forth in this Section shall apply.

For any #building# containing #residences# not more than one #story# in height, the area of an #inner court# shall not be less than 225 square feet and the minimum dimension of such #inner court# shall not be less than 15 feet.

For any #building# containing #residences# more than one #story# in height, the area of an #inner court# shall not be less than 400 square feet and the minimum dimension of such #inner court# shall not be less than 20 feet.

No court regulations shall apply to #single-# and #two-family detached residences#.

143-39

Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space

[Note: provisions relocated from Section 107-225 and modified]

In the #Special Natural Resources District# in all #Residence Districts#, except R1-1 Districts, and except #plan review sites# of one acre or more, the special #bulk# regulations of this Section shall apply to any tract of land containing #designated aquatic resources#, #buffer area# or #designated open space#. Such tract of land may contain a single #zoning lot# or two or more #zoning lots# #developed# as a unit in single ownership or control which are contiguous for a distance of at least 10 feet or would be contiguous except for their separation by a #street#.

For all permitted #residential uses# on such tract of land, the total #floor area#, #lot coverage#, #hard surface area# or #dwelling units# generated by that portion of the #zoning lot# containing #designated aquatic resources#, #buffer area# or #designated open space# may be distributed without regard for #zoning lot lines#, provided that, within Resource Adjacent Areas and #areas adjacent to aquatic resources#, the maximum applicable #lot coverage# of 15 percent and #hard surface area# of 45 percent shall not be exceeded.

The provisions of Sections 23-40 (YARD REGULATIONS) and 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), shall not apply. In lieu thereof, the following regulations shall apply:

- (a) #Yards#
  - (1) #front yards# shall have a minimum required depth of 10 feet;
  - (2) #side yards# shall have a minimum required width of four feet;
  - (3) #rear yards# shall have a minimum required depth of 10 feet;
- (b) Minimum distance between #buildings#
  - (1) the minimum distance between #buildings# on the same or #abutting zoning lots# across a common #side lot line# shall not be less than eight feet;
  - (2) the minimum distance between #buildings# on #abutting zoning lots# across a common #rear lot line# shall not be less than 40 feet.

The provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and the provisions of Section 143-381 (Open area requirements for residences) shall apply without modification.

The provisions of Section 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) relating to two #buildings# on a #zoning lot# where one building is a "front building" and another is a "rear building" as described in such Section, shall be modified to require an open area with a minimum width of 20 feet between any "rear building" and the #rear lot line# of an adjoining #zoning lot#. In addition, the provisions of Section 23-891 (In R1 through R5 Districts) shall be modified to require an open area adjacent to the rear wall of each #building# with a depth of at least 20 feet when measured perpendicular to each rear wall.

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Where such tract of land is subject to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), modifications of #bulk# in accordance with this Section shall also comply with the provisions set forth in Sections 143-61 (General Provisions) and shall be subject to all findings and conditions set forth in 143-62 (Authorization for Plan Review Sites).

**143-40  
SPECIAL PARKING REGULATIONS**

Special parking regulations apply in the #Special Natural Resources District#.

**143-41  
Location of Parking Spaces in Lower Density Growth Management Areas**

In R1, R2, R3, R4-1 and R4A Districts, the provisions of Section 25-622 (Location of parking spaces in lower density growth management areas) shall be modified for all #zoning lots# with #buildings# containing #residences# to permit required #accessory# off-street parking spaces to be located on a #zoning lot# between the #street line# and the #street wall# of a #building# or prolongation thereof, provided that such required parking spaces shall not be permitted within a #front yard#, and, where such spaces are not enclosed, shall be at least 18 feet from the #street line#.

**143-42  
Parking Modifications for the Protection of Natural Features**

In the #Special Natural Resources District#, on #qualifying lots#, in order to facilitate the protection of natural features, the following provisions shall apply.

(a) **Location of parking spaces**

Sections 25-621 (Location of parking spaces in certain districts) and 143-41 (Location of Parking Spaces in Lower Density Growth Management Areas) shall not apply. The provisions of Section 25-622 (Location of parking spaces in lower density growth management areas) shall not apply, except that no more than two unenclosed required parking spaces may be located in tandem (one behind the other), and no tandem parking shall be permitted in any #group parking facility# with more than four spaces;

(b) **Driveway and curb cut regulations**

Section 25-632 (Driveway and curb cut regulations in lower density growth management areas) shall apply except as modified as follows:

- (1) where more than one off-street parking space is provided in a #front yard#, paragraph (a) of Section 25-632 shall be inapplicable, and paragraph (b) shall apply to all #zoning lots# of any width;
- (2) paragraph (c) of Section 25-632 shall be inapplicable, such that driveway and curb cut centerlines need not be coincident;
- (3) for #zoning lots# with less than 50 feet of frontage along a #street#, or for #zoning lots# with 50 feet or more of frontage where only one required #accessory# off-street parking space is provided on the #zoning lot#, one required off-street parking space may be permitted #abutting# the #street line# and parallel to the #street#, provided that:
  - (i) no sidewalk exists on the frontage of such lot, and the approved Builder's Pavement Plan has no sidewalks on the frontage of such lot;
  - (ii) the curb cut shall have a maximum width, including splays, of 22 feet;
  - (iii) the curb cut shall provide access to only one off-street parking space with a maximum paved area of 200 square feet; and
  - (iv) no driveway or off-street parking shall be permitted between the #street wall# of the #residence# and such parallel parking space for a distance equal to the depth of the required #front yard#.
- (4) for #zoning lots# with a minimum of 50 feet of frontage along a #street#, two off-street parking spaces may be permitted adjacent to and parallel to the #street#, provided that:
  - (i) no sidewalk exists on the frontage of such lot and the approved Builder's Pavement Plan has no sidewalks on the frontage of such lot;

- (ii) at least one of the two parking spaces is a required off-street parking space;
- (iii) the curb cut shall have a maximum width, including splays, of 42 feet;
- (iv) the curb cut shall provide access to only two off-street parking spaces with a maximum paved area of 400 square feet; and
- (v) no driveway or off-street parking shall be permitted between the #street wall# of the #residence# and such parallel parking space for a distance equal to the depth of the required #front yard#; and

- (c) **Parking spaces within an unimproved portion of a privately owned mapped #street#**  
 #Accessory# off-street parking spaces may be permitted within an unimproved portion of a privately owned mapped #street# provided that:
  - (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
  - (2) the applicant submits a letter to the Department of Buildings from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

**143-43  
Parking Waiver Not Applicable in the South Richmond Subdistrict**

The waiver provisions set forth in Section 36-231 (In districts with high, medium or low parking requirements) shall not apply to any #development# or #enlargement# in the South Richmond Subdistrict.

**143-44  
Access Restrictions Along Arterial Streets in the South Richmond Subdistrict**

In the South Richmond Subdistrict, curb cuts are not permitted along an #arterial street# on #zoning lots# with frontage on a non-#arterial street#. For #zoning lots# with frontage only on an #arterial street#, one curb cut is permitted along such #arterial street#. For purposes of this Section, adjoining #zoning lots# in the same ownership or control on [date of adoption], or on the date of application for a building permit, shall be treated as a single #zoning lot#. However, the access restrictions of this Section shall not apply to #schools#, hospitals and related facilities, police stations or fire stations.

For #zoning lots# with more than 100 feet of frontage on an #arterial street#, where such #zoning lot# has frontage only on a #arterial street#, the Commissioner of Buildings may approve additional curb cuts for access to such #arterial street# where the Commissioner of Transportation submits a letter certifying that such additional curb cut is necessary to avoid adverse effects on the traffic operations and safety of the #arterial#, or that such additional curb cut will not adversely affect traffic operations and safety on the #arterial# including but not limited to either the implementation of a traffic pattern serving right-turn only movements in the location of the additional curb cut, or the implementation of traffic signalization serving the curb cut location, or other reasons acceptable to the Commissioner of Transportation.

For #zoning lots# with more than 100 feet of frontage on an #arterial street#, where such #zoning lot# has frontage on both #arterial# and non-#arterial streets#, the Chairperson of the City Planning Commission may, by certification, approve additional curb cuts for access to such #arterial street# where the Commissioner of Transportation submits a letter certifying that such additional curb cut is necessary to avoid adverse effects on the traffic operations and safety of the #arterial#, or that such additional curb cut will not adversely affect traffic operations and safety on the #arterial# due to either the implementation of a traffic pattern serving right-turn only movements in the location of the additional curb cut, or the implementation of traffic signalization serving the curb cut location, other reasons acceptable to the Commissioner of Transportation and the Chairperson certifies that there are no practicable alternatives providing access only to non-#arterial streets#.

**143-45  
Special Surfacing Regulations**

R1 R2

In the districts indicated, Section 25-65 (Surfacing) shall be modified to allow dustless gravel driveways that access one #single-family residence#, provided that all portions of such driveway located between the curb and the #front lot line# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick.

#### **143-50 SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK**

All tracts of land in the #open space network#, as shown on the District Plan (Map 1 in Appendix D of this Chapter), shall be subject to the open space provisions of this Section, inclusive.

Regulations for #zoning lots# containing #designated open space# are set forth in Section 143-51 (Designated Open Space). Regulations for #zoning lots# containing a portion of the #waterfront esplanade# are set forth in Section 143-52 (Waterfront Esplanade).

The vertical #enlargement# of a #residential use# that does not involve the addition of one or more #dwelling units# and does not create a #site alteration# shall not be subject to the requirements of this Section, inclusive.

#### **143-51 Designated Open Space**

[Note: provisions relocated from Section 107-22 and modified]

#Designated open space# shall be preserved in its natural state except as otherwise specified by the provisions of this Section, inclusive. No removal of trees or alteration of topography shall be allowed within #designated open space# except to accommodate utility easements and as otherwise specified by the provisions of this Section, inclusive. No #accessory# off-street parking facilities shall be located within a #designated open space#.

A certification pursuant to Section 143-511 (Certification for public pedestrian ways) shall be required for #developments#, #enlargements# or #site alterations# on #plan review sites# containing #designated open space#.

Active recreational facilities may be permitted within #designated open space# subject to certification of the Chairperson of the City Planning Commission pursuant to Section 143-512 (Certification for active recreational facilities). Special bulk regulations for #zoning lots# containing #designated open space# are set forth in Section 143-39 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space).

The following obstructions shall be permitted in #designated open space#, provided no trees shall be removed, nor existing topography altered, nor shall pedestrian movement be obstructed within a public pedestrian way:

- (a) unpaved footpaths;
- (b) unpaved sitting areas, not exceeding 100 square feet;
- (c) awnings and other sun control devices, pursuant to Section 23-44 (Permitted Obstructions in Required Rear Yards or Rear Yard Equivalents);
- (d) balconies, unenclosed, subject to the provisions of Section 23-13 (Balconies);
- (e) eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches;
- (f) fences or walls, up to six feet in height;
- (g) exterior wall thickness, pursuant to Section 23-44; and
- (h) solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

#### **143-511 Certification for public pedestrian ways**

[Note: provisions relocated from Section 107-222 and modified]

For #plan review sites#, no excavation or building permit shall be issued for any #development#, #enlargement#, or #site alteration# on a #zoning lot# containing #designated open space#, until the Chairperson of the City Planning Commission certifies to the Department of Buildings that:

- (a) such #designated open space# shall be preserved in its natural state, or modified as permitted by Section 143-512 (Active recreational facilities); and
- (b) where required by the Chairperson, that the applicant shall provide a public pedestrian way through such #designated open space#, in accordance with this Section.

When a public pedestrian way is required, it shall be built and maintained by the owner of the #zoning lot# and shall be accessible to the public at all times. For #developments#, no certificate of occupancy

shall be issued until all required improvements are completed. The location and dimension of such pedestrian way shall be determined by the Chairperson.

The owner of a #zoning lot# containing a public pedestrian way may request that the City of New York acquire an easement on the property for providing public access to such #designated open space#. If the City acquires such an easement, the City's subsequent #use# of such easement or #development# upon such easement shall not be deemed to create a #non-compliance#.

#### **143-512 Certification for active recreational facilities**

[Note: provisions relocated from Section 107-221 and modified]

#Designated open space# may be used for active recreational facilities provided that the Chairperson of the City Planning Commission certifies that such #use#:

- (a) is compatible with the purposes of the #open space network#;
- (b) will have minimal impact on tree removal, topographic alterations or drainage conditions; and
- (c) shall be accessible to the public, or at a minimum to the owners, occupants, employees, customers, residents or visitors of other #uses# on the #zoning lot#. In addition, for #zoning lots# or #plan review sites# with #residential uses# not open to the public, such facilities shall only be permitted in #designated open space# where they serve the residents of four or more #dwelling units#.

Such conditions, as applicable, shall be noted on the Certificate of Occupancy of all #buildings# on the #zoning lot#.

Active recreational facilities may include athletic fields, swimming pools, tennis courts or facilities and equipment normally found in playgrounds, and shall comply with the #use# regulations of the underlying district.

Active recreational facilities shall not be allowed within 60 feet of any #aquatic resource# unless the Chairperson certifies that a location closer to such #aquatic resource# will not adversely affect its natural character or drainage function. The Chairperson, where appropriate, shall be guided by reports from other City or state agencies.

#### **143-52 Waterfront Esplanade**

[Note: provisions relocated from Section 107-23 and modified]

No excavation or building permit shall be issued for any #development#, #enlargement#, or #site alteration# on a #zoning lot# containing a portion of the #waterfront esplanade#, until the Chairperson of the City Planning Commission certifies to the Department of Buildings that:

- (a) the location and design of the #waterfront esplanade# are satisfactory to the Chairperson; and
- (b) such #waterfront esplanade# shall conform to the guidelines and standards established by the Department of City Planning in consultation with the Department of Transportation and the Department of Parks and Recreation.

The #waterfront esplanade# shall be built and maintained by the owner of a #zoning lot# on which the esplanade is shown on Map 1 in Appendix D of this Chapter, except where such #zoning lot# has been #developed# prior to September 11, 1975. Where such #waterfront esplanade# is not accessible to the public, the Chairperson may require the owner of the #zoning lot# to provide public access to such a #waterfront esplanade# from a public right-of-way through the #zoning lot#.

No certificate of occupancy or permit sign-off, as applicable, shall be issued until all required #waterfront esplanade# improvements are completed.

#### **143-53 Boundary Adjustments of Designated Open Space**

In evaluating applications to the City Planning Commission for a zoning text amendment to #Designated Open Space# Maps 1.1 to 1.6 in Appendix D of this Chapter, to modify the boundaries of the #designated open space# shown on such map, the City Planning Commission shall consider establishing the following limitations to the greatest extent practicable:

- (a) that such adjustment will not place the new boundary closer than 60 feet to a watercourse;
- (b) that such adjustment will either:
  - (1) result in a substantial improvement in the quality and usefulness of the #designated open space#; or
  - (2) permit #development# which better satisfies the purposes of this Chapter and that the new features



which will be added to the #designated open space# will be at least equal in quality to those which are displaced from it; and

- (c) that such adjustment will provide an equivalent area replacement for the area removed from the #designated open space#.

**143-60  
SPECIAL REGULATIONS FOR PLAN REVIEW SITES**

The provisions of this Section 143-60, inclusive, shall apply to all #plan review sites# in the #Special Natural Resources District#.

**143-61  
General Provisions**

For #plan review sites#, a #development#, #enlargement#, #site alteration# or #zoning lot# subdivision shall only be permitted by authorization of the City Planning Commission pursuant to Section 143-62 (Authorization for Plan Review Sites), except that such authorization shall not be required for:

- (a) minor #enlargements# or #site alterations# as set forth in Section 143-616 (Minor enlargements or site alterations on plan review sites);
- (b) #site alterations# that are not related to a proposed #development#, #enlargement# or subdivision of a #zoning lot# where such #site alterations#:
  - (1) in any given calendar year, consist of an area of less than 400 square feet and the removal of no more than two trees or 12 #tree credits#, whichever is greater; and
  - (2) are located both in Base Protection Areas and outside of areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning;
- (c) the removal of trees where the following conditions apply:
  - (1) on #plan review sites# in Resource Adjacent Areas, Escarpment Areas and #areas adjacent to aquatic resources#, that are located outside of areas shown on the #Special Natural Resource District# Habitat Map, where such trees to be removed are not located in #designated aquatic resources#, #buffer areas# or #areas of existing slope# of 25 percent or greater and that total less than 12 #tree credits# cumulatively; or
  - (2) on #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, which have received certification to remove trees pursuant to Section 143-67 (Certification to Permit Tree Removal).

The review of all #plan review sites# by the City Planning Commission pursuant to Section 143-62 is required, except as specifically excluded in paragraphs (a) through (c) of this Section.

All #plan review sites# are subject to all provisions of this Chapter except where specifically modified pursuant to the provisions of Section 143-60, inclusive. Additional requirements relating to habitat preservation, planting, open areas, private roads, minor #enlargements#, #site alterations# and site planning applicable to such sites, are set forth in Sections 143-611 through 143-617.

The applicant shall provide an assessment of the significant natural features of the site to the Commission pursuant to the provisions of paragraph (d)(1) of Section 143-62, and, for #plan review sites# with an area one acre or larger located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, the applicant shall provide an assessment of #habitat areas# pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

At the option of an applicant, a long-term development plan may be proposed pursuant to the provisions of Section 143-631 (Establishment of a development plan). Approval of a development plan by the Commission allows for expedited review of future development pursuant to Sections 143-632 (Certification for preliminary plan site) or 143-633 (Renewal authorization for conceptual plan site).

For #plan review sites# that are required to establish #habitat preservation areas# pursuant to Section 143-611 (Habitat preservation area standards), the Commission may modify the applicable standards and boundaries of the #habitat preservation area# pursuant to Sections 143-641 (Modification of habitat preservation area standards) and 143-642 (Special permit for modification of habitat preservation area). At the applicant's request, the #habitat preservation area# may be dedicated for public use, pursuant to Section 143-643, and the Commission may permit modification of #bulk# regulations as if such

land remained within the #plan review site#. In addition, for all sites that are required to establish #habitat preservation areas# or that contain #designated open space#, in order to facilitate the preservation of natural resources and the clustering of development on the site, applications may be made to the Commission for the modification of #use# or #bulk# regulations pursuant to Sections 143-65 (Residential Sites), and 143-66 (Modification of Bulk Regulations for Certain Community Facilities).

Where Section 143-39 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space) is applicable to #plan review sites# of less than one acre, modification of #bulk# regulations shall be as-of-right, provided that the resulting site plan shall be subject to all findings and conditions set forth in Section 143-62. For #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where only tree removal is proposed, an authorization pursuant to Section 143-62 shall not be required if a certification is granted pursuant to Section 143-67.

For #plan review sites# subject to the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), only portions of #zoning lots# landward of the #shoreline# shall be used to calculate the required percentage of #habitat preservation area# and required planting pursuant to Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

For #plan review sites# containing #designated open space#, no #development#, #enlargement# or #site alteration# shall be permitted prior to certification required pursuant to Section 143-511 (Certification for public pedestrian ways).

The provisions of Section 74-74 (Large Scale General Development) and Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) shall not apply.

**143-611  
Habitat preservation area standards**

The provisions of this Section shall apply to #plan review sites# existing on [date of certification] that contain one or more acres located in an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where:

- (a) such #plan review site# contains #habitat area# as determined through a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning; and
- (b) such #habitat area# occupies an uninterrupted continuous area of no less than 10,000 square feet, and no portion of such area measures less than 10 feet in width at any point. For the purposes of determining the width of irregular shapes, any area that cannot wholly contain a circle with a diameter of 10 feet shall be considered less than the required width.

Such #habitat area#, in whole or in part, shall be preserved as #habitat preservation area# pursuant to the provisions of this Section.

The minimum amount of #habitat preservation area# as a percentage of a #plan review site# is set forth in the Table in this Section. For sites that have at least 10,000 square feet of #habitat area#, as determined pursuant to this Section, but less than the minimum required #habitat preservation area# pursuant to the Table in this Section, the portion of the site containing #habitat area# shall not be reduced below the amount existing at the time of application except pursuant to Section 143-641 (Modification of habitat preservation area standards).

Table I of this Section shall apply according to the predominant proposed #use# of the entire #plan review site#. For the purposes of applying the provisions of Section 143-60, inclusive, the greatest proportion of #floor area# allocated to a #use# described in Table I shall be defined as predominantly containing such #use#.

**HABITAT PRESERVATION AREA REQUIREMENTS**

	Predominant proposed #use#			
	#Residential#	#Community Facility#	#Commercial# (but not including Use Group 16)	#Manufacturing# and Use Group 16
#Habitat preservation area# minimum percent of #plan review site#	25 percent	35 percent	25 percent	25 percent

Reduced #habitat preservation area# percent of #plan review site# when amenity is provided.	20 percent: recreation	None	20 percent: public open area	20 percent: buffer and landscaping
---------------------------------------------------------------------------------------------	------------------------	------	------------------------------	------------------------------------

Where a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, determines #designated aquatic resources# to be on such #plan review site#, the #habitat preservation area# shall be the greater of the requirement as set forth in the table, or the size of such #designated aquatic resource# and #buffer areas#, except as otherwise determined by the Commission.

For sites that are partially or wholly within #designated open space#, portions of such #designated open space# that contain #habitat area# may be included in the #habitat preservation area# requirements.

For #plan review sites# required to provide waterfront public access areas pursuant to the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), the minimum #habitat preservation area# shall be reduced to 20 percent and the provisions of Section 143-612 (Amenities allowed in connection with reduced habitat preservation area) shall not apply.

The regulations allowing the reduction of #habitat preservation area# in connection with the provision of amenities are set forth in Section 143-612. Provision of such amenities shall allow the reduction of the required percentage of #habitat preservation area# to an amount no less than the percentage shown in the Table, and subject to the requirements and limitations of Section 143-612.

The #habitat preservation area# shall be shown on a proposed site plan. Such areas established on the site plan shall not be modified except by subsequent application of a special permit pursuant to Section 143-642 (Special permit for modification of habitat preservation area).

#Habitat preservation areas# on a #zoning lot# shall be considered #lot area# for the purposes of the applicable regulations on #floor area ratio#, #open space#, #lot coverage#, #hard surface area#, #lot area# or density, unless otherwise specified by the provisions of this Chapter.

#Habitat preservation areas# not fronting on a #street# shall be delineated from adjacent areas by a boundary marker acceptable to the City Planning Commission.

#Habitat preservation areas# may include the following permitted obstructions:

- (a) Unpaved footpaths
- (b) Unpaved sitting areas, not exceeding 100 square feet
- (c) Light fixtures
- (d) Boundary marker such as a split rail fence used to delineate the boundaries of the #habitat preservation area#

**143-612 Amenities allowed in connection with reduced habitat preservation area**

For #plan review sites# that are either predominantly #residential#, #commercial# or #manufacturing#, the required #habitat preservation area# may be reduced provided that a portion of the site is set aside and improved pursuant to the standards of this Section.

- (a) For #plan review sites# that are predominantly #residential#, for each percent of the #plan review site# set aside for recreational purposes, the required #habitat preservation area# may be reduced by one percent, to no less than 20 percent of the #plan review site#, provided that:
  - (1) the recreational area shall be accessible to the public, or to the owners, occupants, employees, customers, residents or visitors of the #use# to which such space is #accessory#, except that such recreational area may be closed to the public where it serves the residents of four or more #dwelling units#. Such conditions, as applicable, shall be noted on the certificate of occupancy of all #buildings# on the #zoning lot#;
  - (2) the recreational area shall be open to the sky except for #accessory buildings# covering not more than 20 percent of the recreation area, and may include active recreation areas, such as swimming pools, ball fields or courts, or facilities and equipment normally found in playgrounds, or passive areas, such as picnic areas or other sitting

- areas, and shall comply with the #use# regulations of the underlying district;
- (3) the recreational area shall consist of a minimum of 5,000 square feet;
- (4) a minimum of 10,000 square feet of continuous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-61, inclusive;
- (5) the recreational area is adjacent to the remaining #habitat preservation area#; and
- (6) the recreational area is directly accessible from a #street# or #private road#.
- (b) For #plan review sites# that are predominantly #commercial uses#, excluding Use Group 16, where a publicly accessible open space is provided pursuant to the standards of this Section, the required #habitat preservation area# may be reduced to 20 percent of the #plan review site#, provided that such reduction shall not exceed 36,000 square feet, and provided that a minimum of 10,000 square feet of contiguous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-61, inclusive. Such publicly accessible open spaces shall comply with the following standards:
  - (1) The minimum size of such publicly accessible open spaces shall be 2,000 square feet. Each such space shall be able to contain a 30-foot diameter circle. In addition, for #plan review sites# over five acres in size, the minimum total area of all such spaces shall be 4,000 square feet, and for #plan review sites# over 10 acres in size, the minimum total area shall be 6,000 square feet;
  - (2) Such publicly accessible open space shall be:
    - (i) adjacent to a sidewalk located within a #street#, #private road#, or adjacent to another sidewalk located within the site;
    - (ii) within 100 feet of a #primary entrance# to a #building#, excluding #accessory buildings#;
    - (iii) adjacent to the #habitat preservation area# to be protected; or
    - (iv) adjacent to a publicly accessible recreation facility, such as a #public park# or waterfront public access area;
  - (3) Seating
 

One linear foot of seating shall be provided for every 75 square feet of publicly accessible open space. Such seating may be located anywhere within such public access areas and shall comply with the standards of Section 37-741 (Seating). The requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply.
  - (4) Planting
 

Publicly accessible open spaces shall comply with the provisions of Section 37-742 (Planting and trees), except that in lieu of trees of four inch #caliper#, trees of three inch #caliper# shall be provided.
  - (5) Grade
 

The level of the publicly accessible open space shall not be less than two feet below the adjoining grade, nor more than two feet above adjoining grade.
  - (6) Open air cafe
 

Open air cafes, where provided, shall comply with the provisions of paragraph (b) of Section 37-73 (Kiosks and Open Air Cafes), and seating for open air cafes may count toward the seating requirement, provided that 50 percent of the linear seating capacity is provided through other seating types.
  - (7) Lighting
 

All publicly accessible open spaces shall provide lighting in accordance with the following requirements:
 
    - (i) An average maintained level of illumination of not less than one

- horizontal foot candle (lumens per foot) throughout all walkable areas; and
- (ii) a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas.

Such level of illumination shall be maintained from one-half hour before sunset to the closing time of the #commercial use#.

The average illumination to minimum foot candle uniformity ratio shall be no greater than 10:1.

Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak foot candle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with a color temperature range of 3000 K to 4100 K with a minimum color rendering index of 65.

All lenses and globes shall be polycarbonate or equivalent.

All lighting sources that illuminate a publicly accessible open space and are mounted on or located within #buildings# adjacent to the publicly accessible open space shall be shielded from direct view. In addition, all lighting within the publicly accessible open space shall be shielded to minimize any adverse effect on surrounding #buildings# containing #residences# and from #habitat preservation areas#.

- (c) For #plan review sites# that are predominantly #manufacturing uses# or Use Group 16, the required #habitat preservation area# may be reduced to no less than 20 percent of the #plan review site#, provided that an area of land equal to the reduced amount of land area within the #habitat preservation area# is established as landscaped areas or landscaped buffers, and provided that a minimum of 10,000 square feet of contiguous natural area remains protected in a natural state pursuant to the standards of Section 143-61, inclusive. Such landscaped areas or landscaped buffers need not be contiguous with other #habitat preservation areas# on the #plan review site#.

**143-613  
Planting regulations for plan review sites**

The planting requirements set forth in 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement) shall apply as modified by the provisions of this Section.

For the purposes of calculating #tree credits# and #biodiversity points#, #habitat preservation areas# shall be excluded from #lot area# computations.

- (a) **Tree requirement**

For all #plan review sites#, paragraph (b) of Section 143-132 (Determining tree requirements) shall not apply. The remaining provisions of Section 143-132 shall apply as follows:

- (1) For #plan review sites# with a #habitat preservation area#:  
For #plan review sites# where a #habitat preservation area# is required, the provisions of this paragraph shall apply.  
For #plan review sites# that contain a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply.  
For a #plan review site# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# on a #plan review site# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.
- (2) For #plan review sites# without a #habitat preservation area#:  
For #plan review sites# where a #habitat preservation area# is not required, the provisions of this paragraph shall apply.  
  - (i) for a #plan review site# that contains a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply to such #plan review site#;

- (ii) for a #plan review site# in a Escarpment Area, Resource Adjacent Area or #area adjacent to aquatic resources# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.
- (iii) for a #plan review site# in a Base Protection Area that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be one #tree credit# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

- (b) **Biodiversity requirement**

The requirements set forth in Section 143-14, inclusive, shall apply, except as modified by the provisions of this paragraph.

For #plan review sites#, except #plan review sites# containing predominantly #residential uses#, where a #habitat preservation area# is required, such required area may be counted as #biodiversity points# in accordance with this paragraph. For each 2.5 percent of #lot area# that such #habitat preservation area# occupies, one #biodiversity point# may be counted. Percentages of #lot area# in increments less than 2.5 percent shall not be counted. Where such #habitat preservation area# does not fully satisfy the #biodiversity point# requirement set forth in Section 143-141 (Determining biodiversity requirements), or where a #plan review site# has no required #habitat preservation area#, such remaining #biodiversity points# shall be satisfied through the provision of #landscape elements# in accordance with Section 143-14.

**143-614  
Open area and lot coverage requirements for community facilities**

For #plan review sites# containing predominantly #community facility uses#, the provisions of this Section shall apply.

- (a) **Required open areas**

A minimum of 15 percent of the #plan review site# shall be open area. Such open area shall not include #habitat preservation area#, or any required planted area pursuant to the provisions of paragraph (b) of Section 143-613 (Planting regulations for plan review sites). Required open areas may not include #buildings#, parking areas, driveways or #private roads#, paved walkways or other # hard surface areas#. Open areas may include passive recreation areas or active recreation areas, except that active recreation areas that are #hard surface areas# shall not be counted towards the total required open area. However, such active recreation areas surfaced with artificial turf may be included in calculations of required open area, up to a maximum of 10 percent of the #plan review site#.

If, at the time of application, a #plan review site# has less than 15 percent open area, the percentage of the site containing open area shall not be reduced below the amount existing at the time of application.

Open areas provided pursuant to this Section shall be designated on a site plan. Such open areas shall not be modified except by subsequent authorization by the City Planning Commission pursuant to Section 143-62 (Authorization for Plan Review Sites).

However, #plan review sites# containing only the following #community facility uses# shall be exempt from the requirements of this paragraph:

- Ambulatory diagnostic or treatment health care facilities
- Houses of worship
- Non-profit or voluntary hospitals and related facilities, except animal hospitals
- Proprietary hospitals and related facilities, except animal hospitals

- (b) **#Lot coverage#**

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include portions of #buildings# or #accessory buildings# permitted pursuant to Section 24-33 (Permitted Obstructions in

Required Yards or Rear Yard Equivalents). All #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

#Lot coverage# shall be limited to a maximum of 25 percent, except that sites that are in Base Protection Areas and that do not contain #habitat preservation areas# shall have a maximum #lot coverage# of 35 percent.

**143-615**

**Requirements for private roads**

In Escarpment Areas, Resource Adjacent Areas, and #areas adjacent to aquatic resources#, the provisions of this Section shall apply to #private roads# authorized by the City Planning Commission and that provide access to #buildings developed# after [date of adoption]. #Private roads# previously approved by the Commission or constructed as-of-right shall continue to be governed under the regulations applicable at the time of approval. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply, and the provisions of Sections 26-31 through 26-34 shall apply for #private roads# in #lower density growth management areas#. #Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including, but not limited to curbs and curb drops, street lighting, signage, and crosswalks. In addition to the Department of Transportation standards, the design of the #private road shall comply with the following requirements:

- (a) The maximum grade of a #private road# shall not exceed 10 percent;
- (b) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the outer edge of the sidewalk;
- (c) The paved width of a #private road# shall not exceed 34 feet, except the paved width of a #private road# shall not exceed 30 feet in Escarpment Areas where such #private road# provides access to #residences# with less than 20 #dwelling units#, and shall not exceed 30 feet in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (d) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;
- (e) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;
- (f) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;
- (g) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;
- (h) Along the entire length of each side of a #private road#, trees of at least three inch #caliper# shall be provided and maintained at the rate of one tree for every 25 feet of #private road#;
- (i) Section 26-31 (Yards) shall apply, except that the curb of the #private road# shall be considered to be the #street line#; and
- (j) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (c) of this Section.

The Commission may, by authorization pursuant to paragraph (a) of Section 143-62 (Authorization for Plan Review Sites) allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

**143-616**

**Minor enlargements or site alterations on plan review sites**

For #plan review sites# that are one acre or larger in size, the following provisions shall apply:

- (a) Minor #enlargements# of existing #buildings# and minor #site alterations# that meet the size thresholds of this paragraph (a) shall be permitted as-of-right by the Department of Buildings, provided that such #enlargement# or #site alteration# complies with all applicable provisions of this Resolution, including the #plan review site# provisions of Section 143-61, inclusive, and:

- (1) such #enlargement# or #site alteration# is within 15 feet of the exterior of an existing #building#;
- (2) the total #floor area# of all such minor #enlargements# constructed after [date of adoption] on the #plan review site# shall not exceed 5,000 square feet; and
- (3) the total area of all such minor #site alterations# constructed after [date of adoption] on the #plan review site# shall not exceed 10,000 square feet.

- (b) #Enlargements# or #site alterations# that meet the size thresholds of paragraph (a) of this Section are not subject to the provisions of Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

**143-617**

**Site planning requirements**

#Developments# and portions of #buildings# that are #enlarged# and result in an increase in #lot coverage# shall comply with the provisions of this Section. The City Planning Commission may modify the requirements of this Section pursuant to Section 143-62 (Authorization for Plan Review Sites)

- (a) At least 50 percent of the #street walls# of #buildings# containing Use Groups 6 and 10 shall be within 20 feet of the #street line#. The provisions of Section 37-34 (Minimum Transparency Requirements) shall apply to the portion of such #buildings# within 20 feet of the #street line#.
- (b) Loading areas shall not be located between the #street wall# of a #building# and its prolongations and the #street#.

For #zoning lots# with frontage on more than one #street#, the provisions of this Section shall apply along only one frontage.

**143-62**

**Authorization for Plan Review Sites**

For #plan review sites#, the City Planning Commission may authorize a #development#, #enlargement#, #site alteration#, the subdivision of a #zoning lot#, or the construction, widening, or extension of a #private road# pursuant to the conditions and findings of this Section. The Commission may also authorize modifications to certain requirements set forth in Section 143-61 (General Provisions) as provided in paragraph (a) of this Section, and may authorize modifications to the provisions of Article VI, Chapter 2 (SPECIAL REGULATIONS, APPLYING IN THE WATERFRONT AREA) as provided in paragraph (b).

(a) **Modifications**

In order to facilitate the protection of natural features, the Commission may authorize modifications pursuant to the following provisions, provided that such modifications facilitate the goals of the #Special Natural Resources District# and facilitate a proposal that better achieves the findings of paragraph (d) of this Section:

- (1) #Private roads# and driveways  
The Commission may modify the requirements for #private roads# as set forth in Section 143-615 (Requirements for private roads) as well as Section 143-121 (Grading standards) to facilitate appropriate #private roads# or driveways. The Commission may also modify the requirements of Sections 143-42 (Parking Modifications for the Protection of Natural Features), 25-621 (Location of parking spaces in certain districts), 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), 25-631 (Location and width of curb cuts in certain districts) and 25-635 (Maximum driveway grade).
- (2) Parking areas  
The Commission may modify parking lot landscaping and maneuverability requirements, and the cross access requirements of Section 36-59 (Cross Access Connections in the Borough of Staten Island) provided such modifications preserve significant natural features or #habitat preservation areas# or, for existing parking lots, such modifications are proportionate to the enlarged or reconfigured portions of such parking lots.
- (3) Site planning requirements  
The Commission may modify the requirements of Section 143-617 (Site planning requirements), provided that the Commission shall find that the proposed configuration and design of #buildings#, including any associated structures and open areas,

will result in a site plan in which such #buildings# and open areas will relate harmoniously with one another and with #buildings# and open areas on nearby #zoning lots#, the #street# and the surrounding area.

(4) Tree and planting requirements

The Commission may modify the requirements of Sections 143-13 (Tree Regulations), 143-14 (Biodiversity Requirement) and 143-613 (Planting regulations for plan review sites) for #plan review sites# occupied entirely by cemeteries or open industrial #uses#, provided that the Commission shall find that such modification is the minimum necessary to accommodate an existing #use#, and that any expansion of such #use# complies with the requirements of such Sections in relation to the portion of the #plan review site# into which the expansion is proposed.

In addition, for all #uses#, where only a portion of a #plan review site# is affected by a proposed #development#, #enlargement# or #site alteration#, the Commission may modify the requirements of Sections 143-13, 143-14 and 143-613 to apply planting requirements to portions of a #plan review site# in which #development#, #enlargement# or #site alteration# is proposed, provided that such portion is no less than one acre in size.

(5) #Designated aquatic resources# and #buffer areas#

The Commission may modify the provisions of Section 143-16 (Aquatic Resource Protections) and 143-144 (Planting requirements for buffer areas adjacent to designated aquatic resources), provided that, in addition to the findings of paragraph (d), the Commission shall find that the proposed site plan preserves #designated aquatic features# and #buffer areas# to the greatest extent feasible and, where applicable, such modification is consistent with standards and policies of the New York State Department of Environmental Conservation.

(6) Topography and retaining walls

The Commission may modify the provisions of Sections 143-121 (Grading standards) and 143-122 (Retaining wall standards), provided that such modifications are necessary to preserve significant natural features or #habitat preservation area# and that such modifications will not impair the character of the surrounding area.

(b) Modifications for waterfront lots subject to #habitat preservation area# requirements

In order to balance the protection of natural features with waterfront public access requirements, the Commission may modify the following provisions, provided that such modifications facilitate an application that better achieves the findings of paragraph (d) of this Section.

Defined terms in this Section shall include terms as defined in Section 62-11.

(1) #Shore public walkway#

Where the required #habitat preservation area# is located within or adjacent to a #shore public walkway#, the Commission may modify the following provisions:

- (i) Section 62-53 (Requirements for Shore Public Walkways) may be modified so a #shore public walkway# is reduced to any width not less than 15 feet.
- (ii) Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be modified so that a circulation path with a minimum clear width of eight feet shall be permitted.

(2) #Supplemental public access area#

Where the required #habitat preservation area# is located within or adjacent to a #supplemental public access area#, the Commission may modify the following provisions:

- (i) #Habitat preservation areas# may be provided in lieu of the planting requirements of paragraph (c) of Section 62-62.

- (ii) #Habitat preservation areas# may be used to satisfy the location and area requirements of Section 62-57 (Requirements for Supplemental Public Access Areas).

(3) #Upland connection#

#Habitat preservation areas# within or adjacent to an #upland connection# may be provided in lieu of the requirements of Sections 62-56 (Requirements for Upland Connections) and 62-64 (Design Requirements for Upland Connections), provided that:

- (i) for Type 1 #upland connections#, a minimum clear path of five feet to allow public access shall be required within an #upland connection# located within or adjacent to #habitat preservation areas#;
- (ii) for Type 2 #upland connections#, a minimum clear path of five feet to allow public access shall be required on one side of the roadbed with a continuous tree pit four feet in width within an #upland connection# located within or adjacent to #habitat preservation areas#; and
- (iii) at least six linear feet of seating shall be required for every 100 feet of #upland connection#.

(c) Conditions

The following conditions shall apply:

- (1) For #plan review sites# subject to Section 143-611 (Habitat preservation area standards), the Commission shall establish #habitat preservation areas# that satisfy the minimum area required by Section 143-611 or, where the #habitat area# does not cover the minimum required portion of the site, the Commission shall establish #habitat preservation areas# for all of the #habitat area# of the site that meets the dimensional requirements of Section 143-611.  
The applicant shall provide a maintenance plan acceptable to the Commission for such #habitat preservation areas#, establishing maintenance for such areas in perpetuity by the applicant and his or her successors. Such #habitat preservation areas# shall be shown on a site plan and referenced in a Restrictive Declaration. After construction on a #plan review site# has commenced and approved plans are vested, any future changes to the boundaries of the #habitat preservation area# may be permitted only by special permit of the Commission pursuant to Section 143-642 (Special permit for modification of habitat preservation area).
- (2) For #plan review sites# subject to previous approvals by the Commission pursuant to this Section, or pursuant to previous Special District regulations, the applicant shall document successful management and maintenance of #habitat preservation areas# or #areas of no disturbance#, where applicable, or other natural features indicated on the previously approved site plan.
- (3) For #plan review sites# with significant natural features to be preserved pursuant to paragraph (d)(1) of this Section, such areas shall be shown on a site plan as #areas of no disturbance# and referenced in a Notice of Restrictions or a Restrictive Declaration.
- (4) For #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, a Restrictive Declaration shall be executed, setting forth provisions for the construction, maintenance and operation of such #private roads# or other common access. Such declaration shall require that adequate security be provided to ensure that the #private roads# or other common access are properly maintained and operated in accordance with the declaration.
- (5) A Notice of Restrictions or a Restrictive Declaration, approved by the Commission, shall be recorded against the tax lots comprising the

property subject to the provisions of this Section, in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lots are located. Such notice or declaration shall be binding on the owners, successors, and assigns. A certified copy of the recorded notice or declaration shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a precondition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the site. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy.

- (d) In order to authorize the proposed action, the Commission shall find that:
  - (1) the most significant natural features throughout the site have been identified and protected, where feasible, including the following, as applicable:
    - (i) Botanic features such as large specimen trees and rare plant communities;
    - (ii) Topographic and geological features such as steep slopes and rock outcrops;
    - (iii) Aquatic features such as wetlands, streams, and natural drainage patterns;
  - (2) the #habitat preservation area#, where required pursuant to Section 143-611:
    - (i) is of high ecological value, or is proposed to be restored or improved through the removal of #invasive species# or the planting of native species to achieve a high ecological value;
    - (ii) is arranged to minimize edge habitat and maximize core habitat, including, where feasible, connecting to other contiguous or nearby habitat off-site and, if divided into portions, each portion is no less than 10,000 square feet;
    - (iii) where feasible, is located on the site where it is visible to the residents, occupants or visitors to the site, thereby enhancing the site and encouraging the enjoyment and maintenance of the preserved area;
    - (iv) where feasible, is located so that it includes some of the most significant natural features on the site referred to in paragraph (d)(1) of this Section within the boundaries of the #habitat preservation area#;
  - (3) the optional amenity area, where provided pursuant to Section 143-612 (Amenities allowed in connection with reduced habitat preservation area), is well designed and appropriately located;
  - (4) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads# and #accessory# off-street parking and loading areas:
    - (i) is well designed;
    - (ii) minimizes disturbance of significant natural features;
    - (iii) minimizes curb cuts on #arterials# and other major #streets#;
    - (iv) is integrated wherever feasible with the network of surrounding #streets# and #private roads#;
    - (v) where Section 36-59 (Cross Access Connections in the Borough of Staten Island) applies, the site provides cross access connections to the maximum extent feasible both internally among different properties within the #plan review site#, as applicable, and to #abutting zoning lots#;
    - (vi) for #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, such common access

or #private roads# will be suitably maintained; and

- (vii) the proposed #street# or #private road# system is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (5) the subdivision of the site, where applicable, will result in an appropriate layout of #zoning lots# and #blocks#, and the subdivision as a whole meets all of the other findings of this Section; and
- (6) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

For subdivisions resulting only in #single-# and #two-family residences#, the Commission shall establish the location of #lot lines# and, where applicable, the location of #habitat preservation area#, #areas of no disturbance# and #private roads#. For such subdivisions, the Commission may request additional information regarding proposed or feasible #building# locations, driveways, pathways and other #hard surface areas#, and the location of preserved or newly planted trees and #landscape elements#: all of which will be subject to Department of Buildings approval for such features at the time of #development#, #enlargement# or #site alteration# according to the provisions of this Chapter and the Zoning Resolution as a whole.

**143-63  
Development Plan**

**143-631  
Establishment of a development plan**

The City Planning Commission may authorize the establishment of a long-term development plan, which provides for predictable development of a #plan review site# through phased construction over an extended period of time. The plan shall be reviewed pursuant to the conditions and findings of Section 143-62 (Authorization for Plan Review Sites). However, in addition to considering specific proposed #buildings# and other improvements, the Commission shall also consider proposed #developments#, #enlargements# or #site alterations# that would be implemented as part of a phased construction plan. Pursuant to the provisions of this Section, two types of areas may also be shown within the plan: preliminary plan sites and conceptual plan sites.

- (a) Preliminary plan sites shall have an area no larger than 1.5 times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each preliminary plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:
  - (1) proposed #uses#, including proposed #floor area# for each #use#;
  - (2) proposed #lot coverage#, including proposed #building# location and #primary entrance#;
  - (3) proposed #building# height;
  - (4) elevation of proposed #building# facades;
  - (5) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;
  - (6) landscaping, planting and walkways and other paved surfaces related to the proposed #development# or #enlargement#;

Preliminary plan sites shall be indicated on the plan as such, and may later be developed pursuant to the certification in Section 143-632 (Certification for preliminary plan site).
- (b) Conceptual plan sites shall have an area no larger than three times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each conceptual plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:
  - (1) proposed #uses#, including proposed #floor area# for each #use#;
  - (2) proposed #lot coverage#;
  - (3) proposed #building# height;
  - (4) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;

Conceptual plan sites shall be indicated on the plan as such, and may later be developed pursuant to the authorization renewal in Section 143-633 (Renewal authorization for conceptual plan site).

Preliminary plan sites and conceptual plan sites may be developed at any time in the future, including such cases where the boundary of #plan review site# is modified, and conceptual plan sites shall not be subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), except after granted an authorization pursuant to Section 143-633.

Within areas of the #plan review site# not designated as proposed construction, preliminary plan sites or conceptual plan sites, no #development#, #enlargement# or #site alteration# shall be permitted except by subsequent authorization pursuant to this Section, except as provided in Sections 143-616 (Minor enlargements or site alterations on plan review sites) or 143-62.

#### **143-632**

##### **Certification for preliminary plan site**

For #plan review sites# that have received approval from the City Planning Commission pursuant to Section 143-631 (Establishment of a development plan), where such approval included preliminary plan sites within a specified area on the approved site plan, the Chairperson of the City Planning Commission shall certify to the Commissioner of Buildings that:

- (a) the proposed #use# is the same as shown in the high definition plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than in the plans contained in the application materials of the approved development plan;
- (b) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan, the location of the proposed #development# or #enlargement# is no more than 30 feet from the location shown on the plans contained in the application materials of the approved development plan, and the location of the #primary entrance# is similar to as shown in such materials and plan;
- (c) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (d) the elevation of the proposed #development# or #enlargement# is generally the same as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed parking areas, including number of parking spaces, are generally the same or have fewer parking areas than as shown on the plans contained in the application materials of the approved development plan, and proposed driveways, #private roads# and #streets# are generally the same as shown on the plans contained in the application materials of the approved development plan;
- (f) the landscaping, planting, and arrangement of paved walkways and other paved surfaces relating to the proposed #development# or #enlargement# is similar and the amount of landscaped area is not less than as shown in the plans contained in the application materials of the approved development plan; and
- (g) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

#### **143-633**

##### **Renewal authorization for conceptual plan site**

For #plan review sites# that have received approval by the City Planning Commission pursuant to Section 143-631 (Establishment of a development plan), where such approval included designated conceptual plan sites within a specified area on the approved site plan, an authorization renewal must be obtained from the City Planning Commission prior to pursuing the #development#, #enlargement# or #site alteration# within such conceptual plan site, provided that the Commission shall find that:

- (a) the proposed configuration of #buildings#, including any associated structures and open areas, is consistent with the intent of the findings of Section 143-631;
- (b) the proposed #use# is the same or similar to that shown in the plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement#

is no greater than the plans contained in the application materials of the approved development plan;

- (c) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan;
- (d) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads#, #accessory# off-street parking and loading areas, is consistent with the intent of the findings of Section 143-631, minimizes curb cuts on #arterials# and other major #streets#, and is integrated wherever feasible with the network of surrounding #streets# and #private roads#; and
- (f) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may in appropriate cases, condition the authorization renewal upon compliance with an approved landscaping plan.

#### **143-64**

##### **Habitat Preservation Area**

#### **143-641**

##### **Modification of habitat preservation area standards**

The City Planning Commission, may, by authorization, modify the #habitat preservation area# standards of Section 143-611 (Habitat preservation area standards) as set forth in paragraph (a) of this Section, provided that the findings of paragraph (b) of this Section are met.

- (a) Modifications

The Commission may modify the #habitat preservation area# standards of Section 143-611 as follows:

- (1) The Commission may allow areas less than 10,000 square feet of contiguous #habitat area# to be included within the #habitat preservation area#, provided that at least one area within the #plan review site# has at least 10,000 square feet of contiguous #habitat area#, and provided that the total area included within the #habitat preservation area# meets the requirements of Section 143-611.
  - (2) Where the existing percentage of #habitat area# is less than the required #habitat preservation area# pursuant to Section 143-611, or when providing access to a #plan review site# would result in a reduction below such required percentage, the Commission may allow a reduction of the #habitat preservation area# below the required percentage in order to permit vehicular or pedestrian access, or to permit utility access, through such area to a portion of the site that does not include #habitat preservation area#, provided that there is no feasible alternative location for such access, and that an area of equivalent size, in square footage, is planted with native species that support existing adjacent undisturbed plant communities, as identified in the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, and such planted area is designated as a newly created #habitat preservation area# on the site plans.
- (b) In order to grant such authorization, the Commission shall find that the modification:
    - (1) results in a #habitat preservation area# that includes some of the most significant natural features on the site, prioritizing areas of higher ecological value; and
    - (2) is the minimum required to achieve the intended purpose.

#### **143-642**

##### **Special permit for modification of habitat preservation area**

The City Planning Commission, may, by special permit, allow the modification of the boundaries of a #habitat preservation area# previously established by authorization pursuant to Section 143-62 (Authorization for Plan Review Sites). In order to grant such special permit, the Commission shall find that:

- (a) unforeseen physical circumstances relating to the continued use# and maintenance of the site require the modification of the boundaries of the #habitat preservation area#;
- (b) the boundary modification has been mitigated by the establishment of a replacement area of a size equal to the area removed from the #habitat preservation area#, consisting of native plants selected to support existing adjacent undisturbed plant communities as identified in the #Special Natural Resources District# site assessment protocol, found on the website of the Department of City Planning, which replacement area has been included within the #habitat preservation area# on a revised site plan, resulting in a total #habitat preservation area# that is not less than the area previously approved; or, where this mitigation is not feasible; the enhancement of the ecological value and performance of the remaining #habitat preservation area# in a manner that reserves the ecological function of the site within a regional context, including but not limited to planting native plants selected to support existing adjacent undisturbed plant communities or removal of #invasive species#; and
- (c) the boundary modification is the minimum required to achieve the intended purpose.

The Commission may also permit the modification or removal of natural features within a #habitat preservation area# previously established by authorization pursuant to Section 143-62 in order to facilitate a temporary disturbance within the #habitat preservation area# that will subsequently be restored to a natural state. For such modification, only findings (a) and (c) of this Section shall apply.

#### 143-643

##### Natural area dedicated for public use

Where an area containing significant natural features that are determined to have qualities of recreational, cultural or educational value to the public is dedicated to the City or its designee, without any cost to the City, the City Planning Commission may authorize, where appropriate, the dedicated area to be included within the #plan review site# for the purposes of #bulk# computation. The Commission, in order to grant such authorization, shall apply the findings of Section 143-62 (Authorization for Plan Review Sites). In addition, the Commission shall find that such area is directly accessible to the public from a public right-of-way and that such area shall be established for the use and enjoyment of the public.

The City Planning Commission may prescribe additional conditions and safeguards to ensure public access to the site and to minimize any adverse effects of #bulk# redistribution within the site on the surrounding area.

#### 143-65

##### Residential Sites

The provisions of this Section, inclusive, shall apply only to #plan review sites# that:

- (a) are proposed for predominantly #residential use#, as provided in Section 143-611 (Habitat preservation area standards); and
- (b) contain either one, or both, of the following:
- (1) at least 10,000 square feet of #habitat preservation area# on a #plan review site# of one or more acres; or
  - (2) #designated open space#.

In no event shall the number of #dwelling units# permitted by the City Planning Commission pursuant to this Section, inclusive, exceed the number that would be permitted if the entire #plan review site#, including the #habitat preservation area# and #designated open space#, as applicable, were to be developed pursuant to the regulations of this Chapter without modification pursuant to this Section, inclusive. The applicant shall provide a site plan demonstrating the maximum number of #dwelling units# that would be permitted, without the requested modifications, for the purposes of determining compliance with this provision.

#### 143-651

##### Modification of permitted residential building types

The City Planning Commission may authorize, in R2 Districts, #semi-detached single-family residences#, in R3A and R3X Districts, #single-# and #two-family semi-detached residences#, and in R3-1 Districts, #single-# and #two-family attached residences#. The Commission may also modify the provisions of Article II, Chapter 2 to authorize, in R2 Districts, a #two-family detached residence# designed to give the appearance of two #single-family semi-detached residences#, and in R3A and R3X Districts, #buildings# with up to four #dwelling units# designed to give the appearance of two #single- or two-family semi-detached residences#.

In addition, in R3-1 Districts, the Commission may authorize multiple-family #residences#, provided that for such #use# modification, the provisions of Section 143-652 (Modification of bulk regulations for residential sites) shall not apply.

As a condition for granting such authorization, the #aggregate width of street walls# of a #building# containing #residences#, or a number of such #buildings# separated by party walls, shall not exceed 100 feet for each such #building# or #abutting buildings#.

In order to grant such authorization, the Commission shall find that:

- (a) the modifications allow a more compact development pattern, which allows for greater preservation of significant natural features and #habitat preservation area# or #designated open space#, as applicable;
- (b) the change of housing type constitutes the most effective method of concentrating development and preserving the natural features of the site;
- (c) for such concentration of development, standards of privacy and usable open areas can be and are achieved under the proposed site plan that are equal to those found with housing types in the absence of these modifications;
- (d) the existing topography and vegetation, as well as the proposed planting, effectively screen all #attached residences# from the #street line# of the #zoning lot# existing at the time of application, or that such #attached residences# are located more than 100 feet from such #street line#;
- (e) such modification is the least modification required to achieve the purpose for which it is granted; and
- (f) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

#### 143-652

##### Modification of bulk regulations for residential sites

The City Planning Commission may authorize the modification of the following #bulk# regulations in order to allow arrangements of #buildings#, driveways, #private roads# or required parking areas so as to preserve natural features on the site, provided that the findings of paragraph (c) of this Section are met.

- (a) The Commission may modify:
- (1) minimum #lot area# and #lot width# required pursuant to Sections 23-30 (LOT AREA AND LOT WIDTH REGULATIONS) and 143-34 (Minimum Lot Area), except that such modification shall not be permitted within R1-1 Districts, or within R1-2 Districts in the Hillside, Shore Acres, or Riverdale-Fieldston Subdistricts; provided that:
    - (i) in the South Richmond Subdistrict, in R2 and R3 Districts, minimum #lot area# and #lot width# may be modified to permit the underlying minimum #lot area# and #lot width# pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences);
    - (ii) in the Hillside, Shore Acres, or Riverdale-Fieldston Subdistricts, except that, within the Escarpment Area, minimum #lot area# shall not be modified:
      - (a) in R2 Districts, minimum #lot area# may be modified to 3,325 square feet, and minimum #lot width# to 35 feet;
      - (b) in R3-1 and R3-2 Districts, for #detached residences#, minimum #lot area# may be modified to 3,325 square feet, and minimum #lot width# to 35 feet;
      - (c) in R3A Districts, for #semi-detached residences#, minimum #lot area# may be modified to 1,700 square feet, and minimum #lot width# to 18 feet;
      - (d) in R3X Districts, for #semi-detached residences#, minimum #lot area# may be modified to



- 2,375 square feet, and minimum #lot width# to 25 feet;
- (iii) for any individual #zoning lot# this modification shall not be combined with the modification of #front yards# pursuant to paragraph (a)(4) of this Section, or with the modification of height and setback requirements pursuant to paragraph (a)(6), and the modification of #lot area# shall not be combined with the modification of #lot area# pursuant to paragraph (a)(2);
- (2) minimum #lot area# required pursuant to paragraph (c) of Section 23-32 in order to permit #private roads#, encompassing the area of the paved roadbed plus a seven foot wide area adjacent to and along the entire length of the required curbs, to be included, wholly or partially, at the discretion of the Commission, within the area of the #zoning lot# for the purpose of determining minimum #lot area#, provided that for any individual #zoning lot# this modification shall not be combined with the modification of minimum #lot area# pursuant to paragraph (a)(1) of this Section, or with the modification of #front yard# requirements pursuant to paragraph (a)(4);
- (3) minimum #lot area# requirements pursuant to Section 143-342 (Minimum lot area within Escarpment Areas), provided that this modification shall only be applicable to a tract of land of at least four acres and that the Commission shall find that such modification allows for greater preservation of #areas of existing slope# in their natural state, that clusters of #development# are located to the extent feasible in areas of comparatively flat topography and will not require unnecessary grading on adjacent slopes or the creation of new steep slopes, except that such modification shall not be permitted within R1 Districts;
- (4) #yard# regulations in the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, provided that:
  - (i) #rear yard# or #side yard# modifications shall not be authorized on the periphery of the #plan review site# unless acceptable agreements are jointly submitted for development of two or more adjacent properties by the owners thereof, incorporating the proposed #yard# modifications along their common #lot lines#;
  - (ii) #front yards# may be reduced to a minimum of 10 feet, provided that such reductions shall not be combined with #rear yard# or #side yard# reductions, #lot area# or lot width# modifications pursuant to paragraphs (a)(1) and (a)(2) of this Section or height and setback modifications for the same #zoning lot#;
  - (iii) #side yards# may each be reduced to a minimum of four feet, and in addition:
    - (a) a minimum of eight feet shall be required between #buildings#; and
    - (b) #side yard# reductions shall not be combined on the same #zoning lot# with modifications by the Commission to #front yards# or to height and setback provisions; and
  - (iv) #rear yards# may be reduced to a minimum depth of 20 feet, provided that such reductions shall not be combined with #front yard# reductions for the same #zoning lot#;
- (5) #yard# regulations in the South Richmond Subdistrict, in R1-2, R2 and R3 Districts, may be modified to permit #yards# allowed by the underlying district regulations pursuant to Section 23-40 (Yard Regulations), as modified by Section 143-36 (Modified Yard Regulations for the Protection of Natural Features);
- (6) height and setback regulations, provided that:

- (i) such modifications shall not exceed five feet in height within 100 feet of any #street line# on the periphery of the #plan review site#;
- (ii) in addition to the findings in paragraph (c) of this Section, the Commission shall find that by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of natural features will be achieved, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
- (iii) such height and setback modifications shall not be combined on the same #zoning lot# with #lot area# or #lot width# modifications pursuant to paragraph (a)(1) of this Section, or #front# or #side yard# modifications pursuant to paragraph (a)(4);
- (7) #court# regulations;
- (8) required space between #buildings# on the same #zoning lot# pursuant to Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case less than eight feet between #buildings#, where each #building# faces the same #street# or #private road#;
- (9) open areas pursuant to the provisions of Sections 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) and 23-891 (In R1 through R5 Districts); and
- (10) location of parking, driveways or curb cuts regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas), 25-631 (Location and width of curb cuts in certain districts) and 143-42 (Parking Modifications for the Protection of Natural Features).

The following chart summarizes which #bulk# modifications may not be combined with other #bulk# modifications pursuant to the provisions of this paragraph (a).

TABLE OF BULK MODIFICATIONS\*

	Lot Area (para. 1)	Lot Width (para. 1)	Private Road Area (para. 2)	Front Yard (para. 4)	Rear Yard (para. 4)	Side Yard (para. 4)	Height (para. 6)
Lot Area (para. 1)	--		X	X			X
Lot Width (para. 1)		--		X			X
Private Road Area (para. 2)	X		--	X			
Front Yard (para. 4)	X	X	X	--	X	X	X
Rear Yard (para. 4)				X	--		
Side Yard (para. 4)				X		--	X
Height (para. 6)	X	X		X		X	--

\* (X) represents where a specified #bulk# modification shall not be combined with another specified modification

- (b) The Commission may also authorize the total #floor area#, #open space#, #lot coverage#, #hard surface area# or #dwelling units# permitted by the applicable district regulations to be distributed without regard for #zoning lot lines# among all #zoning lots# within a #plan review site#, provided that:

- (1) for portions of the #plan review site# that are within Resource Adjacent Areas or #areas adjacent to aquatic resources#, the #lot coverage# shall not exceed 15 percent, and the #hard surface area# shall not exceed 45 percent;
- (2) the maximum permitted #lot coverage# and #hard surface area# for each individual #zoning lot# shall not exceed:
  - (i) in R1 Districts, 35 percent and 70 percent respectively;
  - (ii) in R2 and R3 Districts, 45 percent and 75 percent respectively; and
  - (iii) in R1, R2 and R3 Districts, for individual #zoning lots# where disturbance of #area of existing slope# within such #zoning lot# results in a maximum #lot coverage# of 20 percent or less and a corresponding maximum #hard surface area# of 50 percent or less pursuant to the provisions of Sections 143-32 (Lot Coverage) and 143-33 (Hard Surface Area), the distribution of #lot coverage# and #hard surface area# within the #plan review site# shall not exceed the more restrictive standard within such #zoning lot#.

(c) Findings

In order to grant such modifications, the Commission shall find that:

- (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of significant natural features and #habitat preservation area# or #designated open space#, as applicable;
- (2) for such concentration of development, standards of privacy and usable open areas are achieved under the proposed site plan that are equal to that found with housing developments absent these modifications;
- (3) the siting of #buildings# will not adversely affect adjacent properties or #residences# within the #plan review site# by impairing privacy or access of light and air;
- (4) such modification is the least modification required to achieve the purpose for which it is granted;
- (5) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-66  
Modification of Bulk Regulations for Certain Community Facilities**

The provisions of this Section shall be applicable to #plan review sites# proposed for predominantly #community facility use#.

- (a) For such sites, the City Planning Commission may authorize the distribution of #floor area#, #hard surface area# and #lot coverage# permitted by the applicable regulations for all #zoning lots# within the #plan review site# to be distributed without regard for #zoning lot lines#. In addition, the Commission may authorize:
  - (1) modification of the maximum #lot coverage# provided by Section 143-614 (Open area and lot coverage requirements for community facilities);
  - (2) modification of the minimum open area required pursuant to Section 143-614; and
  - (3) where applicable, modification of the minimum #habitat preservation area# required from 35 percent to a minimum of 25 percent.
- (b) In order to grant such authorization, the Commission shall find that:
  - (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of natural features;

- (2) the siting of #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air;
- (3) such modification is the least modification required to achieve the purpose for which it is granted; and
- (4) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-67  
Certification to Permit Tree Removal**

For #plan review sites# located within an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where no #development#, #enlargement# or modification of the location of #hard surface area# is proposed, the Chairperson of the City Planning Commission may permit the removal of trees of six inch #caliper# or greater and may waive the requirement to apply for an authorization pursuant to Section 143-62 (Authorization for Plan Review Sites), provided that the Chairperson shall certify that all trees that are of six inch #caliper# or greater that are proposed to be removed are located in an area that would not qualify as a #habitat area# and are not located within a #designated aquatic resource# or applicable #buffer area# including, but not limited to, the following examples:

- (a) the tree is located in an area such as a parking lot, surrounded by #hard surface area#; or
- (b) the tree is located in an area surrounded by maintained lawn.

The Chairperson may request reports from an #environmental professional# in considering such waiver.

All provisions of Section 143-13 (Tree Regulations) shall apply to such #plan review site#.

**143-70  
CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE SOUTH RICHMOND SUBDISTRICT**

**143-71  
Public schools in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-121 and modified]

In the South Richmond Subdistrict, for any #development# or #enlargement# containing new #dwelling units#, the Department of Buildings shall be in receipt of a certification from the Chairperson of the City Planning Commission which certifies that sufficient #school# capacity exists to accommodate the anticipated primary and intermediate public school children of the new #dwelling units#. All applications for certification pursuant to this Section shall be referred by the Chairperson to the School Construction Authority.

- (a) The School Construction Authority shall issue a report concerning the availability of #school# capacity within 60 days after receipt of the application. The Chairperson of the Commission shall respond within 90 days after receipt of the application. The report shall specify the following:
  - (1) whether #school# space is available;
  - (2) if #school# space is not available, the report shall include:
    - (i) the number of seats required;
    - (ii) the grade organization;
    - (iii) the proposed location of the #school#;
    - (iv) size of the proposed #school# (square feet per pupil); and
    - (v) the proposed financing mechanism.
- (b) For the purposes of this Section, sufficient #school# capacity shall be deemed to exist if:
  - (1) such capacity is available in existing #schools#; or
  - (2) construction funds have been authorized in the Capital Budget to accommodate anticipated primary and intermediate public school children from the proposed new #dwelling units# upon their completion or within three years from the date of the Chairperson's certification; or
  - (3) sufficient #school# space is to be provided by the applicant under a plan jointly approved by the Chairperson and the School Construction Authority.

- (c) After approval by the Chairperson and School Construction Authority of the applicant's plan to provide the #school building#, the certification may be granted either upon approval of a financial agreement by the City Council or such guarantee of construction with provision for future #school# occupancy as may be accepted by the School Construction Authority and the Chairperson.
- (d) However, the Chairperson may grant such certification if capacity is not currently available and the School Construction Authority, after consulting with the Department of Education, determines that the impact from the proposed new construction will have a minimal effect on the #schools# concerned and includes such statement in its report.
- (e) A certification by the Chairperson that sufficient capacity will be available in the public #schools#, as set forth in the above circumstances, shall automatically lapse if substantial construction of the foundations of the #development# or #enlargement# in accordance with approved plans has not been completed within one year from the date of such certification.
- (f) No certification concerning the availability of #school# capacity shall be required for any #development# or #enlargement# located:
  - (1) within a predominantly built up area; or
  - (2) on a #zoning lot# which was owned separately and individually from all other adjoining #zoning lots# existing prior to January 2, 1975, and is proposed to be #developed# with one #single-# or #two-family detached residence#.

For the purposes of this Section, a "predominantly built up area" is a #block# having a maximum of four acres which is #developed# with #buildings# on #zoning lots# comprising 75 percent or more of the area of the #block#. All such #buildings# shall have a certificate of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit.

**143-72**  
**Authorizations Applicable Within the South Richmond Subdistrict**

The authorizations in this Section, inclusive, shall apply to certain #zoning lots# pursuant to the provisions of Sections 143-211 (Affordable independent residences for seniors in Subarea SH) and 143-212 (Special use regulations in Subarea M). Where such #zoning lots# are also #plan review sites#, review and approval pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES) shall also be required.

**143-721**  
**Affordable independent residences for seniors in Subarea SH**

[Note: provisions relocated from Section 107-672 and modified]

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# in Subarea SH, as shown on Map 3 in Appendix D to this Chapter, provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

In order to grant such authorization, the Commission shall find that:

- (a) such #developments# are part of a superior site plan;
- (b) such #residences# are compatible with the character of the surrounding area; and
- (c) the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

**143-722**  
**Residential uses in Subarea M**

[Note: provisions relocated from Section 107-49 and modified]

Within Subarea M, as shown on Map 3 in Appendix D to this Chapter, the following provisions shall apply.

- (a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500 square feet, or in any case where there would be a #site alteration#, for the following:
  - (1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or

- (2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.
- (b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District regulations;
- (c) In authorizing new #residential uses# and #residential enlargements#, the Commission shall find that:
  - (1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;
  - (2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
  - (3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and
  - (4) the authorization shall not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**143-73**  
**Special Permits Applicable Within the South Richmond Subdistrict**

The City Planning Commission may grant special permits for modifications of specified regulations of this Chapter in accordance with the provisions of this Section, inclusive. For any #zoning lots# receiving such special permit that is also a #plan review site#, review and approval pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES) shall also be required.

**143-731**  
**Exceptions to height regulations in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-73 and modified]

For any #development#, the City Planning Commission may grant a special permit to modify the height regulations as set forth in Section 23-631, paragraphs (b), (c) and (d) and Section 143-371 (Height and setback in the South Richmond Subdistrict), provided that the Commission finds that:

- (a) such #development# is so located as not to impair the essential character of the surrounding area;
- (b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography, #designated open space# or the protection of an outstanding view from a public space will be assured, and that such preservation would not be possible by the careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
- (c) that the #development's# design proposals take full advantage of all special characteristics of the site.

\* \* \*

**APPENDIX B**  
**INDEX OF SPECIAL PURPOSE DISTRICTS**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
* * *	* * *	* * *	* * *	* * *	* * *
Harlem River Waterfront District (HRW)	87-00	6a	090302 ZRX	5/20/09	6/30/09
Hillsides Preservation District (HS)	119-00	21a-21b-21c-21d	870002 ZRR	6/3/87	6/30/87
Hudson River Park (HRP)	99-00	12a	160308 ZRM	10/17/16	12/15/16

***	***	***	***	***	***
Mixed Use District-17 (MX-17) Hunts Point, The Bronx	123-00	6c	1801222 ZRX	2/14/18	3/22/18
Natural Area District-1 (NA-1)	105-00	21b-26a-26b 26c-26d-27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)	105-00	1a-1b-1c-1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272-ZRY-	11/9/77	12/1/77
Fort Totten Natural Area District-4 (NA-4) Substantially modified	105-00	7d 11c	821255 ZRQ 190430 ZRY	3/23/83 [substantially modified date of adoption]	4/28/83 [substantially modified date of adoption]
Natural Resources District (NR)	143-00	TK TK	TK TK	[date of CPC adoption]	[date of CC adoption]
Ocean Parkway District (OP)	113-00	5d 6b 8c 9a	23284	12/22/76	1/20/77
***	***	***	***	***	***
Sheepshead Bay District (SB)	94-00	29a	22171	9/5/73	10/4/74
South-Richmond-Development District (SRD)	107-00	26b-26d-27b 32c-32d-33a 33b-33c-33d 34a-35a-35c	22972	7/23/75	9/11/75
Southern Hunters Point District (SHP)	125-00	8d	080363 ZRQ	9/24/08	11/13/08
***	***	***	***	***	***
<b>SPECIAL DISTRICT (SYMBOL) SECTION</b>	<b>SECTION NUMBER</b>	<b>ZONING MAP(S)</b>	<b>CP/ULURP NUMBER*</b>	<b>CPC ADOPTION</b>	<b>BOE/ COUNCIL ADOPTION</b>
***	***	***	***	***	***
Harlem River Waterfront District (HRW)	87-00	6a	090302 ZRX	5/20/09	6/30/09
Hillsides-Preservation District (HS)	119-00	21a-21b-21c-21d	870002 ZRR	6/3/87	6/30/87
Hudson River Park (HRP)	99-00	12a	160308 ZRM	10/17/16	12/15/16
***	***	***	***	***	***
Mixed Use District-17 (MX-17) Hunts Point, The Bronx	123-00	6c	1801222 ZRX	2/14/18	3/22/18
Natural Area District-1 (NA-1)	105-00	21b-26a-26b 26c-26d-27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)	105-00	1a-1b-1c-1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272-ZRY-	11/9/77	12/1/77
Fort Totten Natural Area District-4 (NA-4) Substantially modified	105-00	7d 11c	821255 ZRQ 190430 ZRY	3/23/83 [substantially modified date of adoption]	4/28/83 [substantially modified date of adoption]
Natural Resources District (NR)	143-00	TK TK	TK TK	[date of CPC adoption]	[date of CC adoption]

Ocean Parkway District (OP)	113-00	5d 6b 8c 9a	23284	12/22/76	1/20/77
***	***	***	***	***	***
Sheepshead Bay District (SB)	94-00	29a	22171	9/5/73	10/4/74
South-Richmond-Development District (SRD)	107-00	26b-26d-27b 32c-32d-33a 33b-33c-33d 34a-35a-35c	22972	7/23/75	9/11/75
Southern Hunters Point District (SHP)	125-00	8d	080363 ZRQ	9/24/08	11/13/08
***	***	***	***	***	***

\*\*\*

APPENDIX B

INDEX OF SPECIAL PURPOSE DISTRICTS - ELIMINATED OR REPLACED

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
***	***	***	***	***	***
Greenwich Street Development District (G)	86-00	12b	21418	1/6/71	1/14/71
Eliminated & replaced by Lower Manhattan District					
Hillsides-Preservation District (HS)	119-00	21a-21b-21c-21d	870002 ZRR	6/3/87	6/30/87
Eliminated and replaced by Special Natural Resources District					
Hunters Point Mixed Use District (HP)	117-00	8d 9b	810538 ZRQ	10/26/81	12/3/81
Eliminated and replaced by Long Island City Mixed Use District					
***	***	***	***	***	***
Mixed Use District-3 (MX-3)	123-00	12c	990001 ZRX	2/17/99	3/30/99
Eliminated and replaced by West Chelsea District					
Natural Area District-1 (NA-1)	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74
Eliminated and replaced by Special Natural Resources District					
Natural Area District-2 (NA-2)	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
Eliminated and replaced by Special Natural Resources District					

Natural Area District-3 (NA-3) <u>Eliminated and replaced by Special Natural Resources District</u>	105-00	21d	770272 ZRY	11/9/77	12/1/77
New York City Convention and Exhibition Center Development District (CC) Eliminated 2/22/90, 900053 ZRM	93-00	8a 8c	22264	3/29/73	5/24/73
***	***	***	***	***	***
Park District (P) Deleted by court order, 4/24/78	91-00	8d	22128(A)	11/8/72	12/7/72
South Richmond Development District (SRD) <u>Eliminated and replaced by Special Natural Resources District</u>	107-00	26b 26d 27b 32c 32d 33a 33b 33c 33d 34a 35a 35c	22972	7/23/75	9/11/75
South Street Seaport District (S) Eliminated & replaced by Lower Manhattan District	88-00	12b	21975	5/31/72	7/20/72
***	***	***	***	***	***

**BRONX SPECIAL NATURAL AREA DISTRICT UPDATE  
No. 3**

**CITY WIDE** **N 190430(A) ZRY**  
**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special Natural Resources District (Article XIV, Chapter 3), and modifying related provisions, including regulations related to Article X, Chapter 5 (Special Natural Areas District).

\* \* \*

Matter underlined is new, to be added;  
 Matter ~~struck out~~ is to be deleted;  
 Matter within # # is defined in Section 12-10 or 143-01;  
 \* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 1  
Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

**11-12  
Establishment of Districts**

\* \* \*

**11-122  
Districts Established**

\* \* \*

Special Purpose Districts

\* \* \*

Establishment of the Special Natural Area District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Natural Area District# is hereby established.

Establishment of the Special Natural Resources District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 3, the #Special Natural Resources District# is hereby established.

Establishment of the Special Ocean Parkway District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 3, the #Special Ocean Parkway District# is hereby established.

\* \* \*

**12-10  
DEFINITIONS**

\* \* \*

Special Natural Area District

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply. The #Special Natural Area District# includes any district whose designation begins with the letters "NA".

Special Natural Resources District

The "Special Natural Resources District" is a Special Purpose District designated by the letters "NR" in which special regulations set forth in Article XIV, Chapter 3, apply.

Special Ocean Parkway District

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply.

\* \* \*

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

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

\* \* \*

**23-00  
APPLICABILITY AND GENERAL PURPOSES**

\* \* \*

**23-03  
Street Tree Planting in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

\* \* \*

- #Special Long Island City Mixed Use District#;
- #Special Natural Resources District#;
- #Special Ocean Parkway District#;

\* \* \*

**23-04  
Planting Strips in Residence Districts**

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraph (b) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

\* \* \*

- #Special Hillside Preservation District#;
- #Special Natural Resources District#;
- #Special Ocean Parkway District#;

\* \* \*

**Chapter 6  
Special Urban Design Regulations**

\* \* \*

**26-20  
SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH  
PRIVATE ROADS**

\* \* \*

**26-26  
Modification and Waiver Provisions**

\* \* \*

No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet, except as permitted in the #Special Natural Resources District# pursuant to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive.

\* \* \*

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 5  
Special Natural Area District**

\* \* \*

**105-42  
Authorizations to Alter Natural Features**

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

\* \* \*

- (d) alteration of aquatic features, pursuant to Section 105-426 in NA-1, NA-2 and NA-3 Districts.

The Commission may prescribe appropriate additional conditions and safeguards to protect the character of the #Special Natural Area District#.

**105-94  
Special Natural Area Districts Specified**

\* \* \*

**105-942  
Special Natural Area District-2:  
Riverdale, Spuyten Duyvil and Fieldston, The Bronx**

The Riverdale Ridge of The Bronx is composed of part of Riverdale, Spuyten Duyvil and Fieldston. This ridge contains steep slopes, rock outcrops, ponds, brooks, swampy areas and mature trees.

The western foot of the ridge contains marshes, feeding areas for water fowl. The shore line of the Hudson River estuary contains the aquatic food web necessary to sustain marine life.

The marshes and most of the Hudson River shore line are included in Riverdale Park. Much of the Riverdale Ridge and Riverdale Park are in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

**105-943-105-942  
Special Natural Area District-3:  
Shore Acres Area of Staten Island**

\* \* \*

**105-944-105-943  
Special Fort Totten Natural Area District-4**

\* \* \*

**ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 3  
Special Natural Resources District**

**CONTENTS**

**143-00 GENERAL PURPOSES**

- 143-01 Definitions
- 143-02 General Provisions
  - 143-021 Zoning lots subject to different zoning requirements
  - 143-022 Applications to the City Planning Commission prior to [date of adoption]
  - 143-023 Permits issued prior to [date of adoption]
- 143-03 District Plan and Maps
- 143-04 Ecological Areas
- 143-05 Application Requirements

**143-10 NATURAL RESOURCES**

- 143-11 Natural Resource Protection Requirements
  - 143-111 Controls during construction
  - 143-112 Invasive species
- 143-12 Modifications of Certain Natural Features
  - 143-121 Grading standards
  - 143-122 Retaining wall standards
  - 143-123 Rock outcrops and erratic boulders
- 143-13 Tree Regulations
  - 143-131 Tree credits
  - 143-132 Determining tree requirements
  - 143-133 Planting standards for tree credits
  - 143-134 Tree preservation requirement
- 143-14 Biodiversity Requirement
  - 143-141 Determining biodiversity requirements
  - 143-142 Landscape elements
  - 143-143 Planting standards for landscape elements
  - 143-144 Planting requirements for buffer area adjacent to designated aquatic resources
- 143-15 Aquatic Resource Protections
  - 143-151 Permitted encroachment area
  - 143-152 Location of permitted encroachment

**143-20 SPECIAL BULK REGULATIONS**

- 143-21 Lot Coverage
- 143-22 Hard Surface Area
- 143-23 Minimum Lot Area for Zoning Lots Containing Designated Aquatic Resources
- 143-24 Special Yard Regulations for the Protection of Natural Features
  - 143-241 Permitted obstructions in yards
  - 143-242 Front yard reductions
  - 143-243 Rear yard reductions
  - 143-244 Measurement of yards in unimproved streets
- 143-25 Height and Setback Regulations
  - 143-251 Modified height and setback for the protection of natural features
  - 143-252 Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources
- 143-26 Open Area Regulations for Residences
- 143-27 Special Bulk Regulations for Lots Containing Designated Aquatic Resources

**143-30 SPECIAL PARKING REGULATIONS**

- 143-31 Parking Modifications for the Protection of Natural Features
- 143-32 Special Surfacing Regulations

**143-40 SPECIAL REGULATIONS FOR PLAN REVIEW SITES**

- 143-41 General Provisions
  - 143-411 Habitat preservation area standards
  - 143-412 Amenities allowed in connection with reduced habitat preservation area
  - 143-413 Planting regulations for plan review sites
  - 143-414 Open area and lot coverage requirements for community facilities
  - 143-415 Requirements for private roads
  - 143-416 Minor enlargements or site alterations on plan review sites
  - 143-417 Site planning requirements
- 143-42 Authorization for Plan Review Sites
- 143-43 Development Plan
  - 143-431 Establishment of a development plan
  - 143-432 Certification for preliminary plan site
  - 143-433 Authorization for conceptual plan site
- 143-44 Habitat Preservation Area
  - 143-441 Modification of habitat preservation area standards
  - 143-442 Special permit for modification of habitat preservation area
  - 143-443 Natural area dedicated for public use
- 143-45 Residential Sites
  - 143-451 Modification of permitted residential building types
  - 143-452 Modification of bulk regulations for residential sites
- 143-46 Modification of Bulk Regulations for Certain Community Facilities
- 143-47 Certification to Permit Tree Removal

**143-00  
GENERAL PURPOSES**

The "Special Natural Resources District" (hereinafter also referred to as the "Special 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, to:

- (a) guide development in order to preserve, maintain and enhance aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;
- (b) protect and enhance ecological communities existing within parklands through planting regulations and limits on the extent of paved areas and other unvegetated areas that are based on the proximity of properties to such natural areas;
- (c) preserve land having qualities of recreational or educational value to the public;
- (d) reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (e) preserve natural features having unique aesthetic value to the public;
- (f) promote and preserve the character of the neighborhoods within the district;
- (g) provide clear standards balancing ecology and development for small properties;
- (h) ensure a basic standard of ecological protection for larger properties identified as containing significant natural features, while also ensuring a predictable development outcome; and
- (i) promote the most desirable use of land, guiding future development in accordance with a well-considered plan, and to conserve the value of land and buildings and thereby protect the City's tax revenues.

**143-01**  
**Definitions**

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS). Maps referenced in this Section (Definitions) are located in Appendix A and B of this Chapter.

Area adjacent to aquatic resources

An "area adjacent to aquatic resources" is an area of land within 100 feet of #designated aquatic resource#, except that land separated from a #designated aquatic resource# by a #street# which is open and in use by the general public, or is separated by a #private road#, shall be exempt from this definition. In addition, for a #designated aquatic resource# that is not regulated by the New York State Department of Environmental Conservation, only land within 100 feet of such #designated aquatic resource# that is within a #plan review site# that is one acre in size or greater shall be included in this definition.

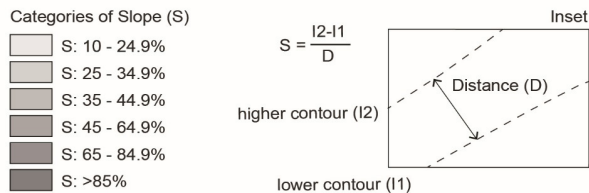
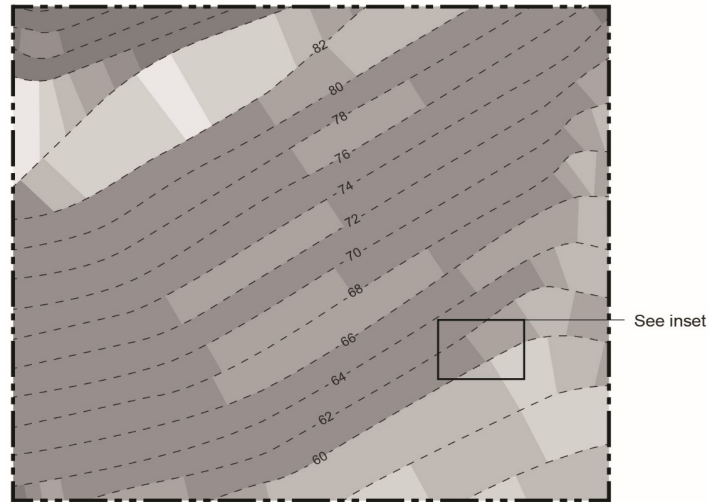
Area of existing slope

An "area of existing slope" is an area of land with a slope, as measured at the time of application, categorized as follows (S): 10 through 24.9 percent; 25 through 34.9 percent; 35 through 44.9 percent; 45 through 64.9 percent; 65 through 84.9 percent; and 85 percent or greater. Such slope category percentages shall be established in plan view based on contour intervals (I) of two feet or less by considering the distance (D) between two contour lines.

$$S = \frac{I^2 - I^1}{D}$$

Such slopes may be verified using contours on 2017 New York City LiDAR (Light Detection and Ranging) data or a survey conducted less than two years before the date of the application, or as or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable.

Slopes of less than 10 percent shall be excluded from an #area of existing slope#. #Areas of existing slope# are used for the purposes of determining the maximum #lot coverage# and #hard surface area# on certain #zoning lots# as set forth in Sections 143-21 (Maximum Lot Coverage) and 143-22 (Hard Surface Area) of this Chapter.



AREA OF EXISTING SLOPE

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that must be protected from any type of disturbance, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, or construction of #hard surface areas#. #Areas of no disturbance# shall include:

- (a) #rock outcrops# except as provided in Section 143-123 (Rock outcrops and erratic boulders);
- (b) the #critical root zone# of each tree proposed for preservation, except as provided in Section 143-133 (Planting standards for tree credits);
- (c) all vegetation proposed to be preserved as #landscape elements# pursuant to Section 143-143 (Planting standards for landscape elements)
- (d) #designated aquatic resources# and #buffer areas# except as modified pursuant to Section 143-15 (Aquatic Resource Protections); and
- (e) for #plan review sites#, any area of trees, slopes, or other natural feature deemed significant and feasible to preserve by the City Planning Commission.

Biodiversity point

A "biodiversity point" is a value given to a #landscape element# for the purposes of determining compliance with minimum areas of vegetation required, as set forth in Section 143-14 (Biodiversity Requirement).

Buffer area

A "buffer area" is an area within 60 feet of a #designated aquatic resource# regulated by the New York State Department of Environmental Conservation. For #plan review sites# of one acre or more, a #buffer area# also includes areas within 30 feet of all other #designated aquatic resources#; such 30-foot #buffer area# shall only be applicable within such #plan review sites#.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

Designated aquatic resources

A "designated aquatic resource" is a freshwater wetland regulated by the New York State Department of Environmental Conservation and, within #plan review sites# with an area of one acre or more, a

#designated aquatic resource# also includes other freshwater wetland or water features including, but not limited to, streams, intermittent streams, vernal pools, ponds and lakes identified by the Department of City Planning as serving an ecological function.

The delineation of #designated aquatic resources# regulated by the New York State Department of Environmental Conservation shall be determined by such agency. All other #designated aquatic resources# shall be delineated by an #environmental professional# using the standards specified by the Department of City Planning and subject to review and approval by the Department.

#### Environmental professional

An "environmental professional" is an individual who has expert knowledge of the natural environment and is capable of performing a site assessment pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning. #Environmental professionals# shall be limited to:

American Society for Horticultural Science (A.S.H.S.)  
 Certified Professional Horticulturist  
 Ecological Societies of America (E.S.A.) Certified Ecologist  
 New York Botanical Garden Certified Urban Naturalist  
 Registered Landscape Architect  
 Society for Ecological Restoration (S.E.R.) Certified Ecological  
 Restoration Professional Society of Wetland Scientists  
 (S.W.S.) Professional Wetland Scientist  
 Wildlife Society Certified Wildlife Biologist

#### Erratic boulder

An #erratic boulder# is a solid mass of rock deposited during glacial retreat that is above natural grade, and measures more than six feet in any dimension.

#### Ground layer

The "ground layer" is the layer of vegetation closest to the ground, with a height of up to three feet, and is composed of non-woody herbaceous plants including, but not limited to, ferns, flowering plants and grasses.

#### Habitat area

A "habitat area" is an area that includes forests, wetlands, grasslands, shrublands or other natural cover that provides shelter, resources and opportunities for reproduction for wildlife. #Habitat area# includes #designated aquatic resources#. Zones of potential #habitat area# are shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning. For #plan review sites# that are over one acre in size and are located within such zones shown on the map, #habitat area# shall be identified pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

#### Habitat preservation area

A "habitat preservation area" is an area identified as #habitat area# to be preserved in perpetuity pursuant to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

#### Hard surface area

"Hard surface areas" are areas that include, but are not limited to, driveways, #private roads#, walkways, patios, decks, swimming pools, retaining walls, any other paved surfaces, and any areas that, when viewed directly from above, would be covered by a #building# or any part of a #building#. #Hard surface areas# do not include #rock outcrops# or other such naturally occurring surfaces.

#### Invasive species

"Invasive species" or "invasive" plants are species that are listed in the New York State Invasive Plant list, at 6 NYCRR 575.3 and 575.4, or as amended. Species categorized as regulated or as prohibited by 6 NYCRR 575.3 and 575.4 may not be planted or counted as preserved vegetation within the #Special Natural Resources District#.

In addition, plants listed as Problematic Species in the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation pursuant to Local Law 11 of 2013) shall be #invasive species#. Plants listed therein may not be planted or counted as preserved vegetation within the #Special Natural Resources District#.

#### Landscape element

A "landscape element" is an arrangement of #ground layer# or #shrub layer# vegetation intended to provide ecosystem services, including, but not limited to, wildlife habitat, food for wildlife, soil erosion protection, pollination, stormwater infiltration, or the facilitation of plant, water, nutrient or soil cycles. #Landscape elements# are described and assigned a #biodiversity point# value in Section 143-142 (Landscape elements).

#### Plan review site

A "plan review site" shall include any site existing on [date of certification], or on the date of application for a permit from the Department of Buildings, that:

- (a) contains one or more acres, where there is a proposed #development#, #enlargement#, #site alteration# or subdivision of such #zoning lot# into two or more #zoning lots#;
- (b) contains a subdivision that results in four or more #zoning lots#, which did not exist on [date of certification];
- (c) is located in a Resource Adjacent Area or an #area adjacent to aquatic resources# and is proposed to contain the following, which did not exist on [date of certification]:
  - (1) four or more #buildings#, not including #accessory buildings#; or
  - (2) eight or more #dwelling units#.
- (d) is in a Historic District or contains a Historic Landmark designated by the Landmarks Preservation Commission and, in either case, is proposed to contain a #development# or is proposed to be subdivided into two or more #zoning lots#; or
- (e) includes the proposed construction, widening or extension of a #private road#.

The area of a #plan review site# shall include all contiguous tracts of land under single fee ownership or control, including #abutting zoning lots# under the same ownership or control, and with respect to which each party having any interest therein is a party in interest, and such tract of land is declared to be treated as one #plan review site# for the purposes of this Chapter. However, such #abutting zoning lots# that are contiguous for less than 10 linear feet shall not be considered part of a single #plan review site#. In addition, at the option of an applicant, tracts of land which would be contiguous except for their separation by a #street# may be considered by the Commission to be part of a single #plan review site#.

Any #plan review site# for which an application is made, in accordance with the provisions of this Chapter for an authorization, special permit or modification thereto shall be on a tract of land that at the time of application is under the control of the applicants as the owners or holders of a written option to purchase. No authorization, special permit or modification to such #plan review site# shall be granted unless the applicants acquired actual ownership (single fee ownership or alternate ownership arrangements according to the definition of #zoning lot# in Section 12-10 for all #zoning lots# comprising the #plan review site#) of, or executed a binding sales contract for, all of the property comprising such tract. However, a tract of land which is the subject of an application for an authorization or special permit under the provisions of this Chapter may include adjacent property, provided that the application is filed jointly by the owners, or holders of a written option to purchase, of all properties involved.

The provisions of Section 143-40, (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive, shall apply to any #plan review site#.

#### Qualifying lot

A "qualifying lot" is a #zoning lot# where the maximum permitted #lot coverage# has been limited to 20 percent or less, and where special provisions protecting natural features apply.

#### Rock outcrop

A "rock outcrop" is the portion of a bedrock formation that appears above natural grade and measures more than three feet in any horizontal dimension.

#### Root zone, critical

The "critical root zone" of a tree is the area containing the roots of a tree that must be considered and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of two radial feet, measured from the center of the tree trunk. The #critical root zone# encompasses and extends beyond the #structural root zone#.

#### Root zone, structural

The "structural root zone" of a tree is the area around the base of the tree that must be fully protected from compaction or excavation to ensure its survival. The area of the #structural root zone# is measured as five radial inches for every #caliper# inch of the tree, with a required minimum of two radial feet, measured from the center of the tree trunk.

#### Shrub layer

The "shrub layer" is the layer of vegetation above the #ground layer# and below the tree canopy, and is composed of woody plants that



typically have multiple stems at or near the base and have a mature height range from three feet to 15 feet.

#### Site alteration

A "site alteration" is an alteration of any tract of land, including an alteration in unimproved portions of privately owned mapped #streets#, that consists of newly constructed or relocated #hard surface area#, removal of trees with a #caliper# of six inches or more, modification of #designated aquatic resources#, modification of #rock outcrops#, relocation or modification of #erratic boulders# or change in the ground elevation of land that is greater than two feet of cut or fill.

The use of heavy machinery for excavation or similar purpose shall be considered a #site alteration# except that soil borings or test pits shall not be considered a #site alteration# where #areas of no disturbance# are protected pursuant to the provisions of Section 143-11 (Controls During Construction).

#### Target species

A "target species" is a species listed under 'trees' in the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation pursuant to Local Law 11 of 2013). Any trees not listed under such guide, and not #invasive species#, shall be considered non-#target# species.

#### Tree credit

A "tree credit" is a value given to a tree for the purposes of calculating its relative value pursuant to vegetation requirements. #Tree credits# are based on the #caliper# or age of a tree and whether or not the tree is a #target species#. #Tree credits# are described in Sections 143-13 (Tree Regulations) and 143-131 (Tree credits) of this Chapter.

#### Tree protection plan

A "tree protection plan" is a plan for preserved trees provided in accordance with Section 143-133 (Planting standards for tree credits). #Tree protection plans# shall be prepared by a registered landscape architect or a certified arborist (Registered Consulting Arborist, as certified by the American Society of Consulting Arborists (A.S.C.A.), or Certified Arborist/Certified Master Arborist as certified by the International Society of Arboriculture (I.S.A.), and shall include:

- (j) relevant portions of the proposed site plan and locations of #areas of no disturbance#;
- (k) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (l) where construction staging is proposed to be located within a #critical root zone#, or where heavy machinery is proposed to pass through a #critical root zone#; soil compaction is mitigated by the installation of root protection measures and pneumatic decompaction with appropriate soil amendments;
- (m) specification that all excavation within the #critical root zone# shall be done by hand or by pneumatic excavation, and shall be monitored on site by a certified arborist;
- (n) a drawing specifying the #structural root zone# of the preserved tree. No excavation or other disturbance shall be permitted within the #structural root zone#, except to permit the planting of new #ground layer# vegetation in containers no larger than one-quarter gallon in size;
- (o) clearance pruning and root pruning as necessary, which shall be done only under the supervision of a certified arborist;
- (p) a schedule for site monitoring during construction;
- (q) a procedure to communicate protection measures to contractors and workers; and
- (r) post-construction treatment.

### 143-02

#### General Provisions

The provisions of this Chapter shall apply within the #Special Natural Resources District#. 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. 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.

A #development#, #enlargement#, #site alteration# or subdivision of either a #zoning lot# or a #plan review site# shall require a certification from the Chairperson of the City Planning Commission or an authorization from the City Planning Commission, where required pursuant to Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

### 143-021

#### Zoning lots subject to different zoning requirements

Whenever a portion of a #zoning lot# is located partially within the #Special Natural Resources District# and partially outside of such Special District, it shall be regulated in its entirety by the provisions of this Chapter, except that any subdivision of such portion located outside of such Special District shall not be subject to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

Whenever a #zoning lot# is located in two Ecological Areas described in Section 143-04 (Ecological Areas), it shall be regulated by the provisions of this Section.

The provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply to #zoning lots# divided by zoning district boundaries between two underlying zoning districts with different #use#, #bulk# or parking regulations. Where the provisions of this Section are in conflict with the provisions of Article VII, Chapter 7, the provisions of this Section shall control.

Except as otherwise provided in this Section or Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), each portion of a #zoning lot# or #plan review site# shall be regulated by the provisions applicable to the Ecological Area in which such portion is located.

The requirements of Section 143-14 (Biodiversity Requirement) shall apply as follows: #biodiversity point# requirements for the entire #zoning lot# shall be the weighted average achieved by multiplying the percentage of the #zoning lot# in which different requirements apply based on the #biodiversity points# required, and totaling the sum of such products. Such requirements may be satisfied by plants meeting the applicable provisions anywhere on the #zoning lot#.

#Floor area# may be distributed on a single #zoning lot# without regard to boundaries between Resource Adjacent Areas and Base Protection Areas.

#Lot coverage# shall be calculated separately for each portion of the #zoning lot#. However, an adjusted average shall be calculated pursuant to the provisions of Section 77-24 (Lot Coverage) for the purposes of determining the applicability of regulations relating to #qualifying lots#.

The provisions of Section 143-24 (Special Yard Regulations for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided any portion of the #zoning lot# is within a Resource Adjacent Area or an #area adjacent to aquatic resources#.

The regulations of Section 143-251 (Modified height and setback for the protection of natural features) shall apply only to those portions of a #zoning lot# located within Resource Adjacent Areas or within an #area adjacent to aquatic resources#, except if the #zoning lot# is a #qualifying lot#, in which case the entire #zoning lot# shall be subject to the regulations of Section 143-251.

The provisions of Section 143-31 (Parking Modifications for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided that 50 percent or more of the #lot area# is located within a Resource Adjacent Area or an #area adjacent to aquatic resources#.

### 143-022

#### Applications to the City Planning Commission prior to [date of adoption]

- (a) Applications for authorization or special permit referred, certified or granted prior to [date of adoption]
  - (1) Applications for authorization or special permit which were referred out or certified as complete prior to [date of adoption] may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified, and the City Planning Commission may grant or deny such application in accordance with the regulations in effect on the date that such application was certified or referred out for public review.
  - (2) Applications for authorization or special permit granted by the Commission prior to [date of adoption] may be continued, in accordance with the terms thereof or as such terms may be subsequently modified, pursuant to the regulations in effect on the date that such authorization or special permit was granted.

Continuance of such application shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

- (b) Applications for certification filed prior to [date of certification]

Any application for a certification of future subdivision, or certification that no authorization is required, which was filed by an applicant prior to [date of certification] may be continued pursuant to the terms of such certification, and the Commission may grant or deny such application in accordance with the regulations in effect at the time such application was filed.

#### **143-023**

##### **Permits issued prior to [date of adoption]**

For "other construction" as specified in Section 11-332 (Extension of period to complete construction), such construction having permits issued prior to [date of adoption] may be continued under regulations existing at the time of issuance of such permits, provided that such construction is completed prior to [three years from date of adoption].

#### **143-03**

##### **District Plan and Maps**

The regulations of this Chapter implement the #Special Natural Resources District# Plan.

The District Plan includes the following maps in the Appendices to this Chapter:

Appendix A. Special Natural Resources District

Appendix B. Resource Adjacent Areas

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

#### **143-04**

##### **Ecological Areas**

In order to carry out the purposes and provisions of this Chapter, two Ecological Areas are established within the #Special Natural Resources District#. In these Ecological Areas, certain special regulations apply that do not apply in the rest of the #Special Natural Resources District#. The Ecological Areas consist of:

- (a) Resource Adjacent Areas are designated on those portions of land within 100 feet of and adjacent to #habitat areas# on public lands. Resource Adjacent Area boundaries are shown along the boundaries of public lands on the map in Appendix B of this Chapter. Resource Adjacent Areas shall be measured perpendicular to the Resource Adjacent Area boundaries shown on such maps.
- (b) Base Protection Areas are all other areas within the #Special Natural Resources District# that do not fall within Resource Adjacent Areas. Base Protection Areas do not include #areas adjacent to aquatic resources#.

#### **143-05**

##### **Application Requirements**

An application to the Department of Buildings for any #development# or #enlargement# shall include the materials set forth in paragraphs (a) or (b) of this Section, as applicable, in addition to any materials otherwise required by the Department of Buildings. An application to the Department of Buildings for any #site alteration# shall include the materials set forth in paragraph (c). An application to the Chairperson of the City Planning Commission for certification, or to the Commission for authorization or special permit, shall include the application materials set forth in paragraph (d) of this Section.

Surveys submitted to the Department of Buildings or the Commission shall be prepared by a licensed surveyor. Site plans shall be prepared by a registered architect or professional engineer. Drainage plans and soil reports shall be prepared by a professional engineer.

Landscape plans, including those that satisfy the requirements set forth in paragraph (a)(6) of this Section, may be prepared and submitted to the Department of Buildings by a registered architect or registered landscape architect. However, such plans submitted to the Commission shall be prepared by a registered landscape architect.

- (a) Applications for #developments#, #enlargements# that increase #lot coverage# by 400 square feet or more, or #enlargements# that result in an increase in #floor area# of 20 percent or greater that increase the #lot coverage# by any amount, shall include the following materials:
- (1) A site context map that shows the location of the #zoning lot#, zoning district boundaries, boundaries between Resource Adjacent Areas and Base Protection Areas, #designated aquatic resources#, and #areas adjacent to aquatic resources#, #buffer areas#, as applicable, within 100 feet of the #zoning lot#.

- (2) A survey, dated no more than two years from the date of application, or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable, that establishes existing conditions related to topography at two-foot contours, the location of trees that are of six inch #caliper# or greater, #rock outcrops# and #erratic boulders#, #designated aquatic resources#, #buffer areas#, #buildings or other structures# and all other #hard surface areas#.
- (3) A compliance report that compares the survey described in paragraph (a)(2) of this Section with the most recent plans approved by the City Planning Commission or the Department of Buildings, as applicable.
- (4) Photographs, representing current conditions at the time of the application, showing the location and condition of trees proposed to be preserved and any #rock outcrops# or #erratic boulders# within or adjacent to the subject area within which construction or disturbance is proposed.
- (5) A set of architectural drawings, including:
- (i) a site plan representing changes in topography at two-foot contours, when applicable, location of new #buildings or other structures# or #enlargements#, and modified locations of #hard surface areas#, with detailed zoning calculations as per Section 143-20 (SPECIAL BULK REGULATIONS); and
- (ii) plans, elevations and section drawings detailing all new and modified #buildings or other structures# and #hard surface areas#;
- (6) A set of landscape drawings for the entire #zoning lot# or subject area with a key plan showing:
- (i) the location and details of newly proposed or modified #hard surface areas#;
- (ii) the location, #critical root zone#, #caliper# and species of all trees, newly planted or preserved, to be counted as #tree credits# with tree schedule pursuant to Section 143-13 (Tree Requirement), inclusive;
- (iii) the location of all newly planted vegetation to be counted as part of a #landscape element# for #biodiversity points#, or otherwise required pursuant to Section 143-14 (Biodiversity Requirement), inclusive;
- (iv) the boundaries and square footage of all existing vegetation to be preserved and counted as part of a #landscape element# for #biodiversity points# or otherwise required pursuant to Section 143-14, inclusive;
- (v) for sites with #areas of existing slope#, a grading plan, showing all existing and proposed contours at two-foot intervals, all categories of slope affected by areas of encroachment, pursuant to Section 143-21 (Lot Coverage), critical spot elevations, and at least one longitudinal and one latitudinal cross-section located within areas of modified topography at the greatest areas of topographical change, showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;
- (vi) where applicable, #designated aquatic resources# and #buffer areas# pursuant to Section 143-15 (Aquatic resource protections);
- (7) a drainage plan and soil report, as applicable, showing direction of water flow over land, and locations of stormwater collection or infiltration; and
- (8) A set of construction plans detailing erosion controls, #area of no disturbance#, location of temporary fence, staging area, trenching for utilities and foundations, areas used by construction equipment and other provisions

pursuant to Section 143-11 (Controls During Construction).

- (b) Applications for #enlargements# that result in an increase of #lot coverage# of less than 400 square feet and that result in an increase in #floor area# of less than 20 percent shall include materials described in paragraphs (a)(1), (a)(5), (a)(6)(i) and (a)(6)(ii) of this Section. Applications for #enlargements# that do not result in an increase in #lot coverage# shall include materials described in paragraphs (a)(1) and (a)(5) of this Section.
- (c) Applications for #site alterations# that modify the location or size of #hard surface area# totaling:
- (1) an area 400 square feet or greater, or that remove more than 12 #tree credits#, shall include the materials set forth in paragraphs (a)(1), (a)(2), (a)(4) and (a)(6) of this Section, as applicable; or
  - (2) an area of less than 400 square feet shall include the materials set forth in paragraphs (a)(6)(i) and (a)(6)(ii) of this Section.
- (d) In addition to materials required pursuant to Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), all applications to the Commission:
- (1) shall include the materials set forth in paragraph (a) of this Section;
  - (2) shall include an area map and an aerial photograph illustrating the #plan review site# and any #habitat area# located on public lands that is partially or wholly within 600 feet of such #zoning lot#;
  - (3) for any subdivision, #zoning lot# merger or other change to #lot lines#, the site plan shall include the proposed layout of individual #zoning lots# and all proposed improvements thereupon, except as specifically exempted for subdivisions resulting only in #single-# and #two-family residences#, in addition to all the other requirements of this Section;
  - (4) may also be required by the Commission to include:
    - (i) a schedule for carrying out the proposed construction;
    - (ii) a maintenance plan for any common areas, including #private roads# and any #habitat preservation areas# to be commonly held; and
    - (iii) any other information necessary to evaluate the request.

The Chairperson of the City Planning Commission may modify one or more requirements set forth in paragraph (d) of this Section, when such modification is requested by the applicant in writing and when the Chairperson determines that the requirements are unnecessary for evaluation purposes.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a wetland permit from the New York State Department of Environmental Conservation is required for a #development#, #enlargement# or #site alteration#, a copy of an approved wetland delineation shall be submitted.

#### **143-10 NATURAL RESOURCES**

The provisions of this Section, inclusive, apply to all tracts of land, including #site alterations# in unimproved portions of privately owned mapped #streets#.

For #plan review sites# subject to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), the regulations relating to tree and biodiversity requirements set forth in Sections 143-13 and 143-14, inclusive, shall be modified in accordance with the provisions of Section 143-413 (Planting regulations for plan review sites).

No permanent certificate of occupancy or final sign-off, as applicable, shall be issued by the Department of Buildings unless an inspection report is filed with the Department of Buildings, stating that the planting requirements of the following provisions, as applicable, have been satisfied based on a field inspection:

Section 143-13 (Tree Requirement)  
Section 143-14 (Biodiversity Requirement)

For #zoning lots# with #developments# or #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that involve an increase in #lot coverage#, the certificate of occupancy shall specify that the #zoning lot# is subject to the provisions of Sections 143-13 and 143-14.

#### **143-11 Natural Resource Protection Requirements**

##### **143-111 Controls during construction**

[Note: provisions relocated from Sections 105-36 and modified]

The provisions of this Section shall apply to all tracts of land with proposed #development#, #enlargement# or #site alteration#, except that a #site alteration# consisting only of the removal of trees totaling 12 #tree credits# or fewer shall not be required to comply with the provisions of this Section.

The following requirements shall be met during construction and clearly identified on the construction plan as set forth in Section 143-05 (Application Requirements):

- (a) Equipment access roads, loading and unloading areas, concrete washout locations, fueling locations, utility trenching locations with soil stockpiling and staging areas;
- (b) The staging area shall be as close to the construction area as practical, or within the nearest #hard surface area# of sufficient size for such purpose;
- (c) Deep mulch blankets or other methods to avoid soil compaction shall be provided in all locations used for equipment access, staging or storage, except where such uses are located on # hard surface areas#;
- (d) Construction fences shall be erected so as to be located between all areas of construction activity and all #areas of no disturbance#;
- (e) Excavating for the purpose of producing fill shall be prohibited; and
- (f) Any exposed earth area, other than areas excavated for #buildings#, shall have straw, jute matting or geotextiles placed on it and be seeded with annual rye grass within two days of exposure. All areas downhill of areas of disturbance shall have temporary structural measures for erosion and sediment controls in accordance with New York State Standards and Specifications for Erosion and Sediment Control.

A compliance report, verifying that the requirements of this Section have been met, shall be maintained on site and shall be available for review by the Department of Buildings. Such compliance report shall be based on a review of the property during each calendar week that heavy construction equipment is present on site.

##### **143-112 Invasive species**

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land in the #Special Natural Resources District# and in no case shall any existing #invasive species# be counted towards fulfillment of the requirements of Section 143-13 (Tree Regulations), inclusive, or be included as preserved vegetation within a #landscape element# or counted as #biodiversity points# pursuant to Section 143-14 (Biodiversity Requirement), inclusive.

##### **143-12 Modifications of Certain Natural Features**

##### **143-121 Grading standards**

[Note: provisions relocated from Sections 105-34 and modified]

The following grading requirements shall apply to all tracts of land with #areas of existing slope#:

- (a) cut slopes shall be no steeper than one horizontal to one vertical, and subsurface drainage shall be provided as necessary for stability;
- (b) fill slopes shall be no steeper than three horizontal to one vertical; and
- (c) tops and toes of cut slope or fill slopes shall be set back from #lot lines# and #buildings# or other structures# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.

**143-122**  
**Retaining wall standards**

For the purposes of applying the provisions of this Section, retaining walls shall not include walls that are part of a #building#.

(a) **Maximum height**

Within 10 feet of a #street line#, individual retaining walls shall not exceed an average height of four feet, as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of six feet.

Beyond 10 feet of a #street line#, retaining walls shall not exceed an average height of six feet as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of eight feet.

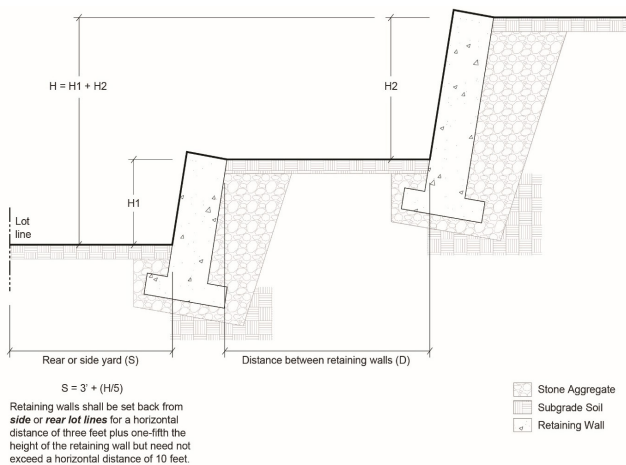
(b) **Minimum distance between retaining walls**

Where the aggregate height of any two adjacent retaining walls exceeds a height of three feet, as measured in elevation, a minimum average distance shall be provided between such retaining walls, in accordance with the following:

Aggregate height of any two walls (in feet)	Minimum average distance between walls (in feet)
3-5	3
5-10	5
10 or more	10

(c) **Minimum distance between retaining walls and #side# or #rear lot lines#**

Retaining walls shall be set back from #side# or #rear lot lines# for a horizontal distance of three feet plus one-fifth the height of the retaining wall but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.



RETAINING WALL STANDARDS

(d) **Planting requirements**

Where the aggregate height of any two retaining walls exceeds a height of 10 feet, as measured in elevation, and such retaining walls are located within 10 feet of each other, planting shall be provided between such walls consisting of at least 75 percent of the linear footage of such retaining walls, through any combination of perennials, annuals, decorative grasses or shrubs. The height of planted material shall be at least three feet at the time of planting.

**143-123**  
**Rock outcrops and erratic boulders**

The provisions of this Section shall apply in all #Residence Districts#. To the greatest extent possible, #rock outcrops# and #erratic boulders# shall be maintained in their existing state and location, and shall be disturbed only as set forth in this Section.

Disturbance of more than 400 square feet of #rock outcrop# area, measured both in plan and in elevation, shall not be permitted within a single #zoning lot#, except that an application may be made to the City Planning Commission for an authorization to permit disturbance in excess of 400 square feet. Such application shall be subject to the conditions and findings of Section 143-42 (Authorization for Plan Review Sites).

- (a) No #rock outcrop# shall be removed or disturbed in any way within a #front yard#, except as set forth in paragraph (c).
- (b) Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within 50 feet of the #front lot line# in R1 Districts, or within 30 feet of the #front lot line# in all other Residence Districts, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation.
- (c) Nothing in paragraphs (a) or (b) shall preclude the construction of a single driveway no more than 10 feet in width and a single walkway or staircase no more than five feet in width in the area between the #street wall# and its extensions and the #street line#. For driveways providing access to more than one dwelling unit, the maximum width shall be 20 feet, or where the driveways are separated by a distance of 60 feet, two driveways with a maximum width of 10 feet each.
- (d) No #rock outcrop# shall be removed or disturbed in any way within a #rear yard#, except as set forth in this paragraph (d). Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within a #rear yard#, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation. Elevation view shall be based on the view of the #rear yard# from the #rear yard line#.
- (e) No #erratic boulder# shall be removed or destroyed in any way, except that they may be relocated from their existing location to anywhere within 50 feet of the #front lot line# in an R1 District or within 30 feet of the #front lot line# in all other Districts.

**143-13**  
**Tree Regulations**

All #developments# and #enlargements# that involve an increase in #lot coverage#, and #site alterations# shall comply with the tree requirements set forth in this Section, inclusive.

Trees with #tree credits# or trees that are of six inch #caliper# or greater may only be removed in compliance with the provisions of this Section, inclusive. However, for the removal of unsafe trees determined by the Department of Buildings or the Department of Parks and Recreation to constitute a hazardous condition, and for trees that are destroyed by natural causes, compliance with the provisions of this Section and Section 143-14 (Biodiversity Requirement), as applicable, shall be required only after one year has passed since such event.

Trees required under previous Special District regulations shall be maintained in good health except as provided in this Section, inclusive.

Trees that are required pursuant to other Sections of this Resolution and that meet the standards of this Section, inclusive, may be used towards fulfillment of the requirements of Section 143-131, except that street trees required pursuant to Section 23-03 (Street Tree Planting in Residence Districts) shall not be counted towards the fulfillment of such requirements.

**143-131**  
**Tree credits**

In order to satisfy the tree requirements set forth in Section 143-132 (Determining tree requirements), trees shall be assigned #tree credits# in accordance with this Section. Such trees shall be newly planted or preserved in accordance with the provisions set forth in Section 143-133 (Planting standards for tree credits).

INDIVIDUAL TREE CREDIT VALUES

Individual Tree Designation	Description	#Tree Credits#: #Target species#	#Tree Credits#: Non-#target species#
Old tree	A preserved tree of 50 inch #caliper# or greater, or at least 144 years of age*	36	18

Mature tree	A preserved tree of 34 inch #caliper# or greater, or at least 98 years of age*	18	12
Large tree	A preserved tree of 22 inch #caliper# or greater, or at least 62 years of age*	6	4
Medium tree	A preserved tree of 14 inch #caliper# or greater, or at least 38 years of age*	4	3
Standard tree	A preserved tree of six inch #caliper# or greater, or at least 24 years of age*	3	2
Young tree	A newly planted tree of two inch #caliper# or greater	2	1
Sapling	A newly planted tree of between one and two inch #caliper#	1	n/a

\* In cases where #tree credits# are determined by the age of a tree, such determination shall be made by a professional arborist. Age may be determined by a core sample, and may be extrapolated to other trees of the same species and similar size on the same #zoning lot#.

Where there is a cluster of four or more trees, of which at least one tree is within 15 feet of three other trees measured on center, and such cluster consists of preserved trees that are six inch #caliper# or greater, or newly planted trees that are one inch #caliper# or greater, for each tree comprising the tree cluster, #tree credits# shall be 1.5 times the #tree credit# value of each preserved #target# tree or 1.25 times the #tree credit# value of each preserved non-#target# tree or newly planted tree.

For the purposes of applying the provisions of this Section, trees classified as "newly planted" may retain such classification provided they appear on an approved site plan after [date of adoption] filed with the Department of Buildings, remain in good health and continue to comply with the standards set forth in Section 143-133 (Planting standards for tree credits), until such trees meet the requirements to be classified as a standard tree.

**143-132 Determining tree requirements**

In order to satisfy the tree requirements set forth in this Section, trees shall be assigned #tree credits# in accordance with Section 143-131 (Tree credits).

(a) #Zoning lots# containing #residential uses# in #Residence Districts#

#Tree credits# shall be determined as follows for #zoning lots# in #Residence Districts# that contain #residential use#:

- (1) the minimum number of #tree credits# on a #zoning lot# shall be three #tree credits# per 750 square feet of #lot area# in R1 and R2 Districts, or two #tree credits# per 750 square feet of #lot area# in R4 and R6 Districts;
- (2) the minimum number of trees that are one inch #caliper# or greater shall be one tree per 1,000 square feet of #lot area#; and
- (3) for #zoning lots# with a #lot width# greater than 40 feet, the total number of #tree credits# located in the area between all #street walls# of a #building# and their prolongations and the #street line# shall be greater than or equal to the #lot width# divided by 10 and rounded to the nearest whole number, except that such #tree credits# need not exceed 16.

(b) All other #zoning lots#

For #zoning lots# in #Residence Districts# without #residential uses#, the minimum number of #tree credits# on a #zoning lot# shall be:

- (1) 1.5 per 750 square feet of #lot area#; and
- (2) the minimum number of trees that are one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

(c) Trees within unimproved portions of mapped #streets#

For the purposes of this Section, trees located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-13 (Tree Regulations), where:

- (1) the unimproved portion of the privately owned mapped #street# is not required for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for a #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

Where #tree credits# or numbers of trees required for a #zoning lot# result in a fraction, the requirements of Section 143-13 (Tree Regulations), inclusive, shall be satisfied by providing a whole number of #tree credits# or trees in excess of such fractional amount.

**143-133 Planting standards for tree credits**

#Tree credits# shall only be assigned to trees planted or preserved in accordance with the provisions set forth in this Section. #Invasive species# are prohibited from being planted on a #zoning lot# or tract of land and in no case shall they be counted towards fulfillment of the requirements of Section 143-132 (Determining tree requirements).

(a) Newly planted trees

Newly planted trees shall be eligible for #tree credits# provided that each tree shall be no smaller than the applicable #caliper# specified in the table in Section 143-131 (Tree credits), and shall be planted no closer to nearby trees than:

- (2) five feet between saplings; or
- (3) 7 feet, 6 inches between young trees, saplings and preserved trees.

Such distances shall be measured on center. If two trees of different size designations are planted next to each other, the greater distance shall control.

In addition, newly planted trees shall have no #hard surface area# within their #critical root zone#.

(b) Preserved trees

#Tree credits# shall only be assigned to preserved trees, provided no area shall be disturbed within their #structural root zones#, and provided no more than 10 percent of the #critical root zone# is disturbed by any combination of the following:

- (1) proposed #hard surface area#; or
- (2) modifications to topography, including any excavation or fill, except for newly planted vegetation within a container that is sized one quarter-gallon or smaller.

However, preserved trees with more than 10 percent and no more than 30 percent of their #critical root zones# disturbed by proposed #hard surface area#, topographic modification, construction staging, use of heavy machinery or newly planted vegetation within a container that is more than one quarter-gallon, as set forth in this paragraph may be counted towards the assigned #tree credit# value set forth in Section 143-131 (Tree credits) only if such trees have a #tree protection plan#.

For the purposes of this paragraph (b), a deck or porch that is elevated above natural grade shall not be considered as disturbance within a #critical root zone# or #structural root zone#, except for the area of excavation required for the structural support of such #hard surface area#.

Removal of #hard surface area# from the #critical root zone# of a tree, when conducted pursuant to a #tree protection plan# shall not be considered disturbance.

For the purposes of assigning #tree credits#, preserved trees that are less than six inches in #caliper# may be treated as a newly planted "young tree" or "sapling," as applicable, for #zoning lots# where the total #tree credit# of all trees existing prior to any proposed #development#, #enlargement# or #site alteration# is less than the amount required pursuant to Section 143-132 (Determining tree requirements). A survey of existing site conditions showing the location of all existing trees that are six inches in #caliper# or greater shall be provided.

**143-134  
Tree preservation requirement**

In all #Residence Districts#, removal of live trees that are six inch #caliper# or greater, where the trunks of such trees are located within 15 feet of a #rear lot line#, shall be permitted only under the following circumstances:

- (a) where such trees are located in areas to be occupied by #buildings#, or within a distance of eight feet of an existing or proposed #building#, provided that it is not possible to avoid such removal by adjustments in the location of such #buildings#;
- (b) for #zoning lots# no greater than 3,800 square feet of #lot area#, where such trees are located in areas to be occupied by swimming pools, or within a distance of eight feet of an existing or proposed swimming pool, provided that it is not possible to avoid such removal by adjustments in the location of such swimming pools;
- (c) where such trees are located in an area to be occupied by a driveway or area required for #accessory# parking, provided that it is not possible to avoid such removal by adjustments in the location of such driveway or parking area;
- (d) where a total of over 30 percent of the #critical root zone# of such trees would be impacted by proposed disturbances, provided that it is not possible to avoid such impacts by adjustments in the location of proposed #buildings#, swimming pools, driveways, #private roads# or parking areas;
- (e) where a defect exists in such tree with a rating of "Moderate," "High," or "Extreme," as described in the Best Management Practices for Tree Risk Assessment published by the International Society of Arboriculture (ISA) and as determined by a professional arborist possessing a current Tree Risk Assessment qualification issued by the ISA; and where it is not possible or practical to mitigate such defect by any means other than removal of the tree; or
- (f) where any portion of a #rear lot line# of a #zoning lot# is located within 70 feet of the #front lot line# of such #zoning lot#.

Notwithstanding the removal of any trees permitted pursuant to paragraphs (a) through (f) of this Section, such #zoning lot# shall comply with all other requirements of Section 143-13 (Tree Regulations), inclusive.

**143-14  
Biodiversity Requirement**

The biodiversity planting requirements of this Section shall apply within the #Special Natural Resources District#.

**(a) Applicability of biodiversity requirement to #developments#, #enlargements# and certain #site alterations#**

The planting requirements set forth in this Section, inclusive, shall apply on #zoning lots# or other tracts of land, to:

- (1) #developments#;
- (2) #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that result in an increase in #lot coverage#;
- (3) the removal of more than 12 #tree credits#;
- (4) newly constructed or relocated #hard surface area# with an area of 400 square feet or more; or
- (5) for #zoning lots# previously subject to paragraphs (a)(1), (a)(2), (a)(3) or (a)(4) of this Section, the establishment of a new category of #landscape element# where such newly planted vegetation counts toward #biodiversity points# previously satisfied by another type of #landscape element#.

The minimum biodiversity requirement on a #zoning lot# shall be as set forth in Section 143-141 (Determining biodiversity requirements). Required vegetation shall be grouped within #landscape elements# and assigned #biodiversity points# in accordance with Section 143-142 (Landscape elements). Vegetation within #landscape elements# shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements). #Buffer areas# shall be planted pursuant to the provisions set forth in Section 143-144 (Planting requirements for buffer area adjacent to designated aquatic resources).

For #zoning lots# that have planted or preserved #landscape elements# pursuant to the provisions of this Section, inclusive, such vegetation may be subsequently altered, provided that the required area of vegetation is not reduced below the area required for such #landscape element#.

However, where Section 37-90 (PARKING LOTS) applies, and the open parking area covers at least 40 percent of the #zoning lot# or #plan review site#, as applicable, the provisions of Sections 143-141, 143-142 and 143-143 shall be deemed satisfied by the provision of landscaping pursuant to Section 37-90.

**(b) Requirements for maintaining vegetation on all other lots**

For #zoning lots# with #buildings# constructed prior to [date of adoption] that are not subject to the biodiversity requirements of paragraph (a) of this Section, the provisions of Sections 143-141 (Determining biodiversity requirements), 143-142 (Landscape elements) and 143-143 (Planting standards for landscape elements) shall not apply. However, such #zoning lots# shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of paragraph (b) of this Section, as follows.

Existing square footage of vegetation that is not lawn or trees shall not be reduced to less than:

- (1) 15 percent of the #lot area# in Resource Adjacent Areas and in #areas adjacent to aquatic resources#; or
- (2) five percent of the #lot area# in Base Protection Areas.

**143-141  
Determining biodiversity requirements**

In order to satisfy the biodiversity requirements set forth in Section 143-14 (Biodiversity Requirements), inclusive, vegetation shall be assigned #biodiversity points#. All #zoning lots# shall have #biodiversity points# greater than or equal to the point requirement set forth in of this Section, as applicable:

- (a) six #biodiversity points# in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (b) four #biodiversity points# for #zoning lots# that contain #residential uses# in R1 or R2 Districts in Base Protection Areas;
- (d) two #biodiversity points# for #zoning lots# that do not contain #residential uses# in R1 or R2 Districts in Base Protection Areas; and
- (e) two #biodiversity points# in Base Protection Areas containing R4 or R6 Districts.

In the event of a conflict between the provisions of one paragraph of this Section and another paragraph, the more restrictive shall control.

**143-142  
Landscape elements**

In order to satisfy the #biodiversity point# requirements set forth in Section 143-141 (Determining biodiversity requirements), vegetation shall be categorized into one of the #landscape elements# set forth in the table in this Section. All vegetation shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements).

BIODIVERSITY POINT VALUE PER REQUIRED AREA

#Landscape element#	#Biodiversity points#	Design requirements
Basic Garden	1	2.5 percent of #lot area#
Wildlife Garden	1	2 percent of #lot area#

Green Roof— Intensive	1	12.5 percent of the #lot coverage#
Green Roof— Extensive	1	15 percent of the #lot coverage#

The total area of a #landscape element# shall not be less than as set forth in the Table in this Section for each such #landscape element#. In addition, the following design requirements shall apply:

**(c) Basic gardens, wildlife gardens and green roofs**

The minimum horizontal dimension of each basic garden, wildlife garden or green roof shall be eight feet, except that, for #zoning lots# with a #lot area# less than 3,800 square feet, each wildlife garden or green roof shall have a minimum horizontal dimension of four feet.

**(d) Wildlife garden buffers**

For #developments# on #zoning lots# located in a Resource Adjacent Area, wildlife gardens shall be located within buffers as specified in this paragraph (b), and special planting standards shall apply to such gardens pursuant to Section 143-143 (Planting standards for landscape elements). To fulfill #biodiversity point# requirements, wildlife garden buffers shall be located along #side# and #rear lot lines#, or portions thereof, adjacent to a Resource Adjacent Area boundary line, as shown on the map in Appendix B of this Chapter. For wildlife garden buffers along #side lot lines#, or portions thereof, the minimum width shall be eight feet. For wildlife garden buffers along #rear lot lines#, or portions thereof, the minimum depth shall be 10 feet. The width or depth of wildlife garden buffers shall be measured perpendicular to such #side# or #rear lot lines#, respectively.

However, where #buildings# or other #hard surface area# lawfully existing as of [date of adoption] are located so as to be in conflict with the requirements of this paragraph (a), such areas that are in conflict may be exempt from such requirements.

**(c) #Landscape elements# within unimproved portions of mapped #streets#**

For the purposes of this Section, #landscape elements# located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-14 (Biodiversity Requirement), where:

- (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than thirty days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

**143-143  
Planting standards for landscape elements**

Vegetation planted or preserved within #landscape elements# shall be in good health and shall comply with the provisions set forth in this Section. Trees shall not count toward the vegetation coverage requirements of #landscape elements#; coverage requirements shall only be satisfied through #ground# and #shrub layer# plantings. Vegetation required pursuant to other Sections of this Resolution that meet the standards of this Section may be used towards fulfillment of the requirements of Section 143-141 (Determining biodiversity requirements).

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land and in no case shall existing #invasive species# be included as preserved vegetation within a #landscape element# or counted as #biodiversity points#.

**(e) Basic gardens**

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall each be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied.

**(f) Wildlife gardens**

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall each be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#.

**(g) Wildlife garden buffers**

In Resource Adjacent Areas, the #shrub layer# shall occupy at least 20 percent of the wildlife garden buffer and the #ground layer# shall occupy at least 40 percent of such buffer. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#. Such wildlife garden buffer area shall also have three #tree credits# per 750 square feet of area within such wildlife garden buffer area.

Trees required within wildlife garden buffers shall be planted or preserved in accordance with Section 143-133 (Planting standards for tree credits). Such trees shall contribute toward satisfying the requirements of Section 143-13 (Tree Regulations).

**(h) Green roofs**

The minimum depth of planting medium for “intensive green roofs” shall be eight inches, and the minimum depth of planting medium for “extensive green roofs” shall be three inches. A minimum of six different species shall be provided for “intensive green roofs” and a minimum of four different species shall be provided for “extensive green roofs.”

**Illustrative Example**

The following example, while not part of the Zoning Resolution, is included to demonstrate how biodiversity planting requirements are calculated.

**Example of calculations for a “basic garden” on a 5,000 square-foot lot**

Basic gardens are assigned one #biodiversity point# for each 2.5 percent of the #lot area# they occupy, as set forth in the table in Section 143-142 (Landscape elements). For a #zoning lot# with a #lot area# of 5,000 square feet, a basic garden of 500 square feet, or 10 percent, would achieve the required four #biodiversity points#. In this example, because of design considerations, two areas are established for basic gardens: one along a side lot line, eight feet wide by 20 feet deep (providing 1.28 #biodiversity points#), and another across the front of the lot, 40 feet wide by 8 feet 6 inches deep (providing 2.72 #biodiversity points#).

Paragraph (b) of Section 143-143 (Planting standards for landscape elements) specifies that both the #ground layer# and #shrub layer# each need to be at least 15 percent of the square footage of each #landscape element#. That means that both the #ground layer# and #shrub layer# each need to have a coverage of at least 24 square feet in the side garden, and at least 51 square feet in the front garden. Additional vegetation required for the remaining 70 percent coverage may be either in the #ground layer# or #shrub layer#.

**143-144  
Planting requirements for buffer area adjacent to designated aquatic resources**

Vegetation shall be planted or preserved in #buffer areas# adjacent to #designated aquatic resources# in accordance with this Section. For #designated aquatic resources# regulated by the New York State Department of Environmental Conservation (DEC), vegetation other than lawn shall be located in a #buffer area# and shall be planted or preserved in a manner determined by DEC.

For #plan review sites# containing #designated aquatic resources# not regulated by DEC, vegetation other than lawn shall be planted in a #buffer area# that extends for 30 feet measured from the edge of the #designated aquatic resource#. Vegetation shall be planted or preserved as directed by the City Planning Commission pursuant to Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES). Such #buffer area# boundary shall be demarcated by a split rail fence or a similar boundary marker, with a gate permitted for maintenance purposes.

For #zoning lots# that are not #plan review sites# or a portion thereof, the planting required pursuant to this Section shall be waived in the following instances:

- (a) For all #uses# lawfully existing on [date of adoption], planting shall not be required within portions of #buffer areas# that contain #buildings# and other #hard surface areas#, to the extent that such #buildings# and other #hard surface areas# lawfully existed in those locations on [date of adoption]. In addition, planting shall not be required within portions of #buffer areas# within five feet of any #building# lawfully existing on [date of adoption]; and
- (b) For a #residential building# lawfully existing on [date of adoption], and for a #development# or #enlargement# of a #residential building# on a #zoning lot# existing both on [date of certification] and on the date of application for a building permit, planting shall not be required within portions of #buffer areas# that:
  - (1) are open areas where disturbance is permitted pursuant to Section 143-151 (Permitted encroachment area); and
  - (2) are within a #front yard#.

Vegetation planted or preserved pursuant to the provisions of this Section may be counted towards satisfying the requirements of Section 143-13 (Tree Regulations), inclusive, and the biodiversity requirements of Sections 143-141, 143-142 and 143-143.

**143-15  
Aquatic Resource Protections**

For #zoning lots# containing #designated aquatic resources# or #buffer areas#, the provisions of this Section, inclusive, shall apply.

No removal of trees or other vegetation, no disturbance of topography, no #development#, no horizontal #enlargement# and no increase in #hard surface area# shall be permitted within a #designated aquatic resource# or #buffer area#, except as provided in this Section, inclusive, or as otherwise approved by the New York State Department of Environmental Conservation. However, removal of #invasive species# and the construction of unpaved trails using hand tools shall be permitted within a #designated aquatic resource# or #buffer area# where permitted by the New York State Department of Environmental Conservation or the City Planning Commission, as applicable.

For #designated aquatic resources# and adjacent areas that are regulated by the New York State Department of Environmental Conservation, nothing in the regulations of this Chapter shall modify state regulations requiring application to such agency for proposed #development# or other state-regulated activity.

Section 143-151 (Permitted encroachment area) establishes the size and shape of a permitted encroachment area. Section 143-152 (Location of permitted encroachment) establishes the #zoning lots# that are eligible to encroach upon #designated aquatic resources# and #buffer areas# and rules to minimize such encroachment. Section 143-27 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources) establishes rules to allow clustering of #buildings# outside of #designated aquatic resources# and #buffer areas# in order to minimize encroachment.

**143-151  
Permitted encroachment area**

For the purposes of this Section and Section 143-152 (Location of permitted encroachment), the “permitted encroachment area” shall be a combination of permitted #lot coverage# and an area adjacent to a #building#. The permitted encroachment area is the largest area allowed to be disturbed within a #designated aquatic resource# or #buffer area#.

- (a) Permitted #lot coverage#

The maximum permitted #lot coverage# on a #zoning lot# shall be determined by the applicable Zoning District as indicated in the following table:

Zoning District	#Lot coverage# (in square feet)
R1-1	1200
R1-2	800
R2 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

A #building# shall be located on a #zoning lot# so that its #lot coverage# shall avoid or minimize disturbance of #designated aquatic resources# and #buffer areas#, except that the minimum width of a #building# need not be less than 15 feet,

and the shape, in plan view, of the outermost walls of such #building# need not be other than a rectangle.

- (b) Permitted encroachment adjacent to a #building#

An area with a depth of five feet, as measured perpendicular to the #building# wall, shall be exempt from the planting requirements of Section 143-144, and shall be permitted around a single #building# that contains the primary #use# on the #zoning lot#, except the depth of such area shall be 20 feet adjacent to a rear #building# wall that is opposite a #street# or #private road#. For #zoning lots# with multiple #street# frontages, such depth of 20 feet may be utilized only once. Within this area, an encroachment of fill for lawn, #hard surface area# or other similar encroachment shall be permitted within a #buffer area# or #designated aquatic resource#.

The provisions of Section 143-24 (Special Yard Regulations for the Protection of Natural Features) shall be used, as applicable, to facilitate a #building# location that, combined with the permitted encroachment adjacent to such #building#, minimizes the area of encroachment on a #designated aquatic resource# or #buffer area#, as applicable.

**143-152  
Location of permitted encroachment**

On a #zoning lot#, existing both on [date of certification], and on the date of application for a building permit, encroachment on a #designated aquatic resource# or #buffer area# shall only be permitted as follows:

- (a) Where the permitted encroachment area is located utilizing the applicable modified #yards#, but cannot be located fully outside of a #designated aquatic resource# or #buffer area#:
  - (1) the permitted encroachment area may encroach into a #buffer area# to the minimum extent necessary to accommodate such permitted encroachment area;
  - (2) where encroachment into a #buffer area# pursuant to paragraph (a)(1) of this Section does not accommodate the entire permitted encroachment area, only then shall encroachment into a #designated aquatic resource# be permitted, to the minimum extent necessary to accommodate such permitted encroachment area.
- (b) A single driveway with a width of 10 feet, or greater where required by the New York City Fire Department, shall be permitted to access a permitted encroachment area, and may encroach into a #buffer area# or #designated aquatic resource# to the minimum extent necessary.
- (c) The provisions of Section 143-31 (Parking Modifications for the Protection of Natural Features) shall be used, as applicable, to facilitate the location of required off-street parking that minimizes the area of encroachment on a #designated aquatic resource# and #buffer area#. Required #accessory# off-street parking spaces need not be located within a #building# in order to minimize the area of encroachment;
- (d) if it is necessary to locate proposed #accessory# off-street parking spaces within a #designated aquatic resource# or #buffer area#, no more than one #dwelling unit# shall be permitted.

**143-20 SPECIAL BULK REGULATIONS**

The special #bulk# regulations of this Section, inclusive, shall apply throughout the #Special Natural Resources District#.

**143-21  
Lot Coverage**

**R1 R2**

In the districts indicated, for #zoning lots# containing predominantly #residential uses#, the #lot coverage# and #open space# regulations of the underlying districts shall not apply. In lieu thereof, the provisions set forth in this Section shall apply. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential uses# shall be defined as a #zoning lot# containing predominantly #residential uses#.

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include #accessory buildings# permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). Such #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.



The maximum permitted #lot coverage# shall be as set forth in paragraph (a) of this Section. However, the provisions of paragraph (b) modify the maximum #lot coverage# of a #zoning lot# in cases of encroachment of #areas of existing slope#. In no case shall the #lot coverage# resulting from paragraphs (a) or (b) be required to be less than the #lot coverage# set forth in paragraph (c) of this Section. Paragraph (d) sets forth an exemption from #lot coverage# for a #building# or portion of a #building# containing required off-street #accessory# parking spaces in certain instances.

(a) Basic maximum #lot coverage#

TABLE I  
BASIC MAXIMUM LOT COVERAGE

Area	Maximum permitted #lot coverage# (in percent)
Base Protection Area: R1 District	25
Base Protection Area: R2 Districts	30
Resource Adjacent Area and #areas adjacent to aquatic resources#	15

(b) #Lot coverage# determined by slope encroachment

Where an area of encroachment is proposed in an #area of existing slope# that is greater than 150 square feet in cumulative area, the maximum #lot coverage# shall be determined by the steepest slope category encroached upon that has an area greater than 150 square feet cumulatively, as set forth in Table II of this Section. Where there is no encroachment upon a slope category with an area greater than 150 square feet cumulatively, the maximum #lot coverage# shall be determined by the slope category with the largest area encroached upon. When the maximum permitted #lot coverage# indicated in Table II exceeds the maximum permitted #lot coverage# set forth in Table I, the more restrictive shall apply.

For the purposes of this Section “encroachment” shall be the area of proposed changes in ground elevation by more than two feet of cut or fill, including areas proposed for excavation to such depth for #buildings#, #hard surface areas#, structural elements for decks and for any other #site alteration# related to such grade change of more than two feet.

TABLE II  
MAXIMUM LOT COVERAGE FOR ENCROACHMENT WITHIN AREAS OF EXISTING SLOPE

Slope category (in percent) #area of existing slope#	Maximum permitted #lot coverage# (in percent)
85 or greater	12.5
65-84.9	15
45-64.9	17.5
35-44.9	20
25-34.9	22.5
10.0-24.9	25

(c) Notwithstanding any other provisions of this Section, in no case shall the resulting maximum #lot coverage#, in square feet, be required to be less than the permitted #lot coverage# set forth in Table III.

TABLE III  
PERMITTED LOT COVERAGE

Zoning District	Permitted #lot coverage# (in square feet)
R1-1	1,200
R1-2	800
R2 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

(d) Exemption from #lot coverage# for enclosed #accessory# parking spaces

For #qualifying lots#, an #accessory building# enclosing required off-street #accessory# parking spaces, or a portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces, shall be exempt from #lot coverage# requirements if such #accessory building# or portion of a #building#:

- (4) is located on a slope that rises above the adjacent #street# or #private road#;
- (5) is no more than 10 feet in height above #curb level#;
- (6) is located entirely within 25 feet of a #street# or #private road#; and such #building# or portion either:
  - (i) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
  - (ii) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

Such #accessory building# or portion of a #building# shall not be exempt from #hard surface area# limitations.

**143-22  
Hard Surface Area**

The maximum permitted #hard surface area# for a #zoning lot# is set forth in this Section. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential use# shall be defined as a #zoning lot# containing predominantly #residential use#. R1 R2

(a) In the districts indicated, for #zoning lots# containing predominantly #residential use#, the maximum permitted #lot coverage# set forth in paragraphs (a) or (b) of Section 143-21 (Lot Coverage) shall determine the maximum permitted #hard surface area# in accordance with Table I of this Section. The maximum permitted #hard surface area# on a #zoning lot# shall not exceed the percent of #lot area# set forth in Table I.

TABLE I  
PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ZONING LOTS CONTAINING PREDOMINANTLY RESIDENTIAL USE IN R1 THROUGH R2 DISTRICTS

Maximum permitted #lot coverage# (in percent)	Maximum permitted #hard surface area# (in percent)
12.5	40
15	45
17.5	45
20	50
22.5	50
25	50
30	65

**R1 R2 R4 R6**

(b) In the districts indicated, the maximum permitted #hard surface area# for all #zoning lots# not subject to paragraph (a) of this Section, shall be as set forth in Table II for the applicable zoning district.

TABLE II  
PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ALL OTHER ZONING LOTS

Zoning district	Maximum permitted #hard surface area# (in percent)
R1 R2 R4 R6	75

**143-23  
Minimum Lot Area for Zoning Lots Containing Designated Aquatic Resources**

The minimum #lot area# regulations set forth in Article II, Chapter 3, shall be modified as set forth in this Section.

Where the sum of all areas containing #designated aquatic resources# and #buffer areas# on the #zoning lot# constitutes more than 10 percent of the #lot area#, such area shall be excluded for the purposes of calculating #lot

area# necessary to meet minimum #lot area# requirements of Section 23-32 (Minimum Lot Area or Lot Width for Residences).

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts, both on [date of certification] and on the date of application for a building permit.

**143-24  
Special Yard Regulations for the Protection of Natural Features**

In order to facilitate the protection of natural features, the provisions of this Section, inclusive, shall modify the #yard# regulations of the underlying districts as applicable in the #Special Natural Resources District#. However, in no case shall the provisions of both Sections 143-242 (Front yard reductions) and 143-243 (Rear yard reductions) be applied to the same #zoning lot#.

**143-241  
Permitted obstructions in yards**

For #residential buildings# on #qualifying lots#, the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to allow required off-street parking spaces, open or enclosed, as permitted obstructions within a #front yard#, provided the height of any #building# enclosing such off-street parking spaces does not exceed 10 feet above #curb level#.

A portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces on such #qualifying lots#, shall be considered a permitted obstruction in a #front yard# if such portion of a #building#:

- (d) is located on a slope that rises above the adjacent #street# or #private road#;
- (e) is no more than 10 feet in height above #curb level#;
- (f) is located entirely within 25 feet of a #street# or #private road#; and such portion of a #building# either:
  - (1) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
  - (2) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

In addition, for #zoning lots# subject to the provisions of Section 143-252 (Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources), the provisions of Section 23-44 shall be modified to allow portions of #buildings# that project up to three feet into #yards# as permitted obstructions within such #yards#.

**143-242  
Front yard reductions**

The regulations for minimum #front yards# shall be modified in accordance with the provisions set forth in paragraphs (a) or (b) of this Section, as applicable:

- (a) In R1, R2, and R4 Districts
  - (1) In R1 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet;
  - (2) In R2 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet; or
  - (3) In R2 through R4 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet, provided that certain natural features are preserved within specified portions of the #zoning lot#, as follows:
    - (i) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
    - (ii) such natural features, including #critical root zones#, are, in whole or in part

located beyond 30 feet of the #rear lot line# and are in the rear half of the #zoning lot#; and

- (iii) such natural features are located within an #area of no disturbance#.

- (b) In Resource Adjacent Areas or #areas adjacent to aquatic resources#
  - (1) In R1 Districts, #front yards# shall have a minimum required depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet; and
  - (2) In R2 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet.

However, if an open #accessory# off-street parking space is located between the #street wall# of a #building# containing #residences# and the #street line#, there shall be an open area between such #street wall# and #street line# which is at least 8 feet 6 inches in width by 18 feet in depth to accommodate such parking space.

**143-243  
Rear yard reductions**

#Rear yards# shall have a minimum depth of 20 feet as set forth in paragraphs (a) or (b) of this Section:

- (a) In R2 Districts, for #qualifying lots#, and for #zoning lots# located in Resource Adjacent Areas or #areas adjacent to aquatic resources#; and
- (b) In R1 through R6 Districts, provided that certain natural features are preserved as follows:
  - (1) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
  - (2) such natural features, including #critical root zones#, are, in whole or in part located outside of the #front yard# and are in the front half of the #zoning lot#; and
  - (3) such natural features are located within an #area of no disturbance#.

**143-244  
Measurement of yards in unimproved streets**

For #qualifying lots# in R2 Districts, or for #zoning lots# within Resource Adjacent Areas or #areas adjacent to aquatic resources#, the minimum required #front yard# depth shall be measured from a tax lot boundary within a #street# shown on the City Map, instead of from the #street line# in cases where:

- (a) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (b) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

**143-25  
Height and Setback Regulations**

In the #Special Natural Resources District#, the special height and setback regulations of Sections 143-251 (Modified height and setback for the protection of natural features) and 143-252 (Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources) shall apply.

**143-251  
Modified height and setback for the protection of natural features  
R1 R2**

In the districts indicated, in order to facilitate the protection of natural features, the maximum perimeter wall height and maximum #building# height of a #residential building#, or the #residential# portion of a #building# may be modified in accordance with the provisions of this Section.

Within Resource Adjacent Areas, #areas adjacent to aquatic resources#, and for #qualifying lots#, paragraph (a) of Section 23-631 (General provisions) shall be modified so that the front wall or any other portion of a #building or other structure# shall not penetrate the #sky

exposure plane# beginning at a height of 30 feet above the #front yard line#.

**143-252**

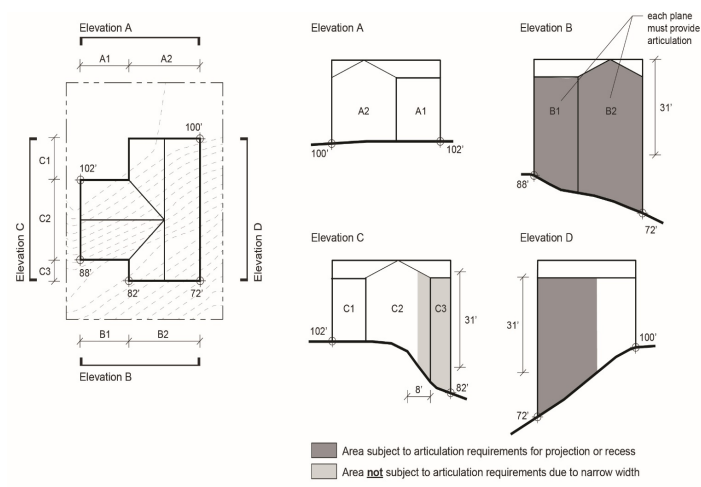
**Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources**

**R1 R2**

In the districts indicated, the provisions of this Section shall apply to #residential buildings# in Resource Adjacent Areas and #areas adjacent to aquatic resources#. The provisions of this Section shall not apply to #accessory buildings#.

For any portion of such #residential building# that is eight feet in width or greater and exceeds a vertical distance of 31 feet between the roof of the #building# and the final adjoining grade, an area equaling at least 25 percent of the surface area of such portion must project from or be recessed from an exterior wall covering at least 25 percent of the area in a continuous plane by at least 18 inches from the wall above or below.

Four elevation views shall be provided for each #building# in addition to application materials set forth in 143-05 (Application Requirements). Each such elevation view shall show that such #residential building# complies with the recess and projection requirements of this Section.



ARTICULATION REQUIREMENTS

**143-26**

**Open Area Regulations for Residences**

Open areas shall be provided between #residential buildings# and each of the following: #designated aquatic resources#, #buffer areas#, or #habitat preservation area#, in accordance with the requirements of this Section.

- (a) An open area shall be provided adjacent to the rear wall of each #residential building# or #building segment#. For the purposes of this Section, the “rear wall” shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 20 feet when measured perpendicular to each rear wall.
- (b) An open area shall also be provided adjacent to the side walls of each #residential building# or #building segment#. For the purposes of this Section, a “side wall” shall be a wall that does not face a #street# or #private road#, and is not a rear wall. The depth of such open area shall be equal to the depth of each #building# or #building segment#, and the width of such open area shall be at least five feet when measured perpendicular to each side wall.
- (c) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and any remaining walls not facing a #street# or #private road# shall be designated side walls. The open area provisions of this Section shall apply to the areas adjacent to such rear wall and side walls.

Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted within such open areas.

**143-27**

**Special Bulk Regulations for Lots Containing Designated Aquatic Resources**

In the #Special Natural Resources District# in all #Residence Districts#, except R1-1 Districts, and except #plan review sites# of one acre or more, the special #bulk# regulations of this Section shall apply to any tract of land containing #designated aquatic resources# or #buffer area#. Such tract of land may contain a single #zoning lot# or two or more #zoning lots# #developed# as a unit in single ownership or control which are contiguous for a distance of at least 10 feet or would be contiguous except for their separation by a #street#.

For all permitted #residential uses# on such tract of land, the total #floor area#, #lot coverage#, #hard surface area# or #dwelling units# generated by that portion of the #zoning lot# containing #designated aquatic resources# or #buffer area# may be distributed without regard for #zoning lot lines#, provided that, within Resource Adjacent Areas and #areas adjacent to aquatic resources#, the maximum applicable #lot coverage# of 15 percent and #hard surface area# of 45 percent shall not be exceeded.

The provisions of Sections 23-40 (YARD REGULATIONS) and 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), shall not apply. In lieu thereof, the following regulations shall apply:

- (a) #Yards#
  - (4) #front yards# shall have a minimum required depth of 10 feet;
  - (2) #side yards# shall have a minimum required width of four feet;
  - (3) #rear yards# shall have a minimum required depth of 10 feet;
- (b) Minimum distance between #buildings#
  - (1) the minimum distance between #buildings# on the same or #abutting zoning lots# across a common #side lot line# shall not be less than eight feet;
  - (2) the minimum distance between #buildings# on #abutting zoning lots# across a common #rear lot line# shall not be less than 40 feet.

The provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and the provisions of Section 143-26 (Open Area Regulations for Residences) shall apply without modification.

The provisions of Section 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) relating to two #buildings# on a #zoning lot# where one building is a “front building” and another is a “rear building” as described in such Section, shall be modified to require an open area with a minimum width of 20 feet between any “rear building” and the #rear lot line# of an adjoining #zoning lot#. In addition, the provisions of Section 23-891 (In R1 through R5 Districts) shall be modified to require an open area adjacent to the rear wall of each #building# with a depth of at least 20 feet when measured perpendicular to each rear wall.

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Where such tract of land is subject to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), modifications of #bulk# in accordance with this Section shall also comply with the provisions set forth in Sections 143-41 (General Provisions) and shall be subject to all findings and conditions set forth in 143-42 (Authorization for Plan Review Sites).

**143-30**

**SPECIAL PARKING REGULATIONS**

Special parking regulations apply in the #Special Natural Resources District#.

**143-31**

**Parking Modifications for the Protection of Natural Features**

In the #Special Natural Resources District#, on #qualifying lots#, in order to facilitate the protection of natural features, the following provisions shall apply.

- (a) Location of parking spaces
  - Section 25-621 (Location of parking spaces in certain districts) shall not apply.
- (b) Parking spaces within an unimproved portion of a privately owned mapped #street#
  - #Accessory# off-street parking spaces may be permitted within an unimproved portion of a privately owned mapped #street# provided that:

- (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter to the Department of Buildings from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

### **143-32 Special Surfacing Regulations**

#### **R1 R2**

In the districts indicated, Section 25-65 (Surfacing) shall be modified to allow dustless gravel driveways that access one #single-family residence#, provided that all portions of such driveway located between the curb and the #front lot line# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick.

### **143-40 SPECIAL REGULATIONS FOR PLAN REVIEW SITES**

The provisions of this Section 143-40, inclusive, shall apply to all #plan review sites# in the #Special Natural Resources District#.

#### **143-41 General Provisions**

For #plan review sites#, a #development#, #enlargement#, #site alteration# or #zoning lot# subdivision shall only be permitted by authorization of the City Planning Commission pursuant to Section 143-42 (Authorization for Plan Review Sites), except that such authorization shall not be required for:

- (a) minor #enlargements# or #site alterations# as set forth in Section 143-416 (Minor enlargements or site alterations on plan review sites);
- (b) #site alterations# that are not related to a proposed #development#, #enlargement# or subdivision of a #zoning lot# where such #site alterations#:
  - (1) in any given calendar year, consist of an area of less than 400 square feet and the removal of no more than two trees or 12 #tree credits#, whichever is greater; and
  - (2) are located both in Base Protection Areas and outside of areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning;
- (c) the removal of trees where the following conditions apply:
  - (1) on #plan review sites# in Resource Adjacent Areas and #areas adjacent to aquatic resources#, that are located outside of areas shown on the #Special Natural Resource District# Habitat Map, where such trees to be removed are not located in #designated aquatic resources#, #buffer areas# or #areas of existing slope# of 25 percent or greater and that total less than 12 #tree credits# cumulatively; or
  - (2) on #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, which have received certification to remove trees pursuant to Section 143-47 (Certification to Permit Tree Removal).

The review of all #plan review sites# by the City Planning Commission pursuant to Section 143-42 is required, except as specifically excluded in paragraphs (a) through (c) of this Section.

All #plan review sites# are subject to all provisions of this Chapter except where specifically modified pursuant to the provisions of Section 143-40, inclusive. Additional requirements relating to habitat preservation, planting, open areas, private roads, minor #enlargements#, #site alterations# and site planning applicable to such sites, are set forth in Sections 143-411 through 143-417.

The applicant shall provide an assessment of the significant natural features of the site to the Commission pursuant to the provisions of paragraph (d)(1) of Section 143-42, and, for #plan review sites# with an area one acre or larger located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, the applicant shall provide an assessment of #habitat areas# pursuant to the #Special Natural

Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

At the option of an applicant, a long-term development plan may be proposed pursuant to the provisions of Section 143-431 (Establishment of a development plan). Approval of a development plan by the Commission allows for expedited review of future development pursuant to Sections 143-432 (Certification for preliminary plan site) or 143-433 (Renewal authorization for conceptual plan site).

For #plan review sites# that are required to establish #habitat preservation areas# pursuant to Section 143-411 (Habitat preservation area standards), the Commission may modify the applicable standards and boundaries of the #habitat preservation area# pursuant to Sections 143-441 (Modification of habitat preservation area standards) and 143-442 (Special permit for modification of habitat preservation area). At the applicant's request, the #habitat preservation area# may be dedicated for public use, pursuant to Section 143-443, and the Commission may permit modification of #bulk# regulations as if such land remained within the #plan review site#. In addition, for all sites that are required to establish #habitat preservation areas#, in order to facilitate the preservation of natural resources and the clustering of development on the site, applications may be made to the Commission for the modification of #use# or #bulk# regulations pursuant to Sections 143-45 (Residential Sites), and 143-46 (Modification of Bulk Regulations for Certain Community Facilities).

Where Section 143-27 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources) is applicable to #plan review sites# of less than one acre, modification of #bulk# regulations shall be as-of-right, provided that the resulting site plan shall be subject to all findings and conditions set forth in Section 143-42. For #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where only tree removal is proposed, an authorization pursuant to Section 143-42 shall not be required if a certification is granted pursuant to Section 143-47.

For #plan review sites# subject to the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), only portions of #zoning lots# landward of the #shoreline# shall be used to calculate the required percentage of #habitat preservation area# and required planting pursuant to Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

The provisions of Section 74-74 (Large Scale General Development) and Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) shall not apply.

#### **143-411 Habitat preservation area standards**

The provisions of this Section shall apply to #plan review sites# existing on [date of certification] that contain one or more acres located in an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where:

- (a) such #plan review site# contains #habitat area# as determined through a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning; and
- (b) such #habitat area# occupies an uninterrupted continuous area of no less than 10,000 square feet, and no portion of such area measures less than 10 feet in width at any point. For the purposes of determining the width of irregular shapes, any area that cannot wholly contain a circle with a diameter of 10 feet shall be considered less than the required width.

Such #habitat area#, in whole or in part, shall be preserved as #habitat preservation area# pursuant to the provisions of this Section.

The minimum amount of #habitat preservation area# as a percentage of a #plan review site# is set forth in the Table in this Section. For sites that have at least 10,000 square feet of #habitat area#, as determined pursuant to this Section, but less than the minimum required #habitat preservation area# pursuant to the Table in this Section, the portion of the site containing #habitat area# shall not be reduced below the amount existing at the time of application except pursuant to Section 143-441 (Modification of habitat preservation area standards).

Table I of this Section shall apply according to the predominant proposed #use# of the entire #plan review site#. For the purposes of applying the provisions of Section 143-40, inclusive, the greatest proportion of #floor area# allocated to a #use# described in Table I shall be defined as predominantly containing such #use#.

**HABITAT PRESERVATION AREA REQUIREMENTS**

	Predominant proposed #use#	
	#Residential#	#Community Facility#
#Habitat preservation area# minimum percent of #plan review site#	25 percent	35 percent
Reduced #habitat preservation area# percent of #plan review site# when amenity is provided	20 percent: recreation	None

Where a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, determines #designated aquatic resources# to be on such #plan review site#, the #habitat preservation area# shall be the greater of the requirement as set forth in the table, or the size of such #designated aquatic resource# and #buffer areas#, except as otherwise determined by the Commission.

For #plan review sites# required to provide waterfront public access areas pursuant to the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), the minimum #habitat preservation area# shall be reduced to 20 percent and the provisions of Section 143-412 (Amenities allowed in connection with reduced habitat preservation area) shall not apply.

The regulations allowing the reduction of #habitat preservation area# in connection with the provision of amenities are set forth in Section 143-412. Provision of such amenities shall allow the reduction of the required percentage of #habitat preservation area# to an amount no less than the percentage shown in the Table, and subject to the requirements and limitations of Section 143-412.

The #habitat preservation area# shall be shown on a proposed site plan. Such areas established on the site plan shall not be modified except by subsequent application of a special permit pursuant to Section 143-442 (Special permit for modification of habitat preservation area).

#Habitat preservation areas# on a #zoning lot# shall be considered #lot area# for the purposes of the applicable regulations on #floor area ratio#, #open space#, #lot coverage#, #hard surface area#, #lot area# or density, unless otherwise specified by the provisions of this Chapter.

#Habitat preservation areas# not fronting on a #street# shall be delineated from adjacent areas by a boundary marker acceptable to the City Planning Commission.

#Habitat preservation areas# may include the following permitted obstructions:

- (1) Unpaved footpaths
- (2) Unpaved sitting areas, not exceeding 100 square feet
- (3) Light fixtures
- (4) Boundary marker such as a split rail fence used to delineate the boundaries of the #habitat preservation area#

**143-412 Amenities allowed in connection with reduced habitat preservation area**

For #plan review sites# that are either predominantly #residential#, #commercial# or #manufacturing#, the required #habitat preservation area# may be reduced provided that a portion of the site is set aside and improved pursuant to the standards of this Section.

For #plan review sites# that are predominantly #residential#, for each percent of the #plan review site# set aside for recreational purposes, the required #habitat preservation area# may be reduced by one percent, to no less than 20 percent of the #plan review site#, provided that:

- (a) the recreational area shall be accessible to the public, or to the owners, occupants, employees, customers, residents or visitors of the #use# to which such space is #accessory#, except that such recreational area may be closed to the public where it serves the residents of four or more #dwelling units#. Such conditions, as applicable, shall be noted on the certificate of occupancy of all #buildings# on the #zoning lot#;
- (b) the recreational area shall be open to the sky except for #accessory buildings# covering not more than 20 percent of the recreation area, and may include active recreation areas, such as swimming pools, ball fields or courts, or facilities and equipment normally found in playgrounds, or passive areas, such as picnic areas or other sitting areas, and shall comply with the #use# regulations of the underlying district;

- (c) the recreational area shall consist of a minimum of 5,000 square feet;
- (d) a minimum of 10,000 square feet of continuous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-41, inclusive;
- (e) the recreational area is adjacent to the remaining #habitat preservation area#; and
- (f) the recreational area is directly accessible from a #street# or #private road#.

**143-413 Planting regulations for plan review sites**

The planting requirements set forth in 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement) shall apply as modified by the provisions of this Section.

For the purposes of calculating #tree credits# and #biodiversity points#, #habitat preservation areas# shall be excluded from #lot area# computations.

(a) **Tree requirement**

For all #plan review sites#, paragraph (b) of Section 143-132 (Determining tree requirements) shall not apply. The remaining provisions of Section 143-132 shall apply as follows:

- (1) For #plan review sites# with a #habitat preservation area#:
  - For #plan review sites# where a #habitat preservation area# is required, the provisions of this paragraph shall apply.
  - For #plan review sites# that contain a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply.
  - For a #plan review site# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# on a #plan review site# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.
- (2) For #plan review sites# without a #habitat preservation area#:
  - For #plan review sites# where a #habitat preservation area# is not required, the provisions of this paragraph shall apply.
    - (i) for a #plan review site# that contains a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply to such #plan review site#;
    - (ii) for a #plan review site# in a Resource Adjacent Area or #area adjacent to aquatic resources# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.
    - (iii) for a #plan review site# in a Base Protection Area that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be one #tree credit# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

(b) **Biodiversity requirement**

The requirements set forth in Section 143-14, inclusive, shall apply, except as modified by the provisions of this paragraph.

For #plan review sites#, except #plan review sites# containing predominately #residential uses#, where a #habitat preservation area# is required, such required area may be counted as #biodiversity points# in accordance with this paragraph. For each 2.5 percent of #lot area# that such #habitat preservation area# occupies, one #biodiversity point# may be counted. Percentages of #lot area# in increments less than 2.5 percent shall not be counted. Where such #habitat preservation area# does not fully satisfy the #biodiversity point# requirement set forth in Section 143-

141 (Determining biodiversity requirements), or where a #plan review site# has no required #habitat preservation area#, such remaining #biodiversity points# shall be satisfied through the provision of #landscape elements# in accordance with Section 143-14.

#### **143-414 Open area and lot coverage requirements for community facilities**

For #plan review sites# containing predominantly #community facility uses#, the provisions of this Section shall apply.

##### (a) Required open areas

A minimum of 15 percent of the #plan review site# shall be open area. Such open area shall not include #habitat preservation area#, or any required planted area pursuant to the provisions of paragraph (b) of Section 143-413 (Planting regulations for plan review sites). Required open areas may not include #buildings#, parking areas, driveways or #private roads#, paved walkways or other #hard surface areas#. Open areas may include passive recreation areas or active recreation areas, except that active recreation areas that are #hard surface areas# shall not be counted towards the total required open area. However, such active recreation areas surfaced with artificial turf may be included in calculations of required open area, up to a maximum of 10 percent of the #plan review site#.

If, at the time of application, a #plan review site# has less than 15 percent open area, the percentage of the site containing open area shall not be reduced below the amount existing at the time of application.

Open areas provided pursuant to this Section shall be designated on a site plan. Such open areas shall not be modified except by subsequent authorization by the City Planning Commission pursuant to Section 143-42 (Authorization for Plan Review Sites).

However, #plan review sites# containing only the following #community facility uses# shall be exempt from the requirements of this paragraph:

Ambulatory diagnostic or treatment health care facilities

Houses of worship

Non-profit or voluntary hospitals and related facilities, except animal hospitals

Proprietary hospitals and related facilities, except animal hospitals

##### (b) #Lot coverage#

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include portions of #buildings# or #accessory buildings# permitted pursuant to Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). All #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

#Lot coverage# shall be limited to a maximum of 25 percent, except that sites that are in Base Protection Areas and that do not contain #habitat preservation areas# shall have a maximum #lot coverage# of 35 percent.

#### **143-415 Requirements for private roads**

In Resource Adjacent Areas and #areas adjacent to aquatic resources#, the provisions of this Section shall apply to #private roads# authorized by the City Planning Commission and that provide access to #buildings developed# after [date of adoption]. #Private roads# previously approved by the Commission or constructed as-of-right shall continue to be governed under the regulations applicable at the time of approval. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply, and the provisions of Sections 26-31 through 26-34 shall apply for #private roads# in #lower density growth management areas#. #Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including, but not limited to curbs and curb drops, street lighting, signage, and crosswalks. In addition to the Department of Transportation standards, the design of the #private road# shall comply with the following requirements:

- (a) The maximum grade of a #private road# shall not exceed 10 percent;
- (b) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both

the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the outer edge of the sidewalk;

- (c) The paved width of a #private road# shall not exceed 34 feet, except the paved width of a #private road# shall not exceed 30 feet in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (d) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;
- (e) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;
- (f) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;
- (g) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;
- (h) Along the entire length of each side of a #private road#, trees of at least three inch #caliper# shall be provided and maintained at the rate of one tree for every 25 feet of #private road#;
- (i) Section 26-31 (Yards) shall apply, except that the curb of the #private road# shall be considered to be the #street line#; and
- (j) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (c) of this Section.

The Commission may, by authorization pursuant to paragraph (a) of Section 143-42 (Authorization for Plan Review Sites) allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

#### **143-416 Minor enlargements or site alterations on plan review sites**

For #plan review sites# that are one acre or larger in size, the following provisions shall apply:

- (a) Minor #enlargements# of existing #buildings# and minor #site alterations# that meet the size thresholds of this paragraph (a) shall be permitted as-of-right by the Department of Buildings, provided that such #enlargement# or #site alteration# complies with all applicable provisions of this Resolution, including the #plan review site# provisions of Section 143-41, inclusive, and:
  - (1) such #enlargement# or #site alteration# is within 15 feet of the exterior of an existing #building#;
  - (2) the total #floor area# of all such minor #enlargements# constructed after [date of adoption] on the #plan review site# shall not exceed 5,000 square feet; and
  - (3) the total area of all such minor #site alterations# constructed after [date of adoption] on the #plan review site# shall not exceed 10,000 square feet.
- (b) #Enlargements# or #site alterations# that meet the size thresholds of paragraph (a) of this Section are not subject to the provisions of Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

#### **143-417 Site planning requirements**

#Developments# and portions of #buildings# that are #enlarged# and result in an increase in #lot coverage# shall comply with the provisions of this Section. The City Planning Commission may modify the requirements of this Section pursuant to Section 143-42 (Authorization for Plan Review Sites)

- (a) At least 50 percent of the #street walls# of #buildings# containing Use Groups 6 and 10 shall be within 20 feet of the #street line#. The provisions of Section 37-34 (Minimum Transparency Requirements) shall apply to the portion of such #buildings# within 20 feet of the #street line#.
- (b) Loading areas shall not be located between the #street wall# of a #building# and its prolongations and the #street#.

For #zoning lots# with frontage on more than one #street#, the provisions of this Section shall apply along only one frontage.

**143-42**  
**Authorization for Plan Review Sites**

For #plan review sites#, the City Planning Commission may authorize a #development#, #enlargement#, #site alteration#, the subdivision of a #zoning lot#, or the construction, widening, or extension of a #private road# pursuant to the conditions and findings of this Section. The Commission may also authorize modifications to certain requirements set forth in Section 143-41 (General Provisions) as provided in paragraph (a) of this Section, and may authorize modifications to the provisions of Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA) as provided in paragraph (b).

(a) **Modifications**

In order to facilitate the protection of natural features, the Commission may authorize modifications pursuant to the following provisions, provided that such modifications facilitate the goals of the #Special Natural Resources District# and facilitate a proposal that better achieves the findings of paragraph (d) of this Section:

(1) **#Private roads# and driveways**

The Commission may modify the requirements for #private roads# as set forth in Section 143-415 (Requirements for private roads) as well as Section 143-121 (Grading standards) to facilitate appropriate #private roads# or driveways. The Commission may also modify the requirements of Sections 143-31 (Parking Modifications for the Protection of Natural Features), 25-621 (Location of parking spaces in certain districts), 25-631 (Location and width of curb cuts in certain districts) and 25-635 (Maximum driveway grade).

(2) **Parking areas**

The Commission may modify parking lot landscaping and maneuverability requirements, provided such modifications preserve significant natural features or #habitat preservation areas# or, for existing parking lots, such modifications are proportionate to the enlarged or reconfigured portions of such parking lots.

(3) **Site planning requirements**

The Commission may modify the requirements of Section 143-417 (Site planning requirements), provided that the Commission shall find that the proposed configuration and design of #buildings#, including any associated structures and open areas, will result in a site plan in which such #buildings# and open areas will relate harmoniously with one another and with #buildings# and open areas on nearby #zoning lots#, the #street# and the surrounding area.

(4) **Tree and planting requirements**

The Commission may modify the requirements of Sections 143-13 (Tree Regulations), 143-14 (Biodiversity Requirement) and 143-413 (Planting regulations for plan review sites) for #plan review sites# occupied entirely by cemeteries, provided that the Commission shall find that such modification is the minimum necessary to accommodate an existing #use#, and that any expansion of such #use# complies with the requirements of such Sections in relation to the portion of the #plan review site# into which the expansion is proposed.

In addition, for all #uses#, where only a portion of a #plan review site# is affected by a proposed #development#, #enlargement# or #site alteration#, the Commission may modify the requirements of Sections 143-13, 143-14 and 143-413 to apply planting requirements to portions of a #plan review site# in which #development#, #enlargement# or #site alteration# is proposed, provided that such portion is no less than one acre in size.

(5) **#Designated aquatic resources# and #buffer areas#**

The Commission may modify the provisions of Section 143-15 (Aquatic Resource Protections) and 143-144 (Planting requirements for buffer areas adjacent to designated aquatic resources), provided that, in addition to the findings of paragraph (d), the Commission shall find that the proposed site plan preserves #designated aquatic features# and #buffer areas# to the greatest extent feasible and,

where applicable, such modification is consistent with standards and policies of the New York State Department of Environmental Conservation.

(6) **Topography and retaining walls**

The Commission may modify the provisions of Sections 143-121 (Grading standards) and 143-122 (Retaining wall standards), provided that such modifications are necessary to preserve significant natural features or #habitat preservation area# and that such modifications will not impair the character of the surrounding area.

(b) **Modifications for waterfront lots subject to #habitat preservation area# requirements**

In order to balance the protection of natural features with waterfront public access requirements, the Commission may modify the following provisions, provided that such modifications facilitate an application that better achieves the findings of paragraph (d) of this Section.

Defined terms in this Section shall include terms as defined in Section 62-11.

(1) **#Shore public walkway#**

Where the required #habitat preservation area# is located within or adjacent to a #shore public walkway#, the Commission may modify the following provisions:

- (i) Section 62-53 (Requirements for Shore Public Walkways) may be modified so a #shore public walkway# is reduced to any width not less than 15 feet.
- (ii) Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be modified so that a circulation path with a minimum clear width of eight feet shall be permitted.

(2) **#Supplemental public access area#**

Where the required #habitat preservation area# is located within or adjacent to a #supplemental public access area#, the Commission may modify the following provisions:

- (i) #Habitat preservation areas# may be provided in lieu of the planting requirements of paragraph (c) of Section 62-62.
- (ii) #Habitat preservation areas# may be used to satisfy the location and area requirements of Section 62-57 (Requirements for Supplemental Public Access Areas).

(3) **#Upland connection#**

#Habitat preservation areas# within or adjacent to an #upland connection# may be provided in lieu of the requirements of Sections 62-56 (Requirements for Upland Connections) and 62-64 (Design Requirements for Upland Connections), provided that:

- (i) for Type 1 #upland connections#, a minimum clear path of five feet to allow public access shall be required within an #upland connection# located within or adjacent to #habitat preservation areas#;
- (ii) for Type 2 #upland connections#, a minimum clear path of five feet to allow public access shall be required on one side of the roadbed with a continuous tree pit four feet in width within an #upland connection# located within or adjacent to #habitat preservation areas#; and
- (iii) at least six linear feet of seating shall be required for every 100 feet of #upland connection#.

(c) **Conditions**

The following conditions shall apply:

- (1) For #plan review sites# subject to Section 143-411 (Habitat preservation area standards), the Commission shall establish #habitat preservation areas# that satisfy the minimum area required

by Section 143-411 or, where the #habitat area# does not cover the minimum required portion of the site, the Commission shall establish #habitat preservation areas# for all of the #habitat area# of the site that meets the dimensional requirements of Section 143-411.

The applicant shall provide a maintenance plan acceptable to the Commission for such #habitat preservation areas#, establishing maintenance for such areas in perpetuity by the applicant and his or her successors. Such #habitat preservation areas# shall be shown on a site plan and referenced in a Restrictive Declaration. After construction on a #plan review site# has commenced and approved plans are vested, any future changes to the boundaries of the #habitat preservation area# may be permitted only by special permit of the Commission pursuant to Section 143-442 (Special permit for modification of habitat preservation area).

- (2) For #plan review sites# subject to previous approvals by the Commission pursuant to this Section, or pursuant to previous Special District regulations, the applicant shall document successful management and maintenance of #habitat preservation areas# or #areas of no disturbance#, where applicable, or other natural features indicated on the previously approved site plan.
- (3) For #plan review sites# with significant natural features to be preserved pursuant to paragraph (d)(1) of this Section, such areas shall be shown on a site plan as #areas of no disturbance# and referenced in a Notice of Restrictions or a Restrictive Declaration.
- (4) For #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, a Restrictive Declaration shall be executed, setting forth provisions for the construction, maintenance and operation of such #private roads# or other common access. Such declaration shall require that adequate security be provided to ensure that the #private roads# or other common access are properly maintained and operated in accordance with the declaration.
- (5) A Notice of Restrictions or a Restrictive Declaration, approved by the Commission, shall be recorded against the tax lots comprising the property subject to the provisions of this Section, in the Office of the City Register. Such notice or declaration shall be binding on the owners, successors, and assigns. A certified copy of the recorded notice or declaration shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a precondition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the site. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy.

(d) In order to authorize the proposed action, the Commission shall find that:

- (1) the most significant natural features throughout the site have been identified and protected, where feasible, including the following, as applicable:
  - (i) Botanic features such as large specimen trees and rare plant communities;
  - (ii) Topographic and geological features such as steep slopes and rock outcrops;
  - (iii) Aquatic features such as wetlands, streams, and natural drainage patterns;
- (2) the #habitat preservation area#, where required pursuant to Section 143-411:
  - (i) is of high ecological value, or is proposed to be restored or improved through the removal of #invasive species# or the planting of native species to achieve a high ecological value;

- (ii) is arranged to minimize edge habitat and maximize core habitat, including, where feasible, connecting to other contiguous or nearby habitat off-site and, if divided into portions, each portion is no less than 10,000 square feet;
- (iii) where feasible, is located on the site where it is visible to the residents, occupants or visitors to the site, thereby enhancing the site and encouraging the enjoyment and maintenance of the preserved area;
- (iv) where feasible, is located so that it includes some of the most significant natural features on the site referred to in paragraph (d)(1) of this Section within the boundaries of the #habitat preservation area#;
- (3) the optional amenity area, where provided pursuant to Section 143-412 (Amenities allowed in connection with reduced habitat preservation area), is well designed and appropriately located;
- (4) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads# and #accessory# off-street parking and loading areas:
  - (i) is well designed;
  - (ii) minimizes disturbance of significant natural features;
  - (iii) minimizes curb cuts on major #streets#;
  - (iv) is integrated wherever feasible with the network of surrounding #streets# and #private roads#;
  - (v) for #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, such common access or #private roads# will be suitably maintained; and
  - (vi) the proposed #street# or #private road# system is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (5) the subdivision of the site, where applicable, will result in an appropriate layout of #zoning lots# and #blocks#, and the subdivision as a whole meets all of the other findings of this Section; and
- (6) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

For subdivisions resulting only in #single-# and #two-family residences#, the Commission shall establish the location of #lot lines# and, where applicable, the location of #habitat preservation area#, #areas of no disturbance# and #private roads#. For such subdivisions, the Commission may request additional information regarding proposed or feasible #building# locations, driveways, pathways and other #hard surface areas#, and the location of preserved or newly planted trees and #landscape elements#, all of which will be subject to Department of Buildings approval for such features at the time of #development#, #enlargement# or #site alteration# according to the provisions of this Chapter and the Zoning Resolution as a whole.

**143-43 Development Plan**

**143-431 Establishment of a development plan**

The City Planning Commission may authorize the establishment of a long-term development plan, which provides for predictable development of a #plan review site# through phased construction over an extended period of time. The plan shall be reviewed pursuant to the conditions and findings of Section 143-42 (Authorization for Plan Review Sites). However, in addition to considering specific proposed #buildings# and other improvements, the Commission shall also consider proposed #developments#, #enlargements# or #site alterations# that would be implemented as part of a phased construction plan. Pursuant to the provisions of this Section, two types of areas may also be shown within the plan: preliminary plan sites and conceptual plan sites.



- (a) Preliminary plan sites shall have an area no larger than 1.5 times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each preliminary plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:
- (1) proposed #uses#, including proposed #floor area# for each #use#;
  - (2) proposed #lot coverage#, including proposed #building# location and #primary entrance#;
  - (3) proposed #building# height;
  - (4) elevation of proposed #building# facades;
  - (5) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;
  - (6) landscaping, planting and walkways and other paved surfaces related to the proposed #development# or #enlargement#;

Preliminary plan sites shall be indicated on the plan as such, and may later be developed pursuant to the certification in Section 143-432 (Certification for preliminary plan site).

- (b) Conceptual plan sites shall have an area no larger than three times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each conceptual plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:
- (1) proposed #uses#, including proposed #floor area# for each #use#;
  - (2) proposed #lot coverage#;
  - (3) proposed #building# height;
  - (4) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;

Conceptual plan sites shall be indicated on the plan as such, and may later be developed pursuant to the authorization renewal in Section 143-433 (Renewal authorization for conceptual plan site).

Preliminary plan sites and conceptual plan sites may be developed at any time in the future, including such cases where the boundary of #plan review site# is modified, and conceptual plan sites shall not be subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), except after granted an authorization pursuant to Section 143-433.

Within areas of the #plan review site# not designated as proposed construction, preliminary plan sites or conceptual plan sites, no #development#, #enlargement# or #site alteration# shall be permitted except by subsequent authorization pursuant to this Section, except as provided in Sections 143-416 (Minor enlargements or site alterations on plan review sites) or 143-42.

**143-432  
Certification for preliminary plan site**

For #plan review sites# that have received approval from the City Planning Commission pursuant to Section 143-431 (Establishment of a development plan), where such approval included preliminary plan sites within a specified area on the approved site plan, the Chairperson of the City Planning Commission shall certify to the Commissioner of Buildings that:

- (a) the proposed #use# is the same as shown in the high definition plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than in the plans contained in the application materials of the approved development plan;
- (b) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan, the location of the proposed #development# or #enlargement# is no more than 30 feet from the location shown on the plans contained in the application materials of the approved development plan, and the location of the #primary entrance# is similar to as shown in such materials and plan;
- (c) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;

- (d) the elevation of the proposed #development# or #enlargement# is generally the same as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed parking areas, including number of parking spaces, are generally the same or have fewer parking areas than as shown on the plans contained in the application materials of the approved development plan, and proposed driveways, #private roads# and #streets# are generally the same as shown on the plans contained in the application materials of the approved development plan;
- (f) the landscaping, planting, and arrangement of paved walkways and other paved surfaces relating to the proposed #development# or #enlargement# is similar and the amount of landscaped area is not less than as shown in the plans contained in the application materials of the approved development plan; and
- (g) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

**143-433  
Renewal authorization for conceptual plan site**

For #plan review sites# that have received approval by the City Planning Commission pursuant to Section 143-431 (Establishment of a development plan), where such approval included designated conceptual plan sites within a specified area on the approved site plan, an authorization renewal must be obtained from the City Planning Commission prior to pursuing the #development#, #enlargement# or #site alteration# within such conceptual plan site, provided that the Commission shall find that:

- (a) the proposed configuration of #buildings#, including any associated structures and open areas, is consistent with the intent of the findings of Section 143-431;
- (b) the proposed #use# is the same or similar to that shown in the plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than the plans contained in the application materials of the approved development plan;
- (c) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan;
- (d) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads#, #accessory# off-street parking and loading areas, is consistent with the intent of the findings of Section 143-431, minimizes curb cuts on major #streets#, and is integrated wherever feasible with the network of surrounding #streets# and #private roads#; and
- (f) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition the authorization renewal upon compliance with an approved landscaping plan.

**143-44  
Habitat Preservation Area**

**143-441  
Modification of habitat preservation area standards**

The City Planning Commission, may, by authorization, modify the #habitat preservation area# standards of Section 143-411 (Habitat preservation area standards) as set forth in paragraph (a) of this Section, provided that the findings of paragraph (b) of this Section are met.

- (a) Modifications  
The Commission may modify the #habitat preservation area# standards of Section 143-411 as follows:
  - (1) The Commission may allow areas less than 10,000 square feet of contiguous #habitat area# to be included within the #habitat preservation area#, provided that at least one area within the #plan review site# has at least 10,000 square

feet of contiguous #habitat area#, and provided that the total area included within the #habitat preservation area# meets the requirements of Section 143-411.

- (2) Where the existing percentage of #habitat area# is less than the required #habitat preservation area# pursuant to Section 143-411, or when providing access to a #plan review site# would result in a reduction below such required percentage, the Commission may allow a reduction of the #habitat preservation area# below the required percentage in order to permit vehicular or pedestrian access, or to permit utility access, through such area to a portion of the site that does not include #habitat preservation area#, provided that there is no feasible alternative location for such access, and that an area of equivalent size, in square footage, is planted with native species that support existing adjacent undisturbed plant communities, as identified in the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, and such planted area is designated as a newly created #habitat preservation area# on the site plans.

- (b) In order to grant such authorization, the Commission shall find that the modification:
  - (1) results in a #habitat preservation area# that includes some of the most significant natural features on the site, prioritizing areas of higher ecological value; and
  - (2) is the minimum required to achieve the intended purpose.

**143-442  
Special permit for modification of habitat preservation area**

The City Planning Commission, may, by special permit, allow the modification of the boundaries of a #habitat preservation area# previously established by authorization pursuant to Section 143-42 (Authorization for Plan Review Sites). In order to grant such special permit, the Commission shall find that:

- (a) unforeseen physical circumstances relating to the continued #use# and maintenance of the site require the modification of the boundaries of the #habitat preservation area#;
- (b) the boundary modification has been mitigated by the establishment of a replacement area of a size equal to the area removed from the #habitat preservation area#, consisting of native plants selected to support existing adjacent undisturbed plant communities as identified in the #Special Natural Resources District# site assessment protocol, found on the website of the Department of City Planning, which replacement area has been included within the #habitat preservation area# on a revised site plan, resulting in a total #habitat preservation area# that is not less than the area previously approved; or, where this mitigation is not feasible; the enhancement of the ecological value and performance of the remaining #habitat preservation area# in a manner that reserves the ecological function of the site within a regional context, including but not limited to planting native plants selected to support existing adjacent undisturbed plant communities or removal of #invasive species#; and
- (c) the boundary modification is the minimum required to achieve the intended purpose.

The Commission may also permit the modification or removal of natural features within a #habitat preservation area# previously established by authorization pursuant to Section 143-42 in order to facilitate a temporary disturbance within the #habitat preservation area# that will subsequently be restored to a natural state. For such modification, only findings (a) and (c) of this Section shall apply.

**143-443  
Natural area dedicated for public use**

Where an area containing significant natural features that are determined to have qualities of recreational, cultural or educational value to the public is dedicated to the City or its designee, without any cost to the City, the City Planning Commission may authorize, where appropriate, the dedicated area to be included within the #plan review site# for the purposes of #bulk# computation. The Commission, in order to grant such authorization, shall apply the findings of Section 143-42 (Authorization for Plan Review Sites). In addition, the Commission shall find that such area is directly accessible to the public from a public right-of-way and that such area shall be established for the use and enjoyment of the public.

The City Planning Commission may prescribe additional conditions and safeguards to ensure public access to the site and to minimize any adverse effects of #bulk# redistribution within the site on the surrounding area.

**143-45  
Residential Sites**

The provisions of this Section, inclusive, shall apply only to #plan review sites# that:

- (a) are proposed for predominantly #residential use#, as provided in Section 143-411 (Habitat preservation area standards); and
- (b) contain at least 10,000 square feet of #habitat preservation area# on a #plan review site# of one or more acres.

In no event shall the number of #dwelling units# permitted by the City Planning Commission pursuant to this Section, inclusive, exceed the number that would be permitted if the entire #plan review site#, including the #habitat preservation area#, were to be developed pursuant to the regulations of this Chapter without modification pursuant to this Section, inclusive. The applicant shall provide a site plan demonstrating the maximum number of #dwelling units# that would be permitted, without the requested modifications, for the purposes of determining compliance with this provision.

**143-51  
Modification of permitted residential building types**

The City Planning Commission may authorize, in R2 Districts, #semi-detached single-family residences#. The Commission may also modify the provisions of Article II, Chapter 2 to authorize, in R2 Districts, a #two-family detached residence# designed to give the appearance of two #single-family semi-detached residences#.

As a condition for granting such authorization, the #aggregate width of street walls# of a #building# containing #residences#, or a number of such #buildings# separated by party walls, shall not exceed 100 feet for each such #building# or #abutting buildings#.

In order to grant such authorization, the Commission shall find that:

- (a) the modifications allow a more compact development pattern, which allows for greater preservation of significant natural features and #habitat preservation area#;
- (b) the change of housing type constitutes the most effective method of concentrating development and preserving the natural features of the site;
- (c) for such concentration of development, standards of privacy and usable open areas can be and are achieved under the proposed site plan that are equal to those found with housing types in the absence of these modifications;
- (d) the existing topography and vegetation, as well as the proposed planting, effectively screen all #attached residences# from the #street line# of the #zoning lot# existing at the time of application, or that such #attached residences# are located more than 100 feet from such #street line#;
- (e) such modification is the least modification required to achieve the purpose for which it is granted; and
- (f) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-452  
Modification of bulk regulations for residential sites**

The City Planning Commission may authorize the modification of the following #bulk# regulations in order to allow arrangements of #buildings#, driveways, #private roads# or required parking areas so as to preserve natural features on the site, provided that the findings of paragraph (c) of this Section are met.

- (a) The Commission may modify:
  - (1) minimum #lot area# and #lot width# required pursuant to Sections 23-30 (LOT AREA AND LOT WIDTH REGULATIONS) and 143-23 (Minimum Lot Area for Zoning Lots Containing Designated Aquatic Resources), except that such modification shall not be permitted within R1 Districts and provided that:
    - (i) in R2 Districts, minimum #lot area# may be modified to no less than 3,325 square feet, and minimum #lot width# to no less than 35 feet;

- (ii) for any individual #zoning lot# this modification shall not be combined with the modification of #front yards# pursuant to paragraph (a)(2) of this Section, or with the modification of height and setback requirements pursuant to paragraph (a)(3);
- (2) #yard# regulations, provided that:
  - (i) #rear yard# or #side yard# modifications shall not be authorized on the periphery of the #plan review site# unless acceptable agreements are jointly submitted for development of two or more adjacent properties by the owners thereof, incorporating the proposed #yard# modifications along their common #lot lines#;
  - (ii) #front yards# may be reduced to a minimum of 10 feet, provided that such reductions shall not be combined with #rear yard# or #side yard# reductions, #lot area# or lot width# modifications pursuant to paragraph (a) (1) of this Section or height and setback modifications for the same #zoning lot#;
  - (iii) #side yards# may each be reduced to a minimum of four feet, and in addition:
    - (a) a minimum of eight feet shall be required between #buildings#; and
    - (b) #side yard# reductions shall not be combined on the same #zoning lot# with modifications by the Commission to #front yards# or to height and setback provisions; and
  - (iv) #rear yards# may be reduced to a minimum depth of 20 feet, provided that such reductions shall not be combined with #front yard# reductions for the same #zoning lot#.
- (3) height and setback regulations, provided that:
  - (i) such modifications shall not exceed five feet in height within 100 feet of any #street line# on the periphery of the #plan review site#;
  - (ii) in addition to the findings in paragraph (c) of this Section, the Commission shall find that by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of natural features will be achieved, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
  - (iii) such height and setback modifications shall not be combined on the same #zoning lot# with #lot area# or #lot width# modifications pursuant to paragraph (a)(1) of this Section, or #front# or #side yard# modifications pursuant to paragraph (a)(2);
- (4) #court# regulations;
- (5) required space between #buildings# on the same #zoning lot# pursuant to Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case less than eight feet between #buildings#, where each #building# faces the same #street# or #private road#;
- (6) open areas pursuant to the provisions of Sections 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) and 23-891 (In R1 through R5 Districts); and
- (7) location of parking, driveways or curb cuts regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear

Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-631 (Location and width of curb cuts in certain districts) and 143-31 (Parking Modifications for the Protection of Natural Features).

The following chart summarizes which #bulk# modifications may not be combined with other #bulk# modifications pursuant to the provisions of this paragraph (a).

TABLE OF BULK MODIFICATIONS\*

	Lot Area and Lot Width (para. 1)	Front Yard (para. 2)	Rear Yard (para. 2)	Side Yard (para. 2)	Height (para. 3)
Lot Area and Lot Width (para. 1)	--	X			X
Front Yard (para. 2)	X	--	X	X	X
Rear Yard (para. 2)		X	--		
Side Yard (para. 2)		X		--	X
Height (para. 3)	X	X		X	--

\* (X) represents where a specified #bulk# modification shall not be combined with another specified modification

- (b) The Commission may also authorize the total #floor area#, #open space#, #lot coverage#, #hard surface area# or #dwelling units# permitted by the applicable district regulations to be distributed without regard for #zoning lot lines# among all #zoning lots# within a #plan review site#, provided that:
  - (1) for portions of the #plan review site# that are within Resource Adjacent Areas or #areas adjacent to aquatic resources#, the #lot coverage# shall not exceed 15 percent, and the #hard surface area# shall not exceed 45 percent;
  - (2) the maximum permitted #lot coverage# and #hard surface area# for each individual #zoning lot# shall not exceed:
    - (i) in R1 Districts, 35 percent and 70 percent respectively;
    - (ii) in R2 Districts, 45 percent and 75 percent respectively; and
    - (iii) in R1 and R2 Districts, for individual #zoning lots# where disturbance of #area of existing slope# within such #zoning lot# results in a maximum #lot coverage# of 20 percent or less and a corresponding maximum #hard surface area# of 50 percent or less pursuant to the provisions of Sections 143-32 (Lot Coverage) and 143-33 (Hard Surface Area), the distribution of #lot coverage# and #hard surface area# within the #plan review site# shall not exceed the more restrictive standard within such #zoning lot#.
- (c) Findings
 

In order to grant such modifications, the Commission shall find that:

  - (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of significant natural features and #habitat preservation area#;
  - (2) for such concentration of development, standards of privacy and usable open areas are achieved under the proposed site plan that are equal to that found with housing developments absent these modifications;
  - (3) the siting of #buildings# will not adversely affect adjacent properties or #residences# within the #plan review site# by impairing privacy or access of light and air;

- (4) such modification is the least modification required to achieve the purpose for which it is granted;
- (5) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-46  
Modification of Bulk Regulations for Certain Community Facilities**

The provisions of this Section shall be applicable to #plan review sites# proposed for predominantly #community facility use#.

- (a) For such sites, the City Planning Commission may authorize the distribution of #floor area#, #hard surface area# and #lot coverage# permitted by the applicable regulations for all #zoning lots# within the #plan review site# to be distributed without regard for #zoning lot lines#. In addition, the Commission may authorize:
  - (1) modification of the maximum #lot coverage# provided by Section 143-414 (Open area and lot coverage requirements for community facilities);
  - (2) modification of the minimum open area required pursuant to Section 143-414; and
  - (3) where applicable, modification of the minimum #habitat preservation area# required from 35 percent to a minimum of 25 percent.
- (b) In order to grant such authorization, the Commission shall find that:
  - (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of natural features;
  - (2) the siting of #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air;
  - (3) such modification is the least modification required to achieve the purpose for which it is granted; and
  - (4) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-47  
Certification to Permit Tree Removal**

For #plan review sites# located within an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where no #development#, #enlargement# or modification of the location of #hard surface area# is proposed, the Chairperson of the City Planning Commission may permit the removal of trees of six inch #caliper# or greater and may waive the requirement to apply for an authorization pursuant to Section 143-42 (Authorization for Plan Review Sites), provided that the Chairperson shall certify that all trees that are of six inch #caliper# or greater that are proposed to be removed are located in an area that would not qualify as a #habitat area# and are not located within a #designated aquatic resource# or applicable #buffer area# including, but not limited to, the following examples:

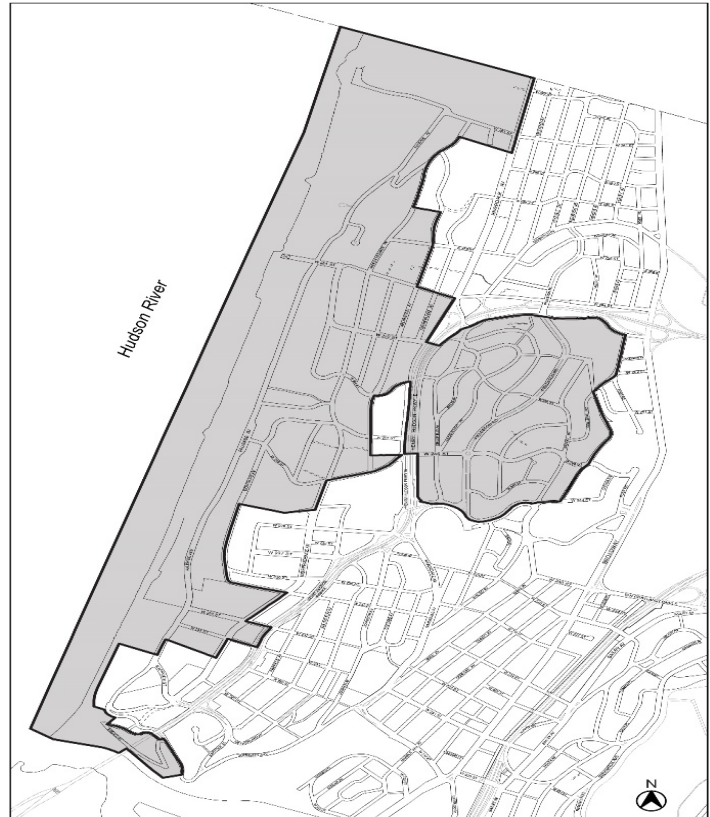
- (a) the tree is located in an area such as a parking lot, surrounded by #hard surface area#; or
- (b) the tree is located in an area surrounded by maintained lawn.

The Chairperson may request reports from an #environmental professional# in considering such waiver.

All provisions of Section 143-13 (Tree Regulations) shall apply to such #plan review site#.

**Appendix A. Special Natural Resources District**

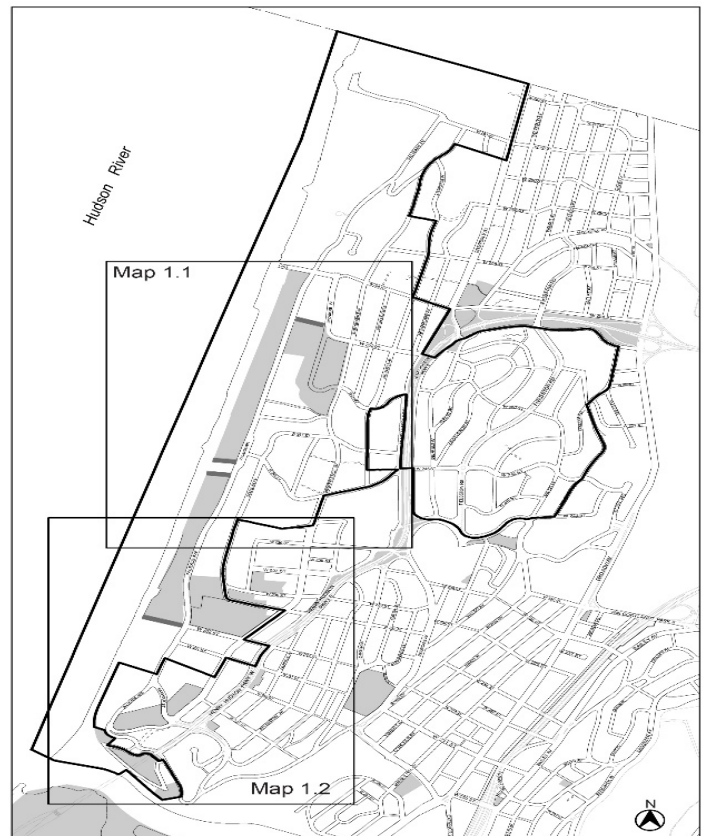
Map 1 (date of adoption)






Special Natural Resources District

**Appendix B. Resource Adjacent Areas**

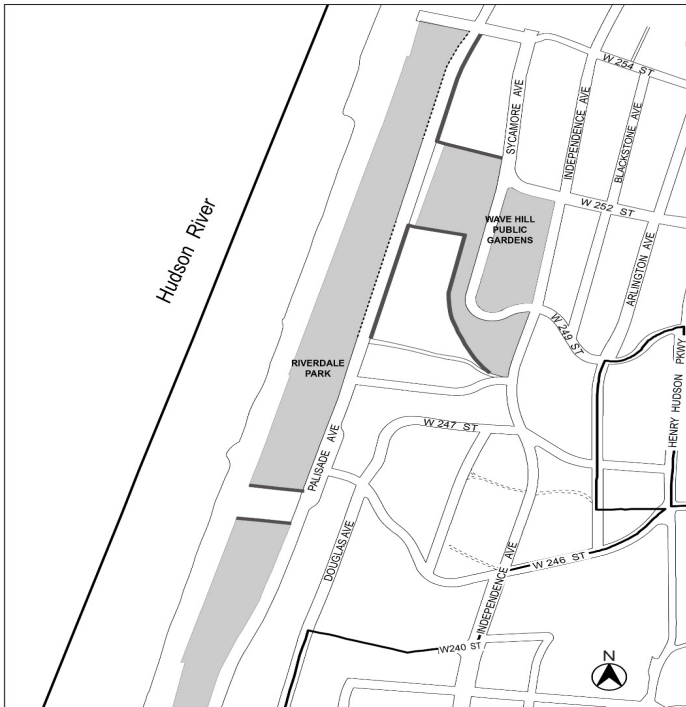
Map 1 (date of adoption)







-  Special Natural Resources District
-  Public land containing habitat
-  Resource Adjacent Area boundary  
(For further reference regarding the boundaries shown on the text maps in this Appendix, go to <http://arog.is/1LPGaL>)

Appendix B.

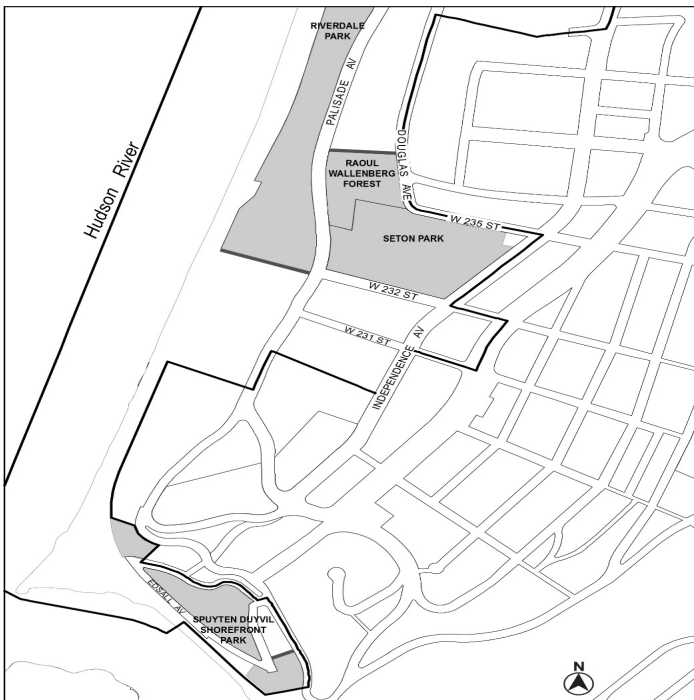
Map 1.1 (date of adoption)






-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street

Appendix B.

Map 1.2 (date of adoption)



-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary

\* \* \*

**APPENDIX B  
INDEX OF SPECIAL PURPOSE DISTRICTS**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
* * *	* * *	* * *	* * *	* * *	* * *
Natural Area District-1 (NA-1)	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272 ZRY	11/9/77	12/1/77
Natural Area District-4 (NA-4)	105-00	7d 11c	821255 ZRQ	3/23/83	4/28/83
Natural Resources District (NR)	143-00	1a 1b 1c 1d	190430 ZRY	[date of CPC adoption]	[date of City Council adoption]
Ocean Parkway District (OP)	113-00	5d 6b 8c 9a	23284	12/22/76	1/20/77
* * *	* * *	* * *	* * *	* * *	* * *

**APPENDIX B  
INDEX OF SPECIAL PURPOSE DISTRICTS - ELIMINATED OR REPLACED**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
* * *	* * *	* * *	* * *	* * *	* * *
Mixed Use District-3 (MX-3) Eliminated and replaced by West Chelsea District	123-00	12c	990001 ZRX	2/17/99	3/30/99
Natural Area District-2 (NA-2)  Eliminated and replaced by Special Natural Resources District	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
New York City Convention and Exhibition Center Development District (CC) Eliminated 2/22/90, 900053 ZRM	93-00	8a 8c	22264	3/29/73	5/24/73
* * *	* * *	* * *	* * *	* * *	* * *

\* \* \*  
**NOTICE**

On Wednesday, August 14, 2019, in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY 10271, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by the New York City Department of City Planning (DCP). The Proposed Actions consist of zoning map and text amendments to the Zoning Resolution (ZR) to modify existing special district regulations and establish a Special Natural Resources District (SNRD). The original Proposed Actions apply to the Riverdale-Fieldston neighborhood in the Bronx, Community District 8 and neighborhoods throughout Community Districts 1, 2 and 3 in Staten Island.

At the public hearing, the City Planning Commission will also consider a modification to the zoning text amendment, as proposed by DCP (ULURP No. N 190430 (A) ZRY). This modified text amendment applies to the Riverdale-Fieldston neighborhood in the Bronx only. Written

comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, August 26, 2019.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 19DCP083Y.

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



gy31-a14

**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 14, 2019, at 2:30 P.M., at 22 Reade Street, Specter Hall, New York, NY 10007.

NOTE: This location is accessible to individuals using wheelchairs or other mobility devices. For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via email, at DisabilityAffairs@mocs.nyc.gov or via phone, at (212) 788-0010. Any person requiring reasonable accommodation for the public meeting should contact MOCS, at least three (3) business days in advance of the meeting, to ensure availability.

a5-14

**OFFICE OF LABOR RELATIONS**

NOTICE

The New York City Deferred Compensation Plan Board, will hold its next Deferred Compensation Board Hardship meeting, on Tuesday, August 13, 2019, at 2:45 P.M. The meeting will be held, at 22 Cortlandt Street, 28th Floor, Conference Room A, New York, NY 10007.

a6-13

**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 13, 2019, 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.

**140 Prospect Avenue - Douglaston Historic District**  
LPC-19-39089 - Block 8095 - Lot 61 - Zoning: R1-2  
CERTIFICATE OF APPROPRIATENESS

An Arts and Crafts style house built circa 1915, designed by Craftsman Builders. Application is to legalize paving a portion of the side yard and installing built-in outdoor furniture, without Landmarks Preservation Commission permits.

**141 Montague Street - Brooklyn Heights Historic District**  
LPC-19-30430 - Block 243 - Lot 17 - Zoning: R7-1  
CERTIFICATE OF APPROPRIATENESS

A rowhouse, built before 1900 and altered in the early 20th century, to accommodate storefronts, at the first and second floors. Application is to install signage.

**215 Dean Street - Boerum Hill Historic District**  
LPC-19-39860 - Block 190 - Lot 54 - Zoning: R6B  
CERTIFICATE OF APPROPRIATENESS

A modified Italianate style rowhouse, built in 1852-1853. Application is to construct a rear yard addition and to install rooftop HVAC equipment.

**Grand Army Plaza - Scenic Landmark**  
LPC-20-00160 - Block 1117 - Lot 1 - Zoning:  
ADVISORY REPORT

A plaza originally established in the 1860s and expanded and redesigned by Carrere and Hastings in 1913-1916. Application is to modify and install paths.

**54 Stone Street, aka 87-89 Pearl Street - Stone Street Historic District**

LPC-19-39799 - Block 29 - Lot 7504 - Zoning: C5-5  
CERTIFICATE OF APPROPRIATENESS

A Greek Revival style and Neo-Renaissance style store and loft building. Application is to legalize the installation of a storefront in non-compliance with CNE 03-7266 (LPC 03-4756), and to legalize the installation of light fixtures, signs and a menu box without Landmarks Preservation Commission permit(s).

**60 Pine Street - Individual Landmark**  
LPC-20-00099 - Block 41 - Lot 15 - Zoning: C5-5  
CERTIFICATE OF APPROPRIATENESS

A Romanesque Revival style clubhouse, designed by Charles C. Haight, built in 1886-87, and modified with an extension, designed by Warren & Wetmore and built in 1910-11. Application is to construct a rooftop addition, infill the interior courtyard, install a barrier-free access lift, and remove a fire escape.

**623 Broadway - NoHo Historic District**  
LPC-19-34393 - Block 523 - Lot 47 - Zoning: C6-2  
CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style warehouse, designed by John B. Snook and built in 1881-82. Application is to construct a rooftop addition.

**323-325 Bleecker Street - Greenwich Village Historic District**  
LPC-19-41295 - Block 591 - Lot 43 - Zoning: C1-6  
CERTIFICATE OF APPROPRIATENESS

An apartment building, built in 1902. Application is to remove concealed cast iron vault lights and replace sidewalk paving.

**135 Central Park West - Upper West Side/Central Park West Historic District**  
LPC-19-37877 - Block 1126 - Lot 29 - Zoning: R-10A  
CERTIFICATE OF APPROPRIATENESS

A Beaux-Arts style apartment house, designed by Clinton & Russell and built in 1904-07. Application is to create and modify window openings, at the roof.

**2 West 64th Street - Upper West Side/Central Park West Historic District**  
LPC-19-39038 - Block 1116 - Lot 29 - Zoning: R10A  
CERTIFICATE OF APPROPRIATENESS

An Art Nouveau style institutional building, designed by Robert D. Kohn and built in 1909-10. Application is to install signage.

**23 East 64th Street - Upper East Side Historic District**  
LPC-19-22844 - Block 1379 - Lot 17 - Zoning: C5-1  
CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse, designed by John G. Prague, built in 1879-80 and altered in 1919 and 1926. Application is to legalize the installation of rooftop mechanical equipment, without Landmarks Preservation Commission permit(s).

**1040 Park Avenue - Park Avenue Historic District**  
LPC-20-00244 - Block 1498 - Lot 33 - Zoning: R10  
CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style apartment building, designed by Delano & Aldrich and built in 1923-24. Application is to establish a Master Plan governing the future installation of through-wall louvers.

gy31-a13

**PROCUREMENT POLICY BOARD**

MEETING

The Procurement Policy Board, will hold a meeting, on Monday, August 19th, 2019, at 10:00 A.M., at 253 Broadway, 9th Floor, New York, NY 10023. For more information, please contact the Mayor's Office of Contract Services, at (212) 788-0010.



a12-19

## TRANSPORTATION

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the following proposed revocable consents, have been scheduled, for a public hearing, by the New York City Department of Transportation. The hearing, will be held, at 55 Water Street, 9<sup>th</sup> Floor, Room 945, commencing at 2:00 P.M., on Wednesday, August 21, 2019. Interested parties can obtain copies of proposed agreements, or request sign-language interpreters (with at least seven days prior notice), at 55 Water Street, 9<sup>th</sup> Floor SW, New York, NY 10041, or by calling (212) 839-6550.

**#1 IN THE MATTER OF** a proposed revocable consent, authorizing 46-43 193 Street LLC, to continue to maintain and use a retaining wall and a stoop, on the east sidewalk of 193<sup>rd</sup> Street, north of 47<sup>th</sup> Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2019, and provides among other terms and conditions, for compensation payable to the City, according to the following schedule: **R.P. #2105**

For the period from July 1, 2019 to June 30, 2029 - \$100/per annum

the maintenance of a security deposit in the sum of \$1,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#2 IN THE MATTER OF** a proposed revocable consent, authorizing 203 East 72<sup>nd</sup> Street Corp., to continue to maintain and use electrical conduits and six (6) lampposts on the north sidewalk of East 72<sup>nd</sup> Street, east of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #958**

For the period July 1, 2018 to June 30, 2028 - \$900/per annum

the maintenance of a security deposit in the sum of \$1,000 the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#3 IN THE MATTER OF** a proposed revocable consent, authorizing 452 Fifth Owners LLC, to continue to maintain and use conduits under West 39<sup>th</sup> and West 40<sup>th</sup> Street, west of Fifth Avenue and cables in certain existing facilities of the Empire City Subway Company (Limited), in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and schedule: **R.P. # 1170**

For the period July 1, 2016 to June 30, 2017 -	\$7,395
For the period July 1, 2017 to June 30, 2018 -	\$7,561
For the period July 1, 2018 to June 30, 2019 -	\$7,727
For the period July 1, 2019 to June 30, 2020 -	\$7,893
For the period July 1, 2020 to June 30, 2021 -	\$8,059
For the period July 1, 2021 to June 30, 2022 -	\$8,225
For the period July 1, 2022 to June 30, 2023 -	\$8,391
For the period July 1, 2023 to June 30, 2024 -	\$8,557
For the period July 1, 2024 to June 30, 2025 -	\$8,723
For the period July 1, 2025 to June 30, 2026 -	\$8,889

the maintenance of a security deposit in the sum of \$8,900 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#4 IN THE MATTER OF** a proposed revocable consent, authorizing AVB 1865 Broadway LLC, to continue to maintain and use planters along the west sidewalk of Broadway, north of West 71<sup>st</sup> Street and along the north sidewalk of West 61<sup>st</sup> Street, west of Broadway, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from January 30, 2015 to June 30, 2025, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #1780**

For the period January 30, 2015 to June 30, 2015 - \$126 prorated/per annum  
For the period July 1, 2015 to June 30, 2025 - \$126/per annum

the maintenance of a security deposit in the sum of \$700 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#5 IN THE MATTER OF** a proposed revocable consent, authorizing Commerce Real Property LLC, to construct, maintain and use a flood mitigation system components in and under the north sidewalk of Commerce Street, east of Inlay Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2479**

From the Approval Date by the Mayor to June 30, 2030 - \$2,000

the maintenance of a security deposit in the sum of \$2,400 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#6 IN THE MATTER OF** a proposed revocable consent, authorizing Ladybird Bakery, Inc., to continue to maintain and use two (2) benches on the west sidewalk of Eight Avenue, north of 12<sup>th</sup> Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #1680**

For the period July 1, 2019 to June 30, 2029 - \$300/per annum

the maintenance of a security deposit in the sum of \$200 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#7 IN THE MATTER OF** a proposed revocable consent, authorizing Lucille Lortel Theatre Foundation, to continue to maintain and use name plates and bollards on the north sidewalk of Christopher Street, east of Hudson Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #1678**

For the period July 1, 2019 to June 30, 2029 - \$7,350/per annum

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#8 IN THE MATTER OF** a proposed revocable consent, authorizing New York Recycling Ventures, Inc., to continue to maintain and use fenced-in planted areas on the sidewalks of East Bay Avenue, Whittier Street, Viele Avenue and Longfellow Avenue, in the Borough of the Bronx. The proposed revocable consent, is for a term of ten years, from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2070**

For the period July 1, 2019 to June 30, 2029 - \$173/per annum

the maintenance of a security deposit in the sum of \$3,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#9 IN THE MATTER OF** a proposed revocable consent, authorizing One Bryant Park LLC, to continue to maintain and use bollards on the sidewalks of the site bounded by Sixth Avenue, 42<sup>nd</sup> and 43<sup>rd</sup> Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2099**

For the period from July 1, 2019 to June 30, 2029 - \$0/per annum

the maintenance of a security deposit in the sum of \$69,300 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#10 IN THE MATTER OF** a proposed revocable consent, authorizing One Grand Army Plaza Condominium, to continue to maintain and use planted areas and entrance detail, together with benches and lightings, on the east sidewalk of Plaza Street East, between Eastern Parkway and St. John Place, and on the southeast sidewalk of St. Johns Place, northeast of Plaza Street East, in the Borough of Brooklyn. The proposed revocable consent, is for a term of ten years from July 1, 2018

to June 30, 2028, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2016**

- For the period July 1, 2018 to June 30, 2019 - \$8,243
- For the period July 1, 2019 to June 30, 2020 - \$8,375
- For the period July 1, 2020 to June 30, 2021 - \$8,507
- For the period July 1, 2021 to June 30, 2022 - \$8,639
- For the period July 1, 2022 to June 30, 2023 - \$8,771
- For the period July 1, 2023 to June 30, 2024 - \$8,903
- For the period July 1, 2024 to June 30, 2025 - \$9,035
- For the period July 1, 2025 to June 30, 2026 - \$9,167
- For the period July 1, 2026 to June 30, 2027 - \$9,299
- For the period July 1, 2027 to June 30, 2028 - \$9,431

the maintenance of a security deposit in the sum of \$1,200 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#11 IN THE MATTER OF** a proposed revocable consent, authorizing Teresa Yuen Ling Chan and Benedict Chun Man Chan, to continue to maintain and use retaining walls, together with fences on the east sidewalk of 213<sup>th</sup> Street, south of 28<sup>th</sup> Avenue, and on the south sidewalk of 28<sup>th</sup> Avenue, east of 213<sup>th</sup> Street, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 16, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1537**

For the period July 1, 2016 to June 30, 2026 - \$100/per annum

the maintenance of a security deposit in the sum of \$1,200 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#12 IN THE MATTER OF** a proposed revocable consent, authorizing The New York Public Library Astor Lenox and Tilden Foundations, to continue to maintain and use an accessibility ramp, together with stairs, on the west sidewalk of Amsterdam Avenue, north of West 81<sup>st</sup> Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2085**

For the period from July 1, 2019 to June 30, 2029 - \$25/per annum

the maintenance of a security deposit in the sum of \$0.00 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#13 IN THE MATTER OF** a proposed revocable consent, authorizing 108-07 Corona Avenue LLC, to construct, maintain and use a sidewalk hatch door, in the south sidewalk of 52<sup>nd</sup> Avenue, east of Corona Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2459**

From the Approval Date to June 30, 2020 - \$373/per annum

- For the period July 1, 2020 to June 30, 2021 - \$379
- For the period July 1, 2021 to June 30, 2022 - \$385
- For the period July 1, 2022 to June 30, 2023 - \$391
- For the period July 1, 2023 to June 30, 2024 - \$397
- For the period July 1, 2024 to June 30, 2025 - \$404
- For the period July 1, 2025 to June 30, 2026 - \$410
- For the period July 1, 2026 to June 30, 2027 - \$416
- For the period July 1, 2027 to June 30, 2028 - \$422
- For the period July 1, 2028 to June 30, 2029 - \$428
- For the period July 1, 2029 to June 30, 2030 - \$434

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

# COURT NOTICES

## SUPREME COURT

### RICHMOND COUNTY

#### ■ NOTICE

**RICHMOND COUNTY  
I.A.S. PART 89  
NOTICE OF ACQUISITION  
INDEX NUMBER CY4522/2019  
CONDEMNATION PROCEEDING**

**IN THE MATTER OF** the Application of the CITY OF NEW YORK Relative to Acquiring Title in Fee Simple to Real Property for the

#### **MID-ISLAND BLUEBELT PHASE I—SOUTH BEACH**

In the area generally, bounded by Quintard Street on the South, Oceanside Avenue on the East, Lava Street and Lansing Street on the West and Willis Place on the North, in the Borough of Staten Island, City and State of New York.

**PLEASE TAKE NOTICE**, that by order of the Supreme Court of the State of New York, County of Richmond, IA Part 89 (Hon. Wayne P. Saitta, J.S.C.), duly entered in the office of the Clerk of the County of Richmond on July 10, 2019, the application of the City of New York to acquire certain real property, for the Mid-Island Bluebelt, Phase 1 (South Beach), was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of Richmond County. Said map, showing the property acquired by the City, was filed with the Clerk of Richmond County on July 25, 2019. Title to the real property vested in the City of New York on July 25, 2019.

**PLEASE TAKE FURTHER NOTICE**, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Lot	Property Interest to be Acquired
1A	3423	Street Bed Adjacent to Lot 7	Fee
2A, 2B	3422	Street Bed Adjacent to Lot 1	Fee
3	3417	236	Fee
3A, 3B, 3C	3417	Street Bed Adjacent to Lot 236	Fee
4A, 4B	3418	Street Bed Adjacent to Lot 50	Fee
5A, 5B	3417	Street Bed Adjacent to Lot 166	Fee
6A	3417	Street Bed Adjacent to Lot 165	Fee
7A	3417	Street Bed Adjacent to Lot 164	Fee
8A	3417	Street Bed Adjacent to Lot 163	Fee
9A	3417	Street Bed Adjacent to Lot 162	Fee
10A	3417	Street Bed Adjacent to Lot 161	Fee
11A	3417	Street Bed Adjacent to Lot 159	Fee
12A	3417	Street Bed Adjacent to Lot 158	Fee
13A	3417	Street Bed Adjacent to Lot 157	Fee
14A, 14B, 14C	3417	Street Bed Adjacent to Lot 214	Fee
15	3413	75	Fee
16	3427	10	Fee



16A	3427	Street Bed Adjacent to Lot 10	Fee
17	3427	100	Fee
17A	3427	Street Bed Adjacent to Lot 100	Fee
18	3413	35	Fee
19	3413	37	Fee
20	3413	65	Fee
21A, 21B	3413	Street Bed Adjacent to Lot 61	Fee
22	3413	14	Fee
22A, 22B	3413	Street Bed Adjacent to Lot 14	Fee
23	3413	9	Fee
23A	3413	Street Bed Adjacent to Lot to 9	Fee
24	3413	7	Fee
24A, 24B	3413	Street Bed Adjacent to Lot to 7	Fee
25	3413	18	Fee
25A	3413	Street Bed Adjacent to Lot to 18	Fee
26	3413	5	Fee
26A	3413	Street Bed Adjacent to Lot to 5	Fee
27	3413	4	Fee
27A	3413	Street Bed Adjacent to Lot to 4	Fee
28	3413	3	Fee
28A	3413	Street Bed Adjacent to Lot to 3	Fee
29A, 29B	3413	Street Bed Adjacent to Lot to 2	Fee
30A, 30B	3414	Street Bed Adjacent to Lot to 1	Fee
31	3414	53	Fee
31A, 31B, 31C	3414	Street Bed Adjacent to Lot to 53	Fee
32	3414	52	Fee
32A	3414	Street Bed Adjacent to Lot to 52	Fee
33	3414	51	Fee
33A	3414	Street Bed Adjacent to Lot 51	Fee
34A	3414	Street Bed Adjacent to Lot 49	Fee
35A	3414	Street Bed Adjacent to Lot 47	Fee
36A	3414	Street Bed Adjacent to Lot 36	Fee
37A	3414	Street Bed Adjacent to Lot 35	Fee
38	3414	30	Fee
38A	3414	Street Bed Adjacent to Lot 30	Fee
39A, 39B	3415	Street Bed Adjacent to Lot 7	Fee
40A	3415	Street Bed Adjacent to Lot 5	Fee
41	3415	3	Fee
41A	3415	Street Bed Adjacent to Lot 3	Fee
42	3415	1	Fee
42A, 42B, 42C	3415	Street Bed Adjacent to Lot 1	Fee
43A, 43B, 43C	3415	Street Bed Adjacent to Lot 53	Fee

44A	3415	Street Bed Adjacent to Lot 33	Fee
45A	3416	Street Bed Adjacent to Lot 21	Fee
46	3416	19	Fee
46A	3416	Street Bed Adjacent to Lot 19	Fee
47	3416	15	Fee
47A	3416	Street Bed Adjacent to Lot 15	Fee
48	3416	10	Fee
48A, 48B, 48C	3416	Street Bed Adjacent to Lot 10	Fee
49A	3491	Street Bed Adjacent to Lot 8	Fee
50A	3500	Street Bed Adjacent to Lot 200	Fee
51	3404	50	Fee
52	3405	100	Fee
53A	3406	Street Bed Adjacent to Lot 25	Fee
54A, 54B	3406	Street Bed Adjacent to Lot 23	Fee

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof shall have a period of two calendar years from the Vesting Date for this proceeding in which to file a written claim with the Clerk of the Court of Richmond County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007. Pursuant to EDPL § 504, the claim shall include:

- a. the name and post office address of the condemnee;
- b. reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- c. a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- d. if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007.

Dated: New York, NY  
July 26, 2019

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
Attorney for the Condemnor,  
100 Church Street  
New York, NY 10007  
(212) 356-4064

# 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

m30-s11

## 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/nycdcas.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

j2-d31

## HOUSING PRESERVATION AND DEVELOPMENT

### ■ PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property appear in the Public Hearing Section.

j9-30

## POLICE

### ■ NOTICE

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

The following list of properties 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

j2-d31

# PROCUREMENT

### "Compete To Win" More Contracts!

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

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

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

### 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).

**AGING**

**CONTRACT PROCUREMENT AND SUPPORT SERVICES**

■ AWARD

*Human Services/Client Services*

**SENIOR SERVICES** - BP/City Council Discretionary - PIN# 12519L0236001 - AMT: \$191,000.00 - TO: Jacob A. Riis Neighborhood Settlement, 10-25 41st Avenue, Long Island City, NY 11101.

City Council/ Borough President discretionary - funds for this contract have been provided through a Discretionary Award, to enhance services to New York City's older adults.

← a12

**BROOKLYN NAVY YARD DEVELOPMENT CORP.**

**DESIGN AND CONSTRUCTION**

■ SOLICITATION

*Construction Related Services*

**ENGINEERING DESIGN SERVICES FOR PIER DEMOLITION AND BULKHEAD STABILIZATION** - Request for Proposals - PIN# 000179 - Due 9-5-19 at 3:00 P.M.

RFP documents will be available on the BNYDC website, as of August 8, 2019. Visit, [brooklynnavyyard.org](http://brooklynnavyyard.org), to access.

A Mandatory Pre-Proposal Conference Meeting, will be held, at Brooklyn Navy Yard Development Corporation, Building 77, Suite 801, 141 Flushing Avenue, Brooklyn, NY, on August 15, 2019, at 1:00 P.M. Failure to attend, will result in disqualification. Personal protective equipment is required, for the site walk following the meeting.

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.

Brooklyn Navy Yard Development Corporation, 141 Flushing Avenue, Building 77, Suite 801, Brooklyn, NY 11205. Stacy Clark (929) 337-1202; [sclark@bnydc.org](mailto:sclark@bnydc.org)

a8-14

**CITY COUNCIL**

**CHARTER REVISION COMMISSION**

■ INTENT TO AWARD

*Services (other than human services)*

**MEDIA BUYER SERVICES FOR MTA SUBWAY AND BUS SYSTEM** - Sole Source - Available only from a single source - PIN# 1022020080119 - Due 8-22-19 at 11:00 A.M.

The New York City Council ("NYCC"), intends to enter into a Sole Source contract, with Outfront Media ("Outfront"), to provide media buyer services, for the MTA subway and bus system. These services will support a public education campaign regarding proposed amendments to the City Charter, approved by the 2019 New York City Charter

Revision Commission, which will appear on the ballot at the November 5, 2019 general election. NYCC, has determined that Outfront is a sole source provider, as they are currently the advertising licensee for the MTA subway, commuter rail and bus systems. Outfront has the exclusive right to post and display advertising on those systems. Any vendor who believes it can provide the proposed services, are welcome to submit an expression of interest, via email, to [j Smyth@council.nyc.gov](mailto:j Smyth@council.nyc.gov).

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

City Council, 250 Broadway, 26th Floor, New York, NY 10007. John P. Smyth (212) 482-5116; Fax: (212) 791-5266; [j Smyth@council.nyc.gov](mailto:j Smyth@council.nyc.gov)

a6-12

**CITYWIDE ADMINISTRATIVE SERVICES**

■ SOLICITATION

*Goods*

**VEHICLE, ALL WHEEL DRIVE HYBRID SUV - NYPD** - Competitive Sealed Bids - PIN# 8571900326 - Due 9-18-19 at 10:30 A.M.

A copy of the bid can be downloaded at City Record Online at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord). Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov), by telephone at (212) 386-0044 or by fax at (212) 669-7603.

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.

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007-1602. Evelyn Lucero (212) 386-0409; [elucero@dcas.nyc.gov](mailto:elucero@dcas.nyc.gov)

← a12

**OFFICE OF CITYWIDE PROCUREMENT**

■ AWARD

*Goods*

**GRP: FERNO EMSAR CLASS 1, 2 AND 3** - Competitive Sealed Bids - PIN# 8571900060 - AMT: \$1,387,500.00 - TO: Davis Enterprises Limited DBA Emsar NY/CT and EMS Associates, 16 Mount Ebo Road South, Suite 1A, Brewster, NY 10509.

← a12

**RECON ROBOTICS (BRAND SPECIFIC) - NYPD** - Competitive Sealed Bids - PIN# 8571900215 - AMT: \$433,860.00 - TO: Reconrobotics, Inc., 5251 West 73rd Street, Suite A, Edina, MN 55439-2221.

← a12

**CORRECTION**

**CENTRAL PROCUREMENT**

■ AWARD

*Goods and Services*

**WAX PAPER** - Innovative Procurement - Other - PIN# 072 20200003784 - AMT: \$150,000.00 - TO: Summit Paper Company, 3480 South Clinton Avenue, South Plainfield, NJ 07080.

← a12

**DISTRICT ATTORNEY - NEW YORK COUNTY**

■ SOLICITATION

*Human Services/Client Services*

**NEW YORK COUNTY RE-ENTRY TASK FORCE** - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 2020NA001 - Due 9-12-19 at 4:00 P.M.

The Manhattan District Attorney's Office and NYS Department of Corrections and Community Supervision (DOCCS), are requesting

proposals, from qualified not-for-profits, having a location in Manhattan (preferably in Northern Manhattan), to administer the New York County Re-entry Task Force (CRTF).

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.

District Attorney - New York County, One Hogan Place, New York, NY 10013. BidsRFPs (212) 335-9702; bidsrfps@dany.nyc.gov

☛ a12

**ENVIRONMENTAL PROTECTION**

**AGENCY CHIEF CONTRACTING OFFICE**

■ AWARD

*Construction Related Services*

**PW-112: -1 CM SERVICES IN CONNECTION WITH MISCELLANEOUS PROJECTS AT VARIOUS BWT LOCATIONS, SOUTH REGION** - Request for Proposals - PIN# 82618WPC1377

PW-112-2, East Region, Hazen and Sawyer, 498 Seventh Avenue, New York, NY 10018, \$14,000,000.

PW-112-3, North Region, Henningson, Durham and Richardson, Architecture and Engineering PC, 500 Seventh Avenue, New York, NY 10018, \$14,000,000.

☛ a12

**GI-S-DESIGN-4: TASK ORDER CONTRACT FOR DESIGN SERVICES FOR GREEN INFRASTRUCTURE** - Request for Proposals - PIN# 82617GINYDOE - AMT: \$3,850,000.00 - TO: CH2M Hill New York, Inc., 500 Seventh Avenue, 17th Floor, New York, NY 10018.

☛ a12

**GI-S-DESIGN-1: TASK ORDER CONTRACT FOR DESIGN SERVICES FOR GREEN INFRASTRUCTURE** - Request for Proposals - PIN# 82617GINYDOE - AMT: \$3,850,000.00 - TO: Montaldo and Rothstein Engineering, DPC, 402 West 40th Street, New York, NY 10018.

☛ a12

**GI-S-DESIGN-3: TASK ORDER CONTRACT FOR DESIGN SERVICES FOR GREEN INFRASTRUCTURE** - Request for Proposals - PIN# 82617GINYDOE - AMT: \$38,560,000.00 - TO: Tetra Tech Engineers, Architects and Landscape Architects, PC, 5 Hanover Square, Suite 502, New York, NY 10004.

☛ a12

*Services (other than human services)*

**CAPT-CAI: CATSKILL AQUEDUCT PRESSURE TUNNELS** - Request for Proposals - PIN# 82618WM00345 - AMT: \$6,819,230.00 - TO: Henningson, Durham and Richardson PC Architecture and Engineering PC, 500 Seventh Avenue, 15th Floor, New York, NY 10018.

☛ a12

**FINANCE**

**ADMINISTRATION AND PLANNING**

■ AWARD

*Services (other than human services)*

**QMATIC ONLINE APPOINTMENT SCHEDULING** - Intergovernmental Purchase - Other - PIN# 83619G0002001 - AMT: \$77,390.24 - TO: Technical Communities Inc, 1111 Bayhill Drive, #400, San Bruno, CA 94066.

Pursuant to Section 3-09 of the Procurement Policy Board (PPB) Rules, the New York City Department of Finance, has awarded a contract to Technical Communities Inc., for the provision of Qmatic Online Appointment Scheduling.

Brand Specific

☛ a12

**HEALTH AND MENTAL HYGIENE**

■ AWARD

*Services (other than human services)*

**AIRPLANES, HELICOPTERS, AND ACCESSORIES MAINTENANCE AND REPA.** - Renewal - PIN# 17AA000202R1X00 - AMT: \$146,000.00 - TO: North Fork Helicopters Ltd, PO Box 1160, Cutchogue, NY 11935-0874.

☛ a12

**HOUSING AUTHORITY**

■ SOLICITATION

*Construction/Construction Services*

**EXTERIOR RESTORATION ADN BALCONY RAILING REPLACEMENT AT TWIN PARK EAST (SITE 9)** - Competitive Sealed Bids - PIN# BW1913047 - Due 9-4-19 at 11:00 A.M.

There will be a Pre-Bid Meeting on 8/19/2019, at 10:00 A.M., at Twin Parks East m(site 9), 2070 Clinton Avenue, Bronx, NY 10457. Although attendance is not mandatory, it is strongly recommended that you attend. NYCHA staff will be available to address all inquiries relevant to this contract.

Bid documents can be picked up and dropped off Monday through Friday, 9:00 A.M. to 4:00 P.M., on the 6th Floor, CPD Bid Reception Window, for a \$25.00 fee. Documents can also be obtained by registering with I-supplier and downloading documents. Please note that original bid bonds are due at the time of Bid Opening.

Please note that in the event only one bidder has submitted a bid in connection with the contract, on or before the original bid submission deadline, the bid submission deadline shall automatically be extended for fourteen (14) calendar days. The foregoing extension does not in any way limit NYCHA's right to extend the bid submission deadline for any other reason.

This contract shall be subject to the New York City Housing Authority's Project Labor Agreement, if the Bidder's price exceeds \$250,000.00.

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.

Housing Authority, 90 Church Street, New York, NY 10007. Latrena Johnson (212) 306-3223; latrena.johnson@nycha.nyc.gov

☛ a12

**PROCUREMENT**

■ SOLICITATION

*Goods*

**MACHINERY: TILLER, 20' REAR BLADE AND TRIMMER, WEED** - Competitive Sealed Bids - PIN# 70714 - Due 8-29-19 at 12:00 P.M.

This is a RFQ for 3-years blanket order agreement. The awarded bidder/vendor agrees to have MACHINERY - TILLER, 20' REAR BLADE AND TRIMMER, WEED, readily available for delivery within 10 days after receipt of order on an "as needed basis", during the duration of the contract period. The quantities provided are estimates based on current usage and the New York City Housing Authority, may order less or more depending on our needs. All price adjustable RFQ'S are fixed for one year, after award date. One price adjustment per year will be allowed with mfg. supporting documentation only. Please note: Samples may be required to be provided within 10 days of request. Failure to do so will result in bid being considered non-responsive.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents

requested. Remit payment to NYCHA Finance Department, at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at the time of request.

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

Housing Authority, 90 Church Street, 6th Floor, Cubicle 6-754, New York, NY 10007. Ornette Proctor (212) 306-4529; Fax: (212) 306-5108; ornette.proctor@nycha.nyc.gov



← a12

**HUMAN RESOURCES ADMINISTRATION**

**OFFICE OF CONTRACTS**

■ INTENT TO AWARD

*Goods*

**BODY CAMERA PROGRAM INITIATIVE YEAR 1 - Sole Source** - Available only from a single source - PIN#09620S0001 - Due 8-16-19 at 2:00 P.M.

The Department of Social Services (DSS), requests the Sole Source Purchase of body-worn cameras with associated cloud-based storage, for the Human Resources Administration (HRA) and the Department of Homeless Services (DHS) Police Departments (collectively DSS). This Sole Source Procurement with Axon Enterprises, Inc., the largest producer and distributor of body-worn cameras for law enforcement in the nation, will provide purchasing the same equipment for HRA and DHS Peace Officers, to ensure that the same level of performance can be achieved. Axon's proprietary unique cloud-based software allows DSS to easily access, organize, and view large amounts of data without the need to build out costly infrastructure within DSS to manage such storage. Axon-manufactured body-worn cameras utilize Bluetooth technology, which is necessary for DSS' operations. Purchase will be made, via the Department of Citywide Administrative Services.

Organizations that believe they are capable to provide 800 body-worn cameras with Bluetooth technology for DHS, or are interested in similar future procurements, may express their interest, by letter, addressed to, Adrienne Williams, Office of Contracts, 150 Greenwich Street, 37th Floor, New York, NY 10007.

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.

Human Resources Administration, 150 Greenwich Street, 37th Floor, New York, NY 10007. Adrienne Williams (929) 221-6346; Fax: (929) 221-0758; williamsadri@dss.nyc.gov

a9-15

**LAW DEPARTMENT**

■ INTENT TO AWARD

*Services (other than human services)*

**INTENT TO ENTER INTO SOLE SOURCE WITH SIRSI CORPORATION D/B/A EOS - Sole Source** - Available only from a single source - PIN#02519X004408 - Due 8-30-19 at 5:00 P.M.

E-PIN 02520S0001).

It is the intent of the New York City Law Department ("Department"), to enter into negotiations, for a five-year contract, with (1) one-year option to renew with Sirsi Corporation d/b/a EOS ("Sirsi"), pursuant to PPB Rules Section 3-05(a), for the provision of implementation and maintenance of library automation software, which is proprietary to Sirsi, and works in conjunction with the existing card catalog system.

Based upon information obtained from Sirsi, the Department's Agency Chief Contracting Officer ("ACCO"), has determined that there is only one source for the required service.

Firms that believe they are qualified to provide these services and wish to be considered for future procurements for the same or similar services, should send an expression of interest, to the Department's Agency Chief Contracting Officer, at the following address: Esther S. Tak, Senior Counsel, New York City Law Department, 100 Church Street, Room 5-208, New York, NY 10007; Phone (212) 356-1122; Fax (212) 356-1148; Email etak@law.nyc.gov.

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

Law Department, 100 Church Street, Room 5-209, New York, NY 10007. Esther Tak (212) 356-1122; etak@law.nyc.gov

← a12-16

**NYC HEALTH + HOSPITALS**

**CONTRACT SERVICES**

■ SOLICITATION

*Construction Related Services*

**CONEY ISLAND - INFUSION THERAPY - ARCHITECTURAL (INCLUDES: PLMB, HVAC, FIREPRO AND ELEC) 1.1M - 1.3M** - Competitive Sealed Bids - PIN#CI-DSRIP - Due 9-6-19 at 1:30 P.M.

Coney Island Hospital Center, Infusion Therapy (DSRIP, 2601 Coney Island, Brooklyn, NY. Vendors planning to bid, are required to purchase the Bid Forms for a non-refundable fee of \$30 (Company Check or Money Order Payable to NYCHH).

All documents could not be uploaded and another link will be provided to download all files.

All Bids shall be in accordance with the terms of the NYC Health and Hospitals (HHC) Project Labor Agreement.

Mandatory Pre-Bid Meetings/Site Walk-Thrus are scheduled for Wednesday, August 21, 2019, at 11:00 A.M., and Thursday, August 22, 2019, at 11:00 A.M., Main Building, Room 2E9, at 2601 Ocean Parkway, Brooklyn, NY.

Technical Questions must be submitted in writing by email, no later than five (5) calendar days, after the Mandatory Pre-Bid Meetings are held.

All bidders must attend one of the Mandatory Pre-Bid Meetings in order to bid.

Requires Trade Licenses (where applicable). Under Article 15A of The State of New York, the following M/WBE Goals apply to this contract, MBE 20 percent and WBE 10 percent. These goals apply to any Bid Submitted of \$100,000 or more. Bidders not complying with these Terms will have their bids declared Non-Responsive.

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

NYC Health + Hospitals, 55 Water Street, 25th Floor, New York, NY 10041. Clifton Mc Laughlin (212) 442-3658; mclaughc@nychhc.org

← a12

**PARKS AND RECREATION**

■ VENDOR LIST

*Construction Related 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.**

NYC 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 NYC DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, NYC DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construct its parks, playgrounds, beaches, gardens and green-streets. NYC 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.

NYC 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/nycvendronline/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](mailto:dmwbe.capital@parks.nyc.gov)

j2-d31

**CAPITAL PROJECTS**

■ SOLICITATION

*Construction Related Services*

**CITYWIDE CONSULTANTS SERVICES FOR OPEN SPACE PLANNING** - Request for Proposals - PIN#84619P0003 - Due 8-22-19 at 2:00 P.M.

Copies of RFP can be downloaded, at the agency's website, <http://www.nyc.gov/parks>, or, at the City Record's website, [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord). A Pre-Proposal Meeting is scheduled for August 9, 2019, at 2:00 P.M., at the Olmsted Center Annex, Bid Room, Flushing Meadows-Corona Park, Flushing, NY 11368.

MWBE goals will be required for individual Work Orders under these contracts, in accordance with Local Law 1 of 2013, NYC's Minority-Owned and Women-Owned Business Enterprise (MWBE) program.

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. Alvaro Mora (718) 760-6897; Fax: (718) 760-6885; [rfpsubmissions@parks.nyc.gov](mailto:rfpsubmissions@parks.nyc.gov)

ky31-a20

**REVENUE**

■ SOLICITATION

*Services (other than human services)*

**DEVELOPMENT, OPERATION, AND MAINTENANCE OF A FOOD SERVICE FACILITY WITH THE OPTION TO OPERATE A MOBILE FOOD UNIT AT MONSIGNOR RAUL DEL VALLE SQUARE, BRONX.** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN#X9-SB-2019 - Due 9-13-19 at 2:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks"), is issuing, as of the date of this notice, a significant Request for Proposals ("RFP"), for the development, operation, and maintenance of a food service facility, with the option to operate a mobile food unit, at Monsignor Raul Del Valle Square, Bronx.

There will be a recommended On-Site Proposer Meeting and Site Tour on Friday, August 23rd, 2019, at 12:00 P.M. We will be meeting at the proposed concession site (Block # 2741 and Lot # 200), which is located at, Hunts Point Avenue and East 163rd Street, Bronx, NY 10459, Monsignor Raul Del Valle Square. We will be meeting in front of the building. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour. All proposals submitted in response to this RFP, must be submitted no later than Friday, September 13, 2019, at 2:00 P.M.

Hard copies of the RFP can be obtained, at no cost, commencing on Thursday, August 8, 2019 through Friday, September 13, 2019, between

the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at, 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download through Friday, September 13, 2019, on Parks' website. To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities>, and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) (212) 504-4115.

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, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Andrew Coppola (212) 360-3454; Fax: (212) 360-3434; [andrew.coppola@parks.nyc.gov](mailto:andrew.coppola@parks.nyc.gov)

a8-21

**AGENCY RULES**

**ENVIRONMENTAL PROTECTION**

■ NOTICE

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Department of Environmental Protection (DEP) is promulgating rules that would establish penalties for violations of Title 24, Chapter 6 of the Administrative Code, also known as the Hazardous Substances Emergency Response (Hazardous Materials) Law. The Office of Administrative Trials and Hearings is proposing a companion rule removing the Hazardous Substances Emergency Response Law (Hazardous Materials) Penalty Schedule from Title 48 of the Rules of the City of New York.

**When and where is the hearing?** DEP will hold a public hearing on the proposed rule. The public hearing will take place at 12:00 NOON, on September 11, 2019. The hearing will be held in DEP's 19th Floor Conference Room (Fishbowl), at 59-17 Junction Boulevard, Flushing, NY 11373.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DEP through the NYC rules website, at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to, [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).
- **Mail.** You can mail written comments to the DEP Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the DEP Bureau of Legal Affairs, at (718) 595-6543.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling (718) 595-6531. You can also sign up in the Hearing Room before the hearing begins, on September 11, 2019. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by September 11, 2019.

**What if I need assistance to participate in the hearing?** You may request a reasonable accommodation, by contacting DEP by mail at the address given above or by telephone at (718) 595-6531. Advance notice is required to allow sufficient time to arrange the accommodation. Please make the request us by September 4, 2019.

**This location has the following accessibility option(s) available:** Wheelchair accessibility.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rule by going to

the website, at <http://rules.cityofnewyork.us/>. Copies of the written comments will be available to the public at the Bureau of Legal Affairs.

**What authorizes the DEP to make this rule?** Section 1043 of the City Charter and Sections 24-610(c) and 24-611 of the Administrative Code authorize DEP to make this proposed rule. This proposed rule was included in DEP's regulatory agenda for this fiscal year.

**Where can I find DEP's rules?** DEP's rules are in Title 15 of the Rules of the City of New York.

**What rules govern the rulemaking process?** DEP must meet the requirements of Section 1043(c) of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

**Statement of Basis and Purpose of Proposed Rule**

The Department of Environmental Protection (DEP) is proposing a new Chapter 59 to amend Title 15 of the Rules of the City of New York (RCNY) that would establish a penalty schedule for violations of Sections 24-601 *et seq.* of the Administrative Code. The proposed rule is authorized by Section 1043 of the Charter of the City of New York and Sections 24-610(c) and 24-611 of the Administrative Code.

The current Hazardous Substances Emergency Response Law Penalty Schedule, which is located in the rules of the Office of Administrative Trials and Hearings (OATH) at 48 RCNY § 3-111, will be repealed by OATH on the same day that this proposed rule takes effect.

The penalty schedule will be moved from OATH Environmental Control Board (ECB) to DEP's rules. Although OATH ECB is empowered to impose penalties under the New York City Charter, and has until now promulgated penalty schedules, the regulatory and enforcement agencies have the necessary expertise to determine appropriate penalties for violations of the rules and of the laws within their jurisdiction based on the severity of each violation and its effect on City residents.

Moving the penalty schedule to DEP's rules will also make it easier for the public to find the penalties.

Finally, the proposed rule relocation will speed up the rulemaking process by eliminating the need for OATH ECB approval of proposed or amended penalties for agency rules that have already been established by the legislature and/or that have already undergone the City Administrative Procedure Act (CAPA) process by the enforcement agency. The public will still have the opportunity to comment on proposed penalties during that process.

Working with the City's rulemaking agencies, the Law Department, the Mayor's Office of Management and Budget, and the Mayor's Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. The proposed repeal of 48 RCNY § 3-111 was identified as meeting the criteria for this initiative.

New material is underlined. [Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

The text of the Rule follows.

Section 1. Title 15 of the Rules of the City of New York is amended by adding a new Chapter 59 to read as follows:

Chapter 59. Hazardous Substances Emergency Response Law Penalty Schedule.

§59-01 General.

(a) Whenever a respondent is found in violation of any of the following provisions of the NYC Administrative Code, any civil penalties imposed by a hearing officer, pursuant to 48 RCNY § 6-17(a) in accordance with § 1049-a(d)(1)(d) of the Charter or any civil penalties imposed for admissions of violations, pursuant to 48 RCNY § 6-09(c) or late admissions, pursuant to 48 RCNY § 3-17 will be imposed, pursuant to the penalty schedule set forth below.

(b) All citations, unless otherwise indicated are to the NYC Administrative Code.

(c) A second violation is a violation by the same respondent of the same section of law with a date of occurrence within three (3) years of the date of occurrence of the previous violation.

§59-02 Hazardous Substances Emergency Response Law Penalty Schedule.

\* The following shall be considered environmentally sensitive areas: wetlands and wetland buffer areas; National and State parks; critical habitats for endangered and threatened plant and animal species; wilderness and natural areas; marine sanctuaries; conservation areas; preserves; wildlife areas; scenic, wild or recreational rivers; seashore

and lakeshore recreational areas; critical biological resource areas; National and State protected and critical environmental areas (CEAS) as defined in 6 NYCRR Section 617.2(i).

<b>Section/Offense/ Penalty</b>	<b>Mitigating Factors (Cumulative)</b>	<b>Aggravating Factor (Cumulative, up to a Total Penalty of \$10,000)</b>	<b>Default</b>
<u>Admin. Code § 24-609(b) 1st offense Failed to comply with notification requirements upon release of hazardous substance \$4,000</u>	1. Subtract \$500, if telephone within 24 hours. Telephone notification shall be found where respondent provided DEP with all of the telephone notification requirements as provided in 15 RCNY § 11-03(b) within 24 hours of when respondent knows or has reason to know of a release. 2. Subtract \$500, if respondent did provide written notification. Written notification shall be found where respondent provided DEP with all of the written notification requirements as provided in 15 RCNY § 11-03(c). 3. Subtract \$1,000, if began abating release within 3 hours of when respondent knew or had reason to know of a release.	1. Add \$2,500, if release occurred within 1,000 feet of any of the following: residence district as defined by the New York City Zoning Resolution; school, highway, parkway or any other three lane roadway; environmentally sensitive area*; hazardous/toxic substance(s) industry/facility required to file under the New York City Community Right-to-know Law, Title 24 Chapter 7 of the New York Administrative Code. 2. Add \$2,500, if amount of release was equal to or greater than twice the Reportable Quantity. 3. Add \$2,500, if release caused actual injury to wildlife and/or human health. 4. Add \$2,500, if willful or intentional release of the listed hazardous substance.	\$10,000
<u>Admin. Code § 24-609(b) 2nd Offense \$9,000</u>	SAME AS ABOVE	SAME AS ABOVE	\$10,000
<u>Admin Code § 24-610(c) 1st Offense willfully violated or failed or refused to comply with Commissioner's Order \$3,000</u>	1. Subtract \$1,000, if complied with that portion of Scope of Work Order relating to securing of premises/building. 2. Subtract \$500, if complied with that portion of Scope of Work Order relating to identification of all hazardous substances.	1. Add \$1,500, if failed to comply with that portion of Scope of Work Order relating to Bills of Lading and Hazardous Waste Manifests. 2. Add \$1,500, if total non-compliance, i.e. failed to comply with any part of Commissioner's Order. (In such cases, there could be no mitigating factors.)	\$10,000
<u>Admin. Code § 24-610(c) 2nd Offense \$4,500</u>	SAME AS ABOVE	SAME AS ABOVE	\$10,000

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
(212) 356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Hazardous Substances Emergency Response Penalty Schedule

**REFERENCE NUMBER:** 2019 RG 060

**RULEMAKING AGENCY:** Department of Environmental Protection

I certify that this office has reviewed the above-referenced proposed rule as required by Section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: 7/26/2019



◀ a12

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Department of Environmental Protection (“Department” or “DEP”) is proposing to amend its rules governing the use of the public sewers to clarify language, update references to national standards and local codes, and to reflect changes in technology and practice related to the use of the public sewers.

**When and where is the hearing?** The Department will hold a public hearing on the proposed rule amendments. The public hearing will take place at 11 am on September 11, 2019. The hearing will be held in the 19th floor conference room (Fishbowl) at 59-17 Junction Boulevard, Flushing, New York.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department through the NYC rules web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).
- **Mail.** You can mail written comments to the Department, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19<sup>th</sup> Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the Department, Bureau of Legal Affairs, at (718) 595-6543.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 718-595-6531. You can also sign up in the hearing room before the hearing begins on September 11, 2019. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by September 11, 2019.

**What if I need assistance to participate in the hearing?** You must tell the Department’s Bureau of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by postal mail or email to the addresses given above. You may also tell us by telephone at (718) 595-6531. You must tell us by September 4, 2019.

**This location has the following accessibility option(s) available:** wheelchair accessible.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Bureau of Legal Affairs.

**What authorizes the Department to make these rules?** Section 1043(a) of the New York City Charter (“City Charter”) and section 24-523(e) of the Administrative Code of the City of New York authorize the Department to make these proposed rules which were included in the Department’s regulatory agenda for fiscal year 2019.

**Where can I find the Department’s rules?** The Department’s rules are in Title 15 of the Rules of the City of New York.

**What laws govern the rulemaking process?** The Department must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

#### Statement of Basis and Purpose

The New York City Department of Environmental Protection (“DEP” or “Department”) proposes to amend its rules governing the use of the public sewers (Title 15, chapter 19 of the Rules of the City of New York (“RCNY”)) to clarify language, update references to national standards and local codes, and to reflect changes in technology and practice related to the use of the public sewers.

The proposed amendments would make Chapter 19 clearer and more detailed and comprehensive, in order to make it easier for the regulated community to determine what needs to be done to attain compliance. In addition, the proposed amendments would provide the City with adequate legal authority to prohibit illicit discharges as required by the City’s Municipal Separate Storm Sewer System (MS4) permit, which was issued by the New York State Department of Environmental Conservation (DEC) on August 1, 2015 pursuant to the federal Clean Water Act. The MS4 permit requires the City to develop and implement measures to reduce pollution in stormwater runoff, and significantly expands the City’s previous obligations to reduce pollutants discharging to the MS4 areas. Numerous City agencies have significant responsibilities under the MS4 permit. The Department is responsible for coordinating the interagency efforts to meet the City’s MS4 permit requirements.

The proposed amendments to §19-01 Definitions would:

- Add the New York City Plumbing Code (hereinafter the “Plumbing Code”) definitions for “automatic grease removal device” and “grease interceptor” because the Plumbing Code distinguishes between the two. Currently Chapter 19 only refers to the sizing requirements for “grease interceptors” without addressing “automatic grease removal devices,” which are becoming increasingly common.
- Make Chapter 19 more consistent with the Plumbing Code in definitions and terminology by amending or adding definitions for “building drain,” “building drainage system,” “building sewer,” “clear water waste,” “combined sewer,” “groundwater,” and “potable water.”
- Add a definition for “bypass” from 40 CFR 122.41(m)(1)(i) and from the Industrial Wastewater Discharge permits issued by DEP.
- Delete the definition of “direct discharge.”
- Clarify the definition of “discharge” by describing a discharge as not only the release or introduction of a substance to the public sewer but also the “placement” of a substance therein.
- Clarify the definition of “effluent” by limiting it to combined or sanitary sewers because as used in this chapter the term cannot refer to discharges to the MS4.
- Add a definition for “food waste disposer.” Also, the proposed amendments specify in §19-03(b) that food waste disposers are permitted only within dwelling units, as it does in Plumbing Code § 413.1 and Administrative Code § 24-518.1(b).
- Add a definition for “grease retention capacity” to clarify a currently undefined term which is used in Chapter 19.
- Change “extraction solvent” to “extractant” in the definition of “non-polar material” and “oil and grease” in case the Environmental Protection Administration prescribes an extractant that is not a solvent.
- Clarify the definition of “pre-treatment” to specify discharges to a sanitary or combined sewer.
- Add a definition for “reduced pressure zone device” from 15 RCNY §20-10 because the term is used in the definition of “clear water waste.”
- Amend the definition of “sewer” to include conveyance of storm water.
- Clarify the definition of “sewer surcharge” to specify discharges to a sanitary or combined sewer.
- Clarify the definition of “shredded garbage” to specify conditions in a sanitary or combined sewer.
- Change “water pollution control plant” to “wastewater treatment plant” because the latter is the term that is currently used by DEP in all of its literature.
- Clarify the definition of “wastewater,” by adding “contaminated stormwater runoff” and “any liquid that is conveyed by means of a pump or a hose” so that it is understood that these are also considered wastewater.
- Add a definition for “yellow grease,” because of proposed new paragraphs (1) and (2) of subdivision (v) of section 19-11 related to yellow grease.
- Add definitions for “gravity grease interceptor” and “hydromechanical grease interceptor” in order to add sizing requirements for gravity grease interceptors while clarifying that the existing sizing requirements apply to hydromechanical grease interceptors.
- Add a definition for “green infrastructure” and include it in the definition of “sewerage system” in order to ban the discharge of prohibited substances into such infrastructure, and protect such infrastructure from damage.

The proposed amendments to §19-02 Disposal of Wastewater, Stormwater and Groundwater clarify the rules to better describe the existing process for obtaining permits for such discharges. The proposed changes also include a new self-certification process for discharges of 10,000 gallons per day or less to avoid a lengthy review for such discharges if a licensed New York State Professional Engineer certifies that the discharge is in compliance with the Department’s pollutant limits. This is consistent with the spirit of the current



regulatory language which does not require a permit for such discharges.

Regarding unauthorized connections to the sewer system, the proposed amendments clarify that the owner of the property with the unauthorized connection is liable for correcting the violation, and for all related expenses. Additionally, the proposed amendments state that DEP could choose to do the necessary work where circumstances may warrant, the expenses for which shall become due and payable by the property owner and constitute a lien upon the property. These powers are an important option for DEP in circumstances where it deems it preferable to do the work than to terminate water and sewer service. Examples of such circumstances are where there are particularly vulnerable individuals living on the premises, such as children, the elderly, or people with a health condition.

Also, the proposed amendments specify that groundwater discharge permits and/or letters of approval are for the "temporary" discharge of groundwater. This is meant to deter groundwater dischargers from continuing to tax the capacity of the sewer by the continuous renewal of permits and letters of approval to discharge groundwater rather than implementing a permanent engineering solution to a groundwater infiltration problem.

The proposed amendments to §19-03 Materials and Substances Excluded from Public Sewers clarify the section and add more harmful substances to the list of substances that are excluded from the public sewer. In addition, the proposed amendments replace certain references to "public sewer" with "combined or sanitary sewer" to clarify that the section is applicable only to combined and sanitary sewers. The term "public sewer" is retained in portions of this section that are applicable to combined, sanitary and storm sewers.

The proposed amendments to §19-04 Toxic Substances Accepted Conditionally, help to ensure that pretreatment systems are not just installed but installed correctly, and to prohibit the bypassing of such systems. In addition, the proposed amendments replace references to "public sewer" with "combined or sanitary sewer" to clarify that this section is applicable only to combined and sanitary sewers.

The proposed amendments to §19-05 Permit for Industrial Wastewater Discharge, §19-06 Removal, Transportation and Disposition of Scavenger Wastes, §19-07 Best Management Practices Plans (BMPPs) for Persons Discharging Total Silver Halide Process Wastewater to the Public Sewer System, §19-10 General Provisions, and §19-12 Best Management Practices for Perchloroethylene Discharges to the Public Sewer System from Dry Cleaning Facilities clarify the rules consistent with what is needed based on the experience of DEP inspectors, and other enforcement personnel. In addition, the proposed amendments replace certain references to "public sewer" with "combined or sanitary sewer" to clarify that portions of these sections are applicable only to combined and sanitary sewers. The term "public sewer" is retained in portions of this section that are applicable to combined, sanitary and storm sewers.

The proposed amendments to §19-11 Best Management Practices (BMPs) for Non-Residential Direct and Indirect Dischargers of Grease to the Public Sewer System, are numerous and represent the first major overhaul of the "grease regulations" since 1998. They reflect 17 years of accumulated experience on the part of DEP's inspectors and their purpose is to clarify the requirements, be more comprehensive, and provide greater enforcement tools to inspectors in fulfilling their duties to bring non-residential dischargers of grease into compliance.

In addition, some of the proposed changes would:

- Specify more fixtures that must be connected to a grease interceptor to avoid confusion by the regulated community.
- Specify more types of establishments that are covered by the BMPs to avoid confusion.
- Allow for compliance through the installation of automatic grease removal devices instead of just grease interceptors. This will conform to the Plumbing Code, which distinguishes between the two types of devices, and accommodate the increasing use of automatic grease removal devices.
- Require that the design, construction, and installation of grease interceptors and automatic grease removal devices not hinder the ability of inspectors to perform a dye test for the purpose of ascertaining connections to waste lines.
- Require that grease interceptors and automatic grease removal devices have a tamper proof distinguishing feature that will allow an inspector to determine what model the device or interceptor is, even when installed below grade.
- Add a minimum flow rate in gallons per minute to the minimum grease retention capacity in pounds in Tables I and II because automatic grease removal devices are rated by flow rate rather than grease retention capacity. Also, amendments to section 19-11(e) would require that the grease retention capacity in pounds for grease interceptors be at least twice the numerical flow rate in gallons per minute, because some grease interceptor manufacturers make interceptors which have retention capacities that are greater than twice the flow rate. Therefore, sizing only by minimum

grease retention capacity could result in a grease interceptor being installed that cannot handle the flow from the fixtures it is tributary to.

- Replace the old method of calculating aggregate volume for the fixtures in Tables I and II with a more accurate method.
- Add detailed criteria for determining the sizing of grease interceptors and automatic grease removal devices tributary to automatic dishwashers, combination ovens, floor drains, woks, and automatic hood wash units.
- Add the 25% rule for maintenance of grease interceptors and automatic grease removal devices. The rule requires that all the fat, oil, grease, and solids be removed before 25% of the interceptor or device's total liquid depth is exceeded. The 25% rule is an industry standard and is used by many municipalities across the country.
- Add sizing requirements for gravity grease interceptors. Since gravity grease interceptors are sized by storage capacity in gallons, rather than flow rate and grease retention capacity in pounds, they cannot be sized by the existing requirements which specify the required flow rate and grease retention capacity. Only hydromechanical grease interceptors are sized by flow rate and grease retention capacity in pounds. Therefore, for gravity grease interceptors, a means of converting the existing requirements into a minimum storage capacity in gallons has been inserted; i.e. the minimum required flow rate shall be multiplied by 3. The resulting number shall represent the minimum storage capacity in gallons if a gravity grease interceptor is installed. To arrive at this conversion, DEP looked at various hydromechanical grease interceptors and divided their total liquid volume to the static water level in cubic inches by 231 to derive the volume in US gallons. The resulting volumes were on average between 2 and 3 times the flow rate, which is why DEP is using 3 multiplied by the flow rate to determine what a comparable storage volume in gallons would be for gravity grease interceptors.
- Add more detailed sizing criteria for floor drains.
- Prohibit the use of emulsifiers, enzymes, chemicals, microbial agents, or other additives in grease interceptors or automatic grease removal devices because many of them send grease downstream creating the appearance of a well maintained device, while the grease reaches the sewer by mixing in with the wastewater. Some additives do not do anything to the grease while creating a disincentive for proper maintenance when the owner of the establishment thinks all that is needed is to use the additive without the need to clean out the unit.
- Require yellow grease (waste cooking oil) to be disposed of only through collection by carters licensed by the New York City Business Integrity Commission. This will help to prevent yellow grease from being discharged down the drain.
- Add a definition for "green infrastructure" and also include it in the definition of "sewerage system." By doing so, damage to the green infrastructure is prohibited under 15 RCNY 19-10(b)(2), which prohibits damage to the sewerage system.
- Add green infrastructure to the ban against discharge of prohibited substances in 15 RCNY 19-03(a)(1) and 15 RCNY 19-02(e).
- Add wipes and other personal care products to the list of substances prohibited from being discharged to the public sewer in 15 RCNY 19-03(a)(1).
- Add a prohibition against discharging antifreeze to the public sewer.
- Add a prohibition against discharging hazardous waste pharmaceuticals to the public sewer in accordance with the new prohibition against the "sewering" of hazardous waste pharmaceuticals in 40 CFR 266.505. The DEP prohibition is stricter than the federal prohibition in that the former would only exempt such small quantities as may be present in normal household wastes, whereas the latter only apply to healthcare facilities and reverse distributors.

The proposed amendments also include minor plain language revisions.

**Material being deleted is shown below in [brackets] and material being added is underlined.**

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

**Section 1. Chapter 19 of Title 15 of the Rules of the City of New York ("RCNY"), Use of the Public Sewers, is hereby amended to read as follows:**

**§19-01 Definitions.**

For the purpose of this chapter, the meaning of terms shall be as follows (unless the context specifically indicates otherwise):

**Allowable Runoff.** "Allowable runoff" [shall mean] means non-stormwater discharges associated with firefighting activities or as otherwise authorized by the Commissioner pursuant to this chapter.

**Aerobic Digestion Equipment.** "Aerobic Digestion Equipment" means a device that uses bacteria and oxygen to break down organic matter into liquid form and then discharges it into a drainage system.

**Anaerobic Digestion Equipment.** "Anaerobic Digestion Equipment" means a device that uses bacteria but no oxygen to break down organic matter into liquid form and then discharges it into a drainage system.

**Articles.** "Articles" [shall mean] means clothing, garments, textiles, fabrics, leather goods, and the like, that are dry cleaned.

**Automatic grease removal device.** "Automatic grease removal device" means a plumbing appurtenance that is installed in a drainage system to intercept grease-laden waste from a wastewater discharge. Such device operates on a time- or event-controlled basis and has the ability to remove free-floating fat, oil and grease automatically without intervention from the user, except for maintenance.

**Best Management Practices ("BMP").** "Best Management Practices" or "BMP" include, but are not limited to, a schedule of activities, prohibitions, maintenance policies, and other management procedures that are implemented to prevent or reduce the discharge of pollutants into the public sewer system. Best Management Practices also include pretreatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Best Management [Practice] Practices Plan ("BMPP").** "Best Management Practices Plan" or "BMPP", for the purposes of this regulation, [shall mean] means an operational methodology prepared in accordance with the requirements of this Section and established by any person pursuant to this Chapter 19 Title 15 of the RCNY or by order of the Commissioner to prevent or reduce the discharge of any substance regulated under this Chapter, consistent with the principles of Best Management Practices, to the public sewer system.

**BOD (denoting Biochemical Oxygen Demand).** "BOD" [shall mean] means the laboratory determination of the quantity of oxygen utilized in the biochemical oxidation of organic matter in a given time and at a specified temperature. It is expressed in parts per million (ppm) or (mg/L) of oxygen used in a period of five days at 20°C.

**Building drain.** "Building drain," also known as "house drain," means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes of the building and conveys such drainage to the building sewer.

**Building drainage system.** "Building drainage system," also known as "house drainage system," means that part of the plumbing system which receives, conveys and removes liquid and waterborne wastes to a public or private sewer.

**Building sewer.** "Building sewer," also known as "house sewer," means that part of the drainage system that extends from the end of the building drain and conveys the discharge to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

**Bypass.** "Bypass" means the intentional diversion of wastes from any portion of a treatment system.

**Catch basin.** "Catch basin" [shall mean] means a structure or device designed to collect and convey stormwater to a storm or combined sewer. It captures some of the debris and heavy solids carried by the flow in a settlement chamber and stores this material for periodic removal.

**Clear water waste.** "Clear water waste" means clear water drips from pumps and equipment, coil condensate, steam condensate, single pass refrigeration discharge, reduced pressure zone device discharge, and similar clear water drippage.

**Combined sewage.** "Combined sewage" [shall mean] means sewage originating from sanitary and/or industrial wastewater and stormwater.

**Combined sewer.** "Combined sewer" [shall mean] means a sewer receiving [sanitary and/or industrial wastewater, commingled with stormwater] a combination of sewage, stormwater, groundwater and nonpotable clear water waste.

**Commissioner.** "Commissioner" [shall mean] means the Commissioner of Environmental Protection.

**Contributory area.** "Contributory area" [shall mean] means the area from which the intercepted sewage flow is controlled by a regulator chamber.

**Cooling water.** "Cooling water" [shall mean] means the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other similar temperature reducing sources. It shall contain no polluting substances which would produce BOD or SS in excess of 10 mg/L or toxic substances in concentrations or amounts greater than those specified herein.

**Cost per pound of removing pollutants.** "Cost per pound of removing pollutants" [shall mean] means the cost per pound (in dollars) of removing from sewage the BOD and SS contained in wastewater discharged into the sewerage system expressed to the nearest tenth of a cent as certified by the Commissioner pursuant to Paragraph 14 of Subdivision a of §24-523 of the Administrative Code.

**Department.** "Department" [shall mean] means the Department of Environmental Protection of the City of New York.

**Dip tank.** "Dip tank" [shall mean] means a separate tank that contains perchloroethylene and is used for purposes other than dry cleaning.

**Direct discharge.** "Direct discharge" shall mean a discharge to a public sewer from a house sewer.]

**Discharge.** "Discharge" [shall mean] means the introduction, placement, or release of any substance, whether knowing or unknowing, accidental or otherwise, [to] into a public sewer or private sewer connected to a public sewer and shall include [both direct and] indirect discharges as defined herein.

**Diversion chamber.** "Diversion chamber" [shall mean] means a structure which diverts sanitary sewage into a regulator chamber under dry-weather conditions. During wet-weather it directs combined sewage, in excess of treatment plant capacity, to overflow into a tide gate chamber.

**Drainage area.** "Drainage area" [shall mean] means the geographical area which contributes flow to a particular location in the sewerage system.

**Dry cleaning.** "Dry cleaning" [shall mean] means the process used to remove soil, greases, paints and other unwanted substances from articles with the use of perchloroethylene.

**Dry cleaning equipment.** "Dry cleaning equipment" [shall mean] means any machine, device, or apparatus used to dry clean articles.

**Dry cleaning facility.** "Dry cleaning facility" [shall mean] means an establishment with one or more dry cleaning systems.

**Dry cleaning system.** "Dry cleaning system" [shall mean] means all of the following equipment, devices, or apparatus associated with the perchloroethylene dry cleaning operations, including, but not limited to: dry cleaning equipment; filter or purification systems; waste holding; treatment or disposal systems; water separators; perchloroethylene supply systems; dip tanks; pumps; gaskets; piping, ducting, fittings, valves, or flanges that convey perchloroethylene-contaminated air; and dry cleaning control systems.

**Effluent.** "Effluent" [shall mean] means wastewater, treated or untreated, which is discharged directly or indirectly to a [public] combined or sanitary sewer.

**Flammable.** "Flammable" [shall mean] means any waste stream with a closed cup flash point of less than 100 degrees Fahrenheit or 38 degrees Centigrade using the test methods specified in the definition of "flash point" in New York City Fire Code Section FC 3402.

**Flushable.** "Flushable" means meeting the International Water Services Flushability Group (IWSFG) testing criteria for flushability, as currently set forth in the 2018 IWSFG Publicly Available Specification (PAS) documents 1, 2, and 3, and in any successor documents.

**Food waste disposal.** See "food waste disposer."

**Food waste disposer.** "Food waste disposer" also known as "food waste disposal," means an electric motor driven device installed between a sink's drain and trap, for grinding food waste and disposing of such ground food waste through the plumbing drainage system.

**Gravity grease interceptor.** "Gravity grease interceptor" means a grease interceptor that utilizes gravity flow and retention time as the primary means of separating fat, oil, and grease from the facility waste stream prior to it entering the public sewer. Gravity grease interceptors are predominantly located outside due to their large size.

**Grease interceptor.** "Grease interceptor" means a plumbing appurtenance that is installed in a drainage system to intercept grease-laden wastes from a wastewater discharge. Such device has the ability to intercept free-floating fat, oil, and grease.

**Grease retention capacity.** "Grease retention capacity" means the maximum amount of grease that a grease interceptor or automatic grease removal device is rated by the manufacturer as being able to hold without compromising its ability to remove an average of 90 percent or more of the grease or other extractable matter in the wastewater.

**Green infrastructure.** "Green infrastructure" means the range of city-owned measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest or reuse, or landscaping to store, infiltrate or evapotranspire stormwater and reduce flows to sewer systems or to surface waters.

**Groundwater.** "Groundwater" [shall mean] means water located beneath the ground surface in soil pore spaces and in the fractures of rock formations and any water removed from the ground, including water from springs, and natural underground streams but excluding water from wells used for the delivery of potable or process water.

**House drain.** ["House drain" shall mean that part of the lowest horizontal piping of a house drainage system which receives the discharge from soil, waste and other drainage pipes of the building and conveys such drainage to the house sewer] See "building drain".

**House drainage system.** ["House drainage system" shall mean that part of the plumbing system which receives, conveys and removes liquid and waterborne wastes to a public or private sewer] See "building drainage system".

**House sewer.** ["House sewer" shall mean that part of a house drainage system which extends from a house drain to a connection with a public or private sewer] See "building sewer".

**Hydromechanical grease interceptor.** "Hydromechanical grease interceptor" means a grease interceptor that utilizes hydraulic flow action, internal baffling, and air entrainment as the primary means of separating fat, oil, and grease from the fixture waste stream. Hydromechanical grease interceptors are predominantly located indoors, compact in size, and located in proximity to the fixtures they serve.

**Indirect discharge.** "Indirect discharge" [shall mean] means a discharge from a private sewer to a public sewer, or a discharge to any street, gutter, pipe, channel, pumping station, catch basin, drain, waterway, or other conveyance leading to or connecting with a public sewer, including but not limited to the placement or abandonment of any substance which could reasonably enter a public sewer under the force of stormwater or other influence.

**Industrial wastes.** "Industrial wastes" [shall mean] means any liquid, gaseous or solid substances, or a combination thereof, resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

**Influent.** "Influent" [shall mean] means wastewater which flows into a pretreatment device or facility, or into a sewage treatment plant.

**Interceptor.** "Interceptor" [shall mean] means a sewer which receives the dry-weather flow from a number of transverse combined or sanitary sewers and conducts such sewage to a [water pollution control] wastewater treatment plant. During storms it receives predetermined quantities of dry-weather flow admixed with stormwater and conducts commingled sewage to a [water pollution control] wastewater treatment plant.

**Interceptor-collector.** "Interceptor-collector" [shall mean] means a sewer which not only intercepts existing combined sewers to convey the flow to a sewage treatment plant, but also serves as a local sanitary sewer.

**Laboratory determination.** "Laboratory determination" [shall mean] means the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurements, tests and analysis, of "Standard Methods for Examination of Water and Waste Water," a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation or in accordance with any other methods prescribed by the Commissioner in these Rules and Regulations or in any other Rules and Regulations.

**May.** "May" is permissive.

**mg/L.** "mg/L" [shall mean] means a unit of concentration expressed in milligrams per litre.

**Non-polar material.** "Non-polar material" [shall mean] means that portion of the oil and grease that is not eliminated from a solution containing N-Hexane, or any other [extraction solvent] extractant the EPA shall prescribe, by silica gel or any other means of adsorption the EPA shall prescribe.

**Oil and grease.** "Oil and grease" [shall mean] means the matter extractable from a wastewater sample using N-Hexane or any other [extraction solvent] extractant the EPA shall prescribe.

**Other wastes.** "Other wastes" [shall mean] means garbage (shredded or unshredded), refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinder, ashes, and all other discarded matter not sewage or industrial waste.

**Perchloroethylene.** "Perchloroethylene" [shall mean] means a colorless, volatile chlorinated hydrocarbon. Perc is also known as tetrachloroethylene and PCE. The chemical formula for perc is  $Cl_2C:CCl_2$ . The CAS (chemical abstract service) registry number for perc is 00127-18-4.

**Person.** "Person" [shall mean] means any individual, firm, company, association, society, corporation, institution or group.

**pH.** "pH" [shall mean] means the logarithm of the reciprocal of the hydrogen ion concentration. It indicates the intensity of acidity or alkalinity expressed in terms of pH scale running from 0 to 14. A pH value of [7.0] 7.0, the midpoint of the scale, represents neutrality. Values above 7.0 indicate alkalinity and those below 7.0 acidity.

**Pollutants.** "Pollutants" [shall mean] means substances that may be present in sewage, industrial waste or other waste, whether gaseous, liquid or solid.

**ppb.** "ppb" [shall mean] means parts per billion by volume in air or by weight in water.

**Potable water.** "Potable water" means water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the bacteriological and chemical quality requirements of the New York State Sanitary Code.

**Premises.** "Premises" [shall mean] means any parcel of real property including land, improvements or appurtenances, such as buildings.

**Pre-rinse sink.** See "scraper sink".

**Pretreatment.** "Pretreatment" [shall mean] means any measures to be taken by a user of the public sewer that are necessary in order that the characteristics or amounts of substances discharged to a [public] combined or sanitary sewer, either directly or indirectly, comply with §§19-03 or 19-04 of this chapter, including but not limited to the alteration of plant or processes, the installation of equipment and/or the implementation of procedures designed to reduce or eliminate the discharge of pollutants and toxic substances or eliminate any discharge so that compliance with §§19-03 or 19-04 is attained.

**Private sewer.** "Private sewer" [shall mean] means a [sewer located either in public or private property, which is privately owned and is controlled by public authority to the extent provided by law] private, sanitary, storm, or combined sewer that is designed and constructed in accordance with the requirements of the City drainage plan to serve a

specific development and is located in a finally mapped street, a record street, or a sewer easement, and discharges into an approved outlet.

**Process water.** "Process water" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

**Process wastewater.** "Process wastewater" means process water that has been discharged or discarded.

**Public sewer.** "Public sewer" [shall mean] means a sewer [which] that is owned by the City of New York.

**Pumping station.** "Pumping station" [shall mean] means a structure in the sewerage system housing pumps and appurtenances to lift sewage from a lower to a higher level.

**Receiving water.** "Receiving water" means a channel, canal, stream, creek, river, pond, lake, ocean, or other body of water.

**Reduced pressure zone device.** "Reduced pressure zone device" means a minimum of two independently acting check valves, with an automatically operated pressure differential relief valve located between the two check valves.

**Regulator.** "Regulator" [shall mean] means a device or apparatus for controlling the quantity of combined sewage from a contributory area admitted to an interceptor or interceptor collector. It is usually comprised of a regulator chamber, a diversion chamber and a tide gate chamber.

**Regulator chamber.** "Regulator chamber" [shall mean] means a structure and related appurtenances, which limits the quantity of flow to an interceptor or interceptor-collector.

**Sanitary sewer.** "Sanitary sewer" [shall mean] means a sewer [which] that conveys only [sanitary or industrial] sewage.

**Sanitary wastes.** "Sanitary wastes" [shall mean] means bodily wastes, wash water, or similar matter.

**Scavenger wastes.** "Scavenger wastes" [shall mean] means the sludge derived from sanitary wastewater discharged into cesspools, septic tanks or privies located within the City of New York.

**Scraper sink.** "Scraper sink" also known as "pre-rinse sink" means a sink used for scraping food scraps, particles, and residue off of dishes.

**Scullery sink.** "Scullery sink" means a sink used for cleaning dishes and cooking utensils.

**Sewage.** "Sewage" [shall mean and include] means, for [purpose] purposes of these Regulations, water and waterborne materials and substances of every kind and description which are [present in] typically conveyed through a sewer, including but not limited to, liquid wastes, chemicals, wastewater, human, [or] animal, or plant wastes, industrial waste, nonpotable clear water waste or other waste, or infiltration and inflow.

**Sewage treatment works, sewage treatment plant or [water pollution control] wastewater treatment plant.** "Sewage treatment works," "sewage treatment plant" or "[water pollution control] wastewater treatment plant" [shall mean] means a City-owned facility for the treatment of sewage.

**Sewer.** "Sewer" [shall mean] means a pipe or conduit for carrying sewage and/or stormwater. Except where otherwise specified or where the context clearly dictates otherwise, the term "sewer" as used in this chapter shall refer to a public sewer.

**Sewer surcharge.** "Sewer surcharge" [shall mean] means a charge which may be applied by the New York City Water Board to premises or users discharging wastewater, directly or indirectly, into a [public] combined or sanitary sewer which contains BOD and/or SS in concentrations exceeding those which may be specified by rule of said board.

**Sewerage system or sewer system.** "Sewerage system" or "sewer system" [shall mean] means and [include] includes all sewers, including storm sewers, sanitary sewers, combined sewers and intercepting sewers and manholes, sewage pumping treatment and disposal works and any other plants, works or equipment, [and] accessories, and green infrastructure within the City, which are used or are useful in connection with the collection, treatment or disposal of sewage, [and] waste, or stormwater, and which are owned, operated or maintained by the City as part of the public sewer system.

**Shall.** "Shall" is mandatory.

**Shredded garbage.** "Shredded garbage" [shall mean] means garbage shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in [public] combined or sanitary sewers, with no particle having a dimension greater than 1/2 inch in any direction.

**Silver-Rich Solutions.** "Silver-Rich Solutions" include, but are not limited to, fixers, bleach-fixes, stabilizers (e.g. plumbless stabilizers and chemical washes), low-flow washes, and all functionally-similar solutions.

**SS (denoting suspended solids).** "SS" [shall mean] means the laboratory determination of the dry weight expressed in parts per million (ppm) or mg/L of solids that either float on the surface or are in suspension in sewage and can be removed by filtration.

**Storm sewer.** "Storm sewer" [shall mean] means a sewer, the primary purpose of which is to carry stormwater.

**Stormwater.** "Stormwater" [shall mean] means runoff that is generated when precipitation from rain events or snowmelt flows overland and does not percolate into the ground.

**Tide gate chamber.** "Tide gate chamber" [shall mean] means a structure and related appurtenances which allows bypassing or overflow of excess combined sewage of a combined sewer or the flow of stormwater of a storm sewer to enter the receiving waters and prevents back flow of the receiving waters into the sewerage system.

**Tilting braiser.** "Tilting braiser," also known as "tilting skillet" means a cooking device that can be used in various different cooking operations such as braising, frying, stewing, broiling, grilling, roasting, etc., which is drained after usage by tilting the cooking compartment and pouring out its liquid waste.

**Tilting skillet.** See "tilting braiser."

**Total silver halide process wastewater.** "Total silver halide process wastewater" [shall mean] means the sum of all aqueous solutions used in any silver halide imaging process, including, but not limited to, photography film developers, fixers, bleach-fix, stabilizers, washes, rinse waters, and all functionally-similar solutions.

**Toxic substance.** "Toxic substance" [shall mean] means any substance on the list of toxic pollutants or combination of pollutants published by the Administrator of the Federal Environmental Protection Agency pursuant to §307(a)(1) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, as amended, or any substance whether gaseous, liquid or solid, which when discharged to the sewerage system may tend to (1) interfere with or inhibit any sewage treatment plant process or disposal operation or (2) be detrimental to the health of human beings, animals or to aquatic life.

**Unshredded garbage.** "Unshredded garbage" [shall mean] means solid waste from preparation, cooking and dispensing of food or food products and from handling, storing and sale of produce.

**User.** "User" [shall mean] means any person which causes a direct or indirect discharge to a public sewer.

**Wastewater.** "Wastewater" [shall mean] means [liquid carried] liquid-carried sanitary, industrial or other wastes, contaminated stormwater runoff, or any liquid that is conveyed by means of a pump or a hose into a public sidewalk, street, sewer, or sewer appurtenance, including but not limited to a catch basin or manhole.

**Water separator.** "Water separator" [shall mean] means a vessel that uses gravity to physically separate liquid perc from liquid water.

**Wipe.** "Wipe" means a nonwoven disposable product that is designed, marketed, or used for personal hygiene, or for household, commercial, or industrial cleaning purposes.

**Wok.** "Wok" means a bowl-shaped pan used especially for frying and steaming.

**Yellow grease.** "Yellow grease" means waste cooking oil.

#### §19-02 Disposal of Wastewater, Stormwater and Groundwater.

(a) Except with the written approval of the Commissioner and in compliance with the terms and conditions of such approval, no stormwater outlet such as from a building, yard, or [catchbasin] catch basin, nor any drain from a body of water such as a lake, swamp, pond or swimming pool shall be connected to a public sewer, or to a private sewer connected to a public sewer, or to an interceptor-collector.

(b) No stormwater shall be allowed to enter a [house] building drainage system within any area served by a separate sanitary [sewerage system] sewer. Within any such area, no down spout or leader, gutter or other pipe, drain or channel which may at any time carry stormwater, subsurface drainage derived from hydraulic pressure or from well points, cooling water, or sea water shall be connected to any sanitary sewer. No down spout or leader shall be used as a soil, waste or vent pipe. Every joint in the connection of a [house] building drain to a sanitary sewer [shall] must be made watertight so that no leakage into or from any such drain shall occur.

(c) No person shall discharge or cause to be discharged, directly or indirectly, into any storm sewer any substance other than stormwater or allowable runoff.

(d)(1) No connection to the sewerage system including but not limited to conveyance through hard pipe, hose, or channel shall be made without the written approval of the Commissioner and compliance with the terms and conditions of such approval.

(2) The owner of any parcel of real property with an unauthorized connection to the sewerage system shall be liable for removing any such connection, and if needed, for reconnecting to a proper sewer as authorized, directed, or ordered by the Commissioner, and for all associated costs and expenses.

(3) The Commissioner, when circumstances may warrant, may direct the Department to undertake such disconnection and/or reconnection in lieu of said owner, the costs and expenses of which shall become due and payable by the owner and shall constitute a lien against such property in the manner described in §24-512 of the Administrative Code.

(4) Pursuant to sections 19-10(d)(1) and 19-10(d)(2) of this chapter, the Commissioner, his or her deputies and any other employees of the Department, when authorized by such Commissioner, may enter upon such property and bring in the necessary equipment at reasonable hours, for the purpose of exercising the powers or performing the duties of the Department under this section. Refusal to permit such entry or bring in such necessary equipment shall be a violation of these regulations.

(e)(1) No person shall discharge or cause to be discharged, directly or indirectly, into any catch basin or manhole any substance other than stormwater or allowable runoff.

(2) No person shall discharge or cause to be discharged, directly or indirectly, into any green infrastructure any substance other than stormwater.

(f)(1)(i) No person shall discharge, or cause to be discharged, directly or indirectly, [over 10,000 gallons per day of] groundwater[,] into a public sewer without a groundwater discharge permit from the [Commissioner] Department's Bureau of Customer Services; provided that no person shall discharge, or cause to be discharged, directly or indirectly, over 10,000 gallons per day of groundwater, into a public sewer without a letter of groundwater quality approval from the Department's Bureau of Wastewater Treatment, a letter of approval contingent upon a review of the capacity and capabilities of the receiving sewer from the Department's Bureau of Water and Sewer Operations, and a groundwater discharge permit from the Department's Bureau of Customer Services.

(ii) Such letters of approval are also required for groundwater discharges of 10,000 gallons per day or less when the applicant's New York State Professional Engineer determines that such groundwater may contain any materials or substances prohibited or regulated by any provision of this title.

(iii) For groundwater discharges of 10,000 gallons per day or less that are in compliance with these Rules, the Commissioner may allow a New York State Professional Engineer to submit a statement on a form provided by the Department certifying that representative groundwater samples have been collected and that they have been properly handled, preserved, and analyzed in accordance with 40 CFR Part 136, or if 40 CFR Part 136 does not cover the pollutant in question, in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," and that the analysis of such samples by a New York State Health Department certified wastewater laboratory shows compliance with the toxic discharge limits set by the Commissioner pursuant to §19-03(a)(11)(ii) of these Rules. The owner of the premises is required to maintain the laboratory results for said analysis for a minimum of either five years or such longer period as may be required by other applicable laws or regulations, and must make them available to the Department upon request.

(iv) The owner and/or operator of the premises from which the groundwater originates shall remain liable for what is discharged into the public sewer, and shall be subject to the applicable fines, penalties and other sanctions provided in §24-524 of the Administrative Code of the City of New York if such discharge is not in compliance with applicable provisions of the Administrative Code and Rules of the Department.

(v) No such self-certification shall be deemed to waive, nor shall any such self-certification be held to limit the power of the Commissioner to enforce any requirements of these or any other regulations, or of the Administrative Code or of any other law. The Department shall not incur any liabilities or obligations for the failure of the discharge from such self-certified premises to comply with this chapter or any other regulations, the Administrative Code or any other law.

(vi) Any groundwater discharges to a storm sewer which discharges directly to a receiving water, regardless of the amount, shall require a State Pollution Discharge Elimination System (SPDES) permit, a non-jurisdictional determination letter, or such other written approval as may be required from the New York State Department of Environmental Conservation in addition to a groundwater discharge permit from the Department's Bureau of Customer Services, and if over 10,000 gallons per day, a letter of approval contingent upon a review of the capacity and capabilities of the receiving sewer from the Department's Bureau of Water and Sewer Operations.

(2) The Commissioner may impose any terms or conditions in a groundwater discharge permit and/or letter of groundwater quality approval that he or she deems necessary. If those terms or conditions are not complied with at all times, the permit and/or letters of approval may be immediately revoked pursuant to paragraph (7) of this subdivision.

(3) The Commissioner may consult with the United States Environmental Protection Agency and the New York State Department of Environmental Conservation prior to granting a groundwater discharge permit and/or letters of approval [for discharges to combined or sanitary sewers], and at their suggestion, may include such conditions as he or she deems appropriate.

(g) The Commissioner may approve an application for a groundwater discharge permit and/or letters of approval upon demonstration by the applicant, satisfactory to the Commissioner, that:

(1) substantial property damage will result unless such groundwater is removed;

(2) there [is] are no feasible alternative methods of disposal;

(3) allowing the discharge will not overload the hydraulic capacity of the sewer; [and]

(4) such discharge will not cause an unacceptable dilution of the influent to the [water pollution control] wastewater treatment plant receiving the groundwater discharge, so as not to adversely impact the plant's operation; and

(5) such discharge will be temporary.

(h) (1) Permits and/or letters of approval for the temporary discharge of groundwater into storm sewers shall require, at a minimum, compliance with the following conditions:

(i) the discharger [shall] must develop and implement, pursuant to a schedule set by the Commissioner, an alternative method of disposal, unless the applicant demonstrates to the satisfaction of the Commissioner that no such alternative method of disposal exists or can be developed or implemented;

(ii) the discharger [shall] must indemnify and hold the City of New York harmless for any damage or liability incurred by the City of New York either directly or indirectly, in the event that the discharge results in overloading the capacity of such storm sewer, or otherwise causes flooding, and shall also post and maintain such cash or surety bond as may be required and will be satisfactory to the Commissioner and [shall] must supply evidence of such bond when required;

(iii) the discharger [shall] must pay a sewer [rent] use fee or charge equivalent to the one imposed by the Department pursuant to §24-514 of the Administrative Code;

(iv) the discharger must install a flow meter to measure the flow of groundwater to the storm sewer.

(2) [Approvals] Permits and/or letters of approval for the temporary discharge of groundwater into either combined or sanitary sewers, shall require, at a minimum, compliance with the following conditions:

(i) the discharger [shall] must develop and implement, pursuant to a schedule set by the Commissioner, an alternative method of disposal, unless the applicant demonstrates to the satisfaction of the Commissioner that no such alternative method of disposal exists or can be developed and implemented;

(ii) the discharger [shall] must indemnify and hold the City of New York harmless for any damage or liability incurred by the City of New York either directly, or indirectly, in the event that the discharge results in overloading the capacity of such combined or sanitary sewer, causes a bypass away from the sewage treatment plant to which it would have otherwise flowed, or otherwise causes flooding, and [shall] must also post and maintain such cash or surety bond, as may be required and will be satisfactory to the Commissioner and [shall] must supply evidence of such bond when required;

(iii) the discharger [shall] must pay a sewer [rent] use fee or charge equivalent to that imposed by the Department pursuant to §24-514 of the Administrative Code;

(iv) the discharger must install a flow meter to measure the flow of groundwater to the combined or sanitary sewer.

(i) A [groundwater discharge] permit and/or letters of approval issued by the Commissioner for the temporary discharge of groundwater, unless sooner terminated or revoked; is effective for one year. The permit and/or letters of approval may be renewed by the Commissioner thereafter for additional one-year periods upon new application by the discharger.

(j) *General application for non-stormwater discharges into storm sewers.*

(1) Notwithstanding any other provision of this chapter, any person may apply to the department for written approval to discharge a substance other than stormwater or groundwater into a storm sewer in accordance with the requirements of this subdivision.

(2) An applicant may apply by submitting an application on the form and in a format approved by the Commissioner and made available on the City's website.

(3) Such written approval shall be granted for a period determined by the Commissioner, not to exceed one year. The Commissioner may approve additional discharge periods upon new application by the discharger.

(4) The Commissioner shall disapprove an application for a discharge, pursuant to this section if, in the determination of the Commissioner, the discharge is reasonably likely to be:

(a) Inconsistent with the proper maintenance and purpose of the city's storm sewers, including but not limited to the capacity of such storm sewers; or

(b) A significant contributor of pollutants to the sewer system or to surface waters of the state, or otherwise inconsistent with the state pollutant discharge elimination system (SPDES) permit for municipal separate storm sewer systems of New York City, SPDES No. NY-0287890 or its successor.

(5) The Commissioner may impose such terms and conditions that he or she deems necessary to protect the sewer system, the surface waters of the state, or to protect the public health or the environment.

(6) The applicant may file with the Commissioner a written appeal of a denial of an application submitted, pursuant to Paragraph (1) of this subdivision or of the terms or conditions of a written approval imposed, pursuant to Paragraph (5) of this subdivision. Such appeal must be filed within 30 days of the determination on the application. Appeals shall be reviewed by the Department and a final determination regarding the appeal shall be made within a reasonable period of time.

(7) If the terms or conditions of a written approval are not complied with at all times, the written approval may be revoked upon notice to the discharger and an opportunity to be heard, except that the Department may, upon a finding that the continued discharge presents an imminent harm to public health or safety or to the environment, immediately revoke such written approval without prior notice. In such

case, the Commissioner shall forthwith notify the individual of such revocation, the reasons for such revocation and that the individual has the right to request a hearing within a reasonable period of time.

#### **§19-03 Materials and Substances Excluded from [Public] Combined and Sanitary Sewers.**

(a) Except as hereinafter provided, any person that discharges or causes to be discharged, including any placement, run, leak, or escape into any [public] combined or sanitary sewer, pipe, channel, pumping station, catch basins, drain connecting with any combined or sanitary sewer or any other sewer appurtenances, or green infrastructure, or waterway connecting with any [public] combined or sanitary sewer, or into any private sewer connected with a [public] combined or sanitary sewer any of the following described materials, substances or wastes, except as authorized in writing by the Commissioner or such small quantities through a building drainage system as may be present in normal household wastes, shall be strictly liable, without regard to fault:

(1) Construction materials, concrete or concrete contaminated water, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, coffee grounds, fur, wax, power wash waste, building wash waste, fats, oils, grease, or any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system. No amount of the following shall be considered normal household wastes for purposes of this section: wipes that are not flushable, diapers, paper towels, floss, condoms, razors, hypodermic needles, contact lenses, bandages, sanitary pads, tampons, tampon applicators, gauze, cotton balls, swabs, any other personal hygiene products, drinking straws, any other items that are not toilet paper, sanitary waste, or items that have otherwise been authorized in writing by the Commissioner;

(2) Snow and ice at [unauthorized] locations not authorized in writing by the Commissioner;

(3) Steam or wastewater above 150°F;

(4) Flammable or explosive liquids, solids or gases, including but not limited to gasoline, benzene and naphtha (notwithstanding anything to the contrary contained in these Regulations, under no circumstances may any such substances be discharged into the sewerage system, even if diluted prior to or after discharge;

(5) Oil sludges, waste oil, motor oil, heating oil, diesel and other fuels, dielectric fluid, brake fluid, transmission fluid, hydraulic fluid, or other similar substances;

(6) Non-polar material, as defined in §19-01, in concentrations greater than 50 mg/L for any given time;

(7) Coal tar, its derivatives and waste;

(8) Paints and related paint waste products from any source that tend to clog or otherwise interfere with the operation of the sewerage system;

(9) [Wastewater] Corrosive wastewater having a pH lower than 5.0 or higher than 12.0 or having any other corrosive property likely to cause damage to structures or equipment of the sewerage system or create a hazard to personnel;

(10) Toxic substances in such quantities, which [the person knows or has reason to know,] may when discharged from a single source or in combination with other sources: (i) interfere with any sewage treatment process, including sludge digestion;

(ii) limit the City's options for operating its sewerage system or disposing of the sewage sludge, grit or scum generated at [water pollution control] wastewater treatment plants;

(iii) be detrimental to the health of human beings, animals, or aquatic life;

(iv) [create] have any [adverse effect] negative impact [in] on the receiving waters; or

(v) violate federal or state laws or regulations or the requirements of a discharge permit of a sewage treatment plant issued pursuant to §402 of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, as amended, or any other permit issued pursuant to federal or state law.

(11) Toxic substances in such quantities which may, when discharged from a single source or in combination with other sources:

(i) violate any federal or state laws, regulations, rules or standards governing such discharge; or

(ii) violate the toxic discharge limits to be set by the Commissioner, contained in a list to be maintained by the Commissioner and which may be published from time to time in the City Record, or

(iii) violate any discharge limit contained in §19-04(a) or ordered pursuant to §19-04(b).

(12) Any liquids or wastes containing pollutants of such quality and/or quantity that become burdensome in the operation and maintenance of a sewage treatment plant;

(13) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(14) Any wastewater or substance, which in the opinion of the Commissioner, will result in a violation of any applicable federal, state or local water quality standard concerning discoloration or other undesirable physical change in the appearance of the receiving waters[.];

(15) Any still bottom or sludge residues resulting from dry cleaning processes including, but not limited to, dirt, lint, soil and any other deposits or residues extracted as a result of any dry cleaning processes.

The discharge of filters or filter media used in dry cleaning processes is also prohibited;

(16) Antifreeze;

(17) Hazardous waste pharmaceuticals, as defined in the Code of Federal Regulations, in 40 C.F.R. Part 266.500.

(b) Food waste disposers shall be permitted only within dwelling units. Under no circumstances will the discharge of [unshredded] garbage or refuse whether shredded or unshredded, other than ground food waste from food waste disposers in dwelling units, be permitted into a [public] combined or sanitary sewer. [Only stormwater may be directed to a receiving water without first passing through a sewage treatment plant or its bypass.]

(c) [When in the opinion of the Commissioner the solids in an industrial waste or other wastes require comminution before discharge to the public sewer, not only must the necessary comminution facilities be approved by the Commissioner for adequacy but also the operating results must satisfactorily, in the opinion of the Commissioner, abate the problem which such solids may tend to create in the sewerage system] Except with the written approval of the New York State Department of Environmental Conservation, and in compliance with the terms and conditions thereof, only stormwater and allowable runoff may enter a receiving water without first passing through a sewage treatment plant or its bypass.

(d) (1) Every person [shall] must provide protection from accidental discharge and from spillage with the potential to cause a discharge of any materials or substances prohibited or regulated by any provision of any section of any title of these Regulations. Facilities to prevent accidental discharges and spills, such as spill prevention equipment, [shall] must be provided and maintained by the person at his or her expense. The Commissioner may require the construction and/or installation of special facilities to prevent accidental discharges and spills and the submission of detailed plans, for review, prior to the construction and/or installation.

(2) In the event of a discharge in violation of any provision of any section of any title of these Regulations, the person involved in the accidental discharge, shall must immediately notify the Department, at any hour, by telephone at 311, and [shall] must give such other additional notice as the Commissioner may direct. The telephone notification [shall] must include, the name of the person reporting the discharge, the exact time and location of the discharge, the nature of the discharge, including quantity, what it contains and any other information the Commissioner may request. The Commissioner may require additional notification and reporting, including written reports in a form he or she may prescribe.

(3) All establishments using or storing toxic or other substances the discharge of which would be prohibited, restricted, or regulated by these Regulations, [shall] must post a notice of the procedures to be followed in the event of an accidental discharge. The Commissioner may prescribe the size, form and content of this notice. This notice [shall] must be posted at the location of the storage and use of toxic and other substances, the discharge of which would be prohibited, restricted or regulated by these Regulations.

(4) In the event of a discharge that enters or has the potential to enter the public sewers, in violation of any provision of any section of any title of these regulations, any person involved in the discharge [shall] must immediately take steps to mitigate the [affects] effects of such discharge and commence clean-up procedures of such discharge in accordance with all applicable Federal, State and City laws, rules and regulations.

(e) The control of all odors which arise in premises from a public sewer [shall] must at all times be the responsibility of the owner or occupiers of premises. The cost of such control shall be borne by the owner or occupiers of premises.

(f)(1) All pretreatment and monitoring devices, including but not limited to a grease or oil interceptor or automatic grease removal device, whether required to be installed by order of the commissioner or by any other law or regulation and located on any premises, shall be the proper device and correctly installed, maintained in good working order, and operated properly to ensure that the requirements of this section and other applicable sections of the regulations are met.

(2) Bypass of pretreatment systems is prohibited except under the conditions and subject to the limitations specified in Section 19-04(d)(2) of these regulations.

(g) No person shall discharge or cause to be discharged any radioactive material either directly or indirectly into the sewerage system, unless all restrictions, prohibitions, and requirements of Article 175 of the New York City Health Code are fully complied with.

(h)(1) Interceptors and separators must be provided to prevent the discharge of oil, grease, sand and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system, or the sewage treatment plant or processes.

(2) The size, type and location of grease interceptors and automatic grease removal devices must be designed and installed in accordance with the manufacturer's instructions and the requirements of Section 19-11 of these regulations based on the anticipated conditions of use.

(3) The size, type and location of other types of interceptors and separators, including but not limited to oil separators, and sand

interceptors must be designed and installed in accordance with the manufacturer's instructions and the requirements of Section 1003 of the New York City Plumbing Code based on the anticipated conditions of use.

(4) Wastes that do not require treatment or separation must not be discharged into any interceptor or separator.

#### §19-04 Toxic Substances Accepted Conditionally.

(a) The concentration in wastewater of any of the following toxic substances [shall] must not exceed the specified concentrations listed below before discharge to a [public] combined or sanitary sewer;

Toxic Substance	Permissible Maximum Concentration for any given time (mg/L)	Daily Average Maximum Concentration (mg/L)
Cadmium	2	0.69
Chromium (hexavalent)	5	—
Copper	5	—
Cyanide (amenable)	0.2	—
Lead	2	—
Mercury	0.05	—
Nickel	3	—
Zinc	5	—

(b) (1) Notwithstanding anything contained in §19-04(a) above, when the volume of a single toxic discharge or the combined toxic discharges of a group of establishments within a single drainage area is large enough, in the opinion of the Commissioner, to create unacceptable total concentrations of a toxic substance either in the influent entering a sewage treatment plant or in the receiving waters, the Commissioner may by order impose more stringent concentration limits than those listed in §19-04(a), or impose mass limits upon the person or persons so discharging. Conversely, when a toxic discharge is sufficiently diluted or rendered innocuous before reaching a sewage treatment plant or the receiving waters, the Commissioner may, in his or her absolute discretion, grant written permission for discharge concentrations greater than those listed in §19-04(a).

(2) The Commissioner may by order impose maximum amounts or concentrations of a toxic substance which may be discharged directly or indirectly to a [public] combined or sanitary sewer from an industrial source notwithstanding that such amounts or concentrations are less than those demanded by other subdivisions of this section or that the substance is not regulated by such subdivisions for that source, provided that such amounts or concentrations are economically achievable by that source as determined by the Commissioner. Within 20 days after service of the Commissioner's determination and order, the person discharging the toxic substance may request a hearing at which evidence may be presented only upon the issue of the economic achievability of the maximum amounts or concentrations of the toxic substance, as imposed by the Commissioner, to be discharged to the [public] combined or sanitary sewer. Following such hearing, the hearing officer designated by the Commissioner shall report his or her findings and recommendations to the Commissioner who, in his or her discretion, may sustain, revoke, or modify [his] the original determination and order. The Commissioner shall, upon his or her decision to sustain or modify [his] the original determination and order, issue a final order to the person discharging the toxic substance to comply with such decision.

(c) Pursuant to §24-523(e)(2) of the Administrative Code, all pretreatment standards and requirements promulgated pursuant to the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, as amended, including time limitations for compliance with such standards, monitoring of wastewater and the reporting of the results of such monitoring are hereby incorporated into these regulations and all such reports [shall] must also be made to the Commissioner. All sources of pollutants or toxic substances to the [public] combined or sanitary sewers, subject to such pretreatment standards, [shall] must discharge wastewaters to the [public] combined or sanitary sewers in conformance with such standards, provided however, that if a more stringent standard is applicable under §§19-04(a) or 19-04(b) or any other section of these Regulations then the [said] more stringent standard shall be controlling.

(d)(1) Pretreatment systems [shall] must be correctly installed, maintained in good working order, and operated properly so as to [insure] ensure continued compliance with §§19-03 and 19-04 of these Regulations.

#### (2) Bypass of Pretreatment Facilities

a. Bypass is prohibited unless i. it is unavoidable to prevent loss of life, personal injury, or severe property damage, no feasible alternatives exist, and the Industrial User submits notification as required by subparagraph (b) of this paragraph; or

ii. it is for essential maintenance to assure efficient operation, it does not cause pretreatment standards or requirements to be violated, and the Industrial User submits notification as required by subparagraph (b) of this paragraph.

**b. Notification of bypass:**

i. Anticipated bypass - If the Industrial User knows in advance of the need for a bypass, it must submit prior written notice, at least ten days before the date of the bypass, to the Department.

ii. Unanticipated bypass - The Industrial User shall immediately notify the Department by calling 311, and must submit a written notice to the Department within 5 days after the bypass. This report shall specify:

- (1) a description of the bypass, its cause and duration;
- (2) whether the bypass has been corrected; and
- (3) the steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the bypass.

When calling 311 the Industrial User must ask for and record the complaint number for proof of compliance with the notification requirements.

(e) No person shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute means of pretreatment in order to comply with any provision of any section of these Regulations.

**§19-05 Permit for Industrial Wastewater Discharge.**

(a) The following persons may not discharge process wastewater to the [public] combined or sanitary sewers without an industrial wastewater discharge permit, or equivalent control mechanism:

(1) Significant Industrial Users, as defined in the Code of Federal Regulations, in 40 CFR Part 403.3(v); and

(2) Any other person for [which] whom the Commissioner determines that a wastewater discharge permit or equivalent control mechanism is necessary to protect the sewer system or the treatment processes thereof or to protect the public health or welfare.

(b) (1) The applicant for a wastewater discharge permit or equivalent control mechanism [shall] must complete and file an application in the form prescribed by the Department and containing such information as the Commissioner may direct. Any person who has been issued a permit [shall] must apply for renewal of that permit at least 120 days prior to [the] its expiration date [contained therein].

(2) The Commissioner, in his or her discretion, may issue wastewater discharge permits and may impose such terms and conditions he or she deems necessary to protect the sewer system or the treatment processes thereof or to protect the public health or welfare. Non-compliance with any of the terms and conditions of the permit, shall be grounds for revocation of the permit to discharge wastewater into the [public] combined or sanitary sewer; such revocation shall be effective immediately upon notice to the permittee of such revocation.

(c) (1) Upon direction or order by the Commissioner, any user of a [public] combined or sanitary sewer [shall] must:

- (i) complete an industrial wastes questionnaire form;
- (ii) allow an inspection of the user's processes which contribute wastewater to a [public] combined or sanitary sewer;
- (iii) measure and sample for the purposes of determining volume and characteristics of effluents which are discharged to a public sewer. Any information included in the industrial wastes questionnaire which is designated confidential business information by the user of the [public] combined or sanitary sewer, except effluent characteristics, is to be treated in accordance with applicable law and procedures established by the Commissioner.

(2) An industrial waste questionnaire shall include:

(i) Details of production, number of employees, water consumption and usage, waste disposal facilities, and other pertinent data to enable the Commissioner to properly determine the nature of the waste being discharged;

(ii) A plan of the property showing accurately all sewers, drains and [house] building sewer connections;

(iii) A laboratory determination of the characteristics of the wastewater discharged to a [public] combined or sanitary sewer, if required by the Commissioner. Such a laboratory determination shall be made at the expense of the applicant, and when the applicant has neither the facilities nor professional personnel to properly perform this laboratory determination in accordance with the methods prescribed in the definition of laboratory determination under §19-01 of this chapter, he or she [shall] must have the laboratory determination performed and attested to by a person or agency of recognized professional standing. The samples of wastewater for which a laboratory determination is to be made [shall] must be taken in accordance with the direction of the Commissioner and the results [shall] must be transmitted to the Commissioner.

(d) For discharges which conform or are expected to conform to §19-03 or 19-04 herein, the Commissioner, nevertheless, may require the installation and maintenance, by a date set by the Commissioner, at the sole expense of the user of the public sewer, of facilities or equipment for the measurement and sampling by departmental personnel of wastewater discharged to a public sewer.

(e) No person shall cause or allow a new connection to a public sewer of premises, in which one or more establishments that will discharge industrial wastes or other wastes, as defined in this chapter,

are to be located, without a written permit from the Commissioner, pursuant to §24-509 of the Administrative Code. No such permit shall issue unless the Commissioner shall have determined that the characteristics of such discharges will comply with the provisions of §19-03 or 19-04 herein and approves such connection. If pretreatment is required in order that the discharge to the [public] combined or sanitary sewer [comply] complies with §19-03 or 19-04 herein, review and/or approval by the Commissioner of plans for such pretreatment shall be limited by him or her to the determination of whether such plans conform in principle to the accepted practices in the field of wastewater treatment. No such permit or approval shall be deemed to waive, nor shall any such permit or approval be held to limit the power of the Commissioner to enforce any requirements of these or any other regulations of the Administrative Code or of any other law. The Department, by such permit or approval, shall not incur any liabilities or obligations for the failure of the effluent from such pretreatment to comply with this chapter or any other regulations, the Administrative Code or any other law.

(f) For [a] any non-residential [direct or indirect discharger] discharge of animal fats and/or vegetable oils that either (a) requires a new sewer-connection permit and/or approval, or (b) requires a filing at the New York City Department of Buildings for an alteration and/or repair or the like, of an operation listed in §19-11(a) of these Rules, or (c) requires the installation of a grease interceptor or automatic grease removal device pursuant to any section of these Rules or any other regulations or law, the Commissioner shall allow a New York State Professional Engineer or a New York State Registered Architect to submit to the Department an application that includes, at a minimum, plans containing grease interceptor or automatic grease removal device sizing calculations and a statement certifying that the sizing and design of any required grease interceptor or automatic grease removal device complies with §19-11 of these Rules. A sworn Affidavit of Completion [shall] must be submitted to the Department by a New York City Licensed Master Plumber in accordance with all applicable requirements. The sworn affidavit must affirm that the grease interceptor or automatic grease removal device was installed and is operating in accordance with the self-certification application. The owner and/or operator of the establishment where the grease interceptor or automatic grease removal device is installed shall remain liable for the proper installation, operation and maintenance of [the interceptor] such equipment, and shall be subject to the applicable fines, penalties and other sanctions provided in §24-524 of the Administrative Code of the City of New York if [the interceptor] such equipment is not installed, operated and maintained in conformance with applicable provisions of the Administrative Code and Rules of the Department. No such self-certification shall be deemed to waive, nor shall any such self-certification be held to limit the power of the Commissioner to enforce any requirements of these or any other regulations, or of the Administrative Code or of any other law. The Department shall not incur any liabilities or obligations for the failure of the effluent from such self-certified premises to comply with this chapter or any other regulations, the Administrative Code or any other law.

**§19-06 Removal, Transportation and Disposition of Scavenger Wastes.**

(a) (1) Scavenger wastes [shall] must be admitted into the sewerage system at designated manholes only. The discharge, directly or indirectly, of scavenger wastes into the sewerage system without a valid permit or in contravention of the terms of a permit shall constitute a violation of this section. Persons desiring to discharge scavenger wastes at such designated manholes shall be required to obtain a scavenger wastes permit from the Commissioner.

(2) The disposal of such wastes to the City's sewerage system from sources outside of New York City is prohibited.

(3) [Sludges] Wastes from cesspools or septic tanks containing substances derived from non-sanitary wastewater will not be admitted into the sewerage system except by special permit issued by the Commissioner. All non-scavenger waste is prohibited from discharge to a designated scavenger waste manhole except by special permit issued by the Commissioner.

(4) The discharge of these wastes [shall] must be made only at a designated manhole location on a combined or sanitary sewer as shall be stated in said permits or as may be relocated by the Commissioner.

(b) The applicant for scavenger wastes permit or special permit [shall] must be the owner or lessee of the vehicle to which the permit is to apply. Any false, untruthful or misleading statements in any application for a scavenger wastes permit or special permit or in any material submitted in support of said application will invalidate the permit. All scavenger wastes permit or special permits issued by the Commissioner shall be for one (1) year, unless stated otherwise. A copy of the scavenger wastes permit or special permit must be carried in every truck for which a scavenger wastes permit or special permit has been issued, and must be presented on demand of the Commissioner.

The person [shall] must at all times conduct discharging operations so as to maintain the safety and cleanliness, of the designated manhole and its surrounding area.

The scavenger wastes permit or special permit may be immediately suspended or revoked at any time by the Commissioner for violation of this section.

(c) All applicants for a permit to discharge scavenger wastes into the sewerage system [shall] must furnish, at a minimum, the following information with each application:

- (1) Name of firm or individual and address;
  - (2) Volume of scavenger wastes removed each year for the last three years; new applicants to submit an estimate of volume for the first year.
  - (3) Number of scavenger vehicles in collection service.
  - (4) Completed copy of the New York State Department of Environmental Conservation Waste Transporter Permit if such exists at the time of application; if not, any scavenger waste permit issued will be conditioned upon obtaining such Waste Transporter Permit.
- (d) The scavenger waste permit is applicable for vehicles transporting only scavenger wastes and is not valid for vehicles which, at times, transport other wastes.
- (e) The discharge of any wastes from grease interceptors, separators or traps is prohibited.

**§19-07 Best Management Practices Plans (BMPPs) for Persons Discharging Total Silver Halide Process Wastewater to the Public Sewer System.**

(a) Any person that discharges total silver halide process wastewater to the public sewer system, including, but not limited to, photofinishers, printers, publishers, hospitals, dentists, and X-ray laboratories, [shall] must prepare and implement a Best Management Practices Plan (BMPP) in accordance with the applicable provisions of subdivision (i) of this section.

(b) All pretreatment technology for the recovery of silver at such facilities must be installed pursuant to this section and [shall] must be appropriately sized, per manufacturer's specifications, to achieve the minimum percent recovery of silver, as required by the applicable [subsections] subdivisions of this [regulation] section, from silver-rich solutions. The pretreatment technology [shall] must be installed, operated, and maintained as per manufacturer's specifications. Written records concerning the selected sizing criteria and recommended specifications [shall] must be maintained at the facility at all times.

(c) In lieu of complying with the requirements of this Section applicable to on-site recovery, any person discharging total silver halide process wastewater to the public sewer system may have all silver-rich solutions transported off-site for recovery, reclamation, and/or refinement in accordance with all applicable City, State and Federal regulations. Any person that exercises this option [shall] must retain (1) the most recent manifest and/or (2) a vendor certification, and/or (3) other documentation regarding the disposal of silver-rich solutions. Such documentation [shall] must include, but is not limited to, the name of the transporter, the quantity of silver-rich solutions removed from their facility, and where and how the silver-rich solutions were disposed of.

(d) All required records and measurements made by persons at their facility pursuant to this section [shall] must be available at all times at the person's facility, for the time periods indicated in the applicable [subsections] provisions of [Section] subdivision (i) of [these regulations] this section, for inspection and copying by authorized representatives of the Department. For persons employing outside contractors to maintain their pretreatment systems, a certification from the vendor that the applicable requirements of these regulations are being complied with must be kept at the person's facility, for the time periods indicated in [Section] subdivision (i) of [these regulations] this section, for inspection and copying, upon request by authorized representatives of the Department.

(e) Any person defined as Significant Industrial Users, pursuant to 40 CFR Part 403, must obtain an Industrial Wastewater Discharge Permit to discharge to the public sewers.

(f) Persons subject to the requirements of this Section must install and operate the applicable pretreatment [technology(ies)] technology. Equivalent pretreatment [technology(s)] technology may only be used if preapproved by the Commissioner.

(g) Design and operation of pretreatment technology shall be based upon percent recovery of [Silver-Rich Solutions] silver-rich solutions. The Department may, upon written request, consider reducing the design-recovery percentages required in these regulations for persons utilizing silver-halide processes with in-line recovery, such as closed loop or recirculated electrolytic desilvering.

(h) For persons performing on-site recovery, the quantities of all [Total Silver-Halide Process Wastewater Discharges] total silver-halide process wastewater discharges (i.e. flow rates) shall be gauged and recorded in a log book as follows:

- (1) one day per month, for persons discharging 100 gallons or more of total silver halide process wastewater; or
- (2) one day per calendar quarter, for persons discharging less than 100 gallons per day of total silver halide process wastewater; or
- (3) one day per calendar year, for persons discharging less than 100 gallons per day of total silver halide process wastewater and who are complying with [subsection] subdivision (i)(1)(ii)(b) of this [regulation] section.

Flows shall be recorded as the daily amount of all [Total Silver-Halide Process Wastewater] total silver-halide process wastewater that [are] is discharged to the public sewer. The day that is selected for gauging and for sampling must be representative of a normal production day. Flows should be determined either through the use

of: (i) fixed metering equipment, (ii) timed filling of a vessel of known volume, or (iii) through calculation, utilizing estimated amounts of make-up (replenishment) solutions.

(i) The BMPP [shall] must include but not be limited to the following:

(1) Discharges of less than 100 gallons per day. Any person that discharges less than 100 gallons per day of total silver halide process wastewater [shall] must:

(i) install and continually operate metallic replacement pretreatment technology designed to recover at least 90% of the silver from the [Silver-Rich Solutions] silver-rich solutions processed;

(ii) test for the silver concentration in the influent and effluent from the silver recovery unit(s) using silver estimating paper/wire and/or test kits at least:

(A) once per calendar quarter on a day that is representative of normal operations; or

(B) once per calendar year on a day that is representative of normal operations, only if the person maintains a log of the amount of silver-rich solutions being treated and discharged.

(iii) measure representative daily quantities of [Total Silver-Halide Process Wastewater] total silver-halide process wastewater discharged to the public sewer;

(iv) keep written records of pretreatment technology maintenance;

(v) keep written records of the date that any new pretreatment technology is brought into service; and

(vi) keep all measurements and records required by this section at their facility for at least one year from the date such records and measurements are made.

(2) Discharges of 100 up to but not including 1000 gallons per day. Any person that discharges from 100 up to but not including 1000 gallons per day of total silver halide process wastewater [shall] must:

(i) install and continually operate one of the following pretreatment technologies designed to recover at least 90% of the silver from [Silver-Rich Solutions] silver-rich solutions processed:

(A) two metallic replacement units installed in series and operated simultaneously; or

(B) electrolytic recovery; or

(C) chemical precipitation;

(ii) test for the silver concentration in the influent and effluent from the silver recovery unit(s) using silver estimating paper/wire and/or test kits at least once per month on a day that is representative of normal operations;

(iii) measure representative daily quantities of [Total Silver-Halide Process Wastewater] total silver-halide process wastewater discharged to the public sewer;

(iv) keep written records of pretreatment technology maintenance;

(v) keep written records of the date that any new pretreatment technology is brought into service; and

(vi) keep all measurements and records required by this section at their facility for at least three years from the date such records and measurements are made.

(3) Discharges of 1,000 up to but not including 10,000 gallons per day. Any person that discharges from 1,000 up to but not including 10,000 gallons per day of [Total Silver-Halide Process Wastewater] total silver-halide process wastewater [shall] must:

(i) install and continually operate one of the following pretreatment technologies designed to recover at least 95% of the silver from [Silver-Rich Solutions] silver-rich solutions processed:

(A) electrolytic recovery and metallic replacement; or

(B) chemical precipitation; or

(C) any combination of the above;

(ii) test for the silver concentration in the influent and effluent from the silver recovery unit(s) using silver estimating paper/wire and/or test kits at least once per month on a day that is representative of normal operations;

(iii) perform one composite sampling of the influent and effluent at least once every two years on a day that is representative of normal operations and have the sample analyzed for silver by a laboratory certified by the New York State Department of Health;

(iv) measure representative daily quantities of [Total Silver-Halide Process Wastewater] total silver-halide process wastewater discharged to the public sewer;

(v) keep written records of pretreatment technology maintenance;

(vi) keep written records of the date that any new pretreatment technology is brought into service; and

(vii) keep all measurements and records required by this section at their facility for at least three years from the date such records and measurements are made.

(4) Discharges of 10,000 gallons per day or more. Any person that discharges 10,000 gallons per day or more of [Total Silver-Halide Process Wastewater] total silver-halide process wastewater [shall] must:

(i) install and continually operate one of the following pretreatment technologies designed to recover at least 99% of the silver from [Silver-Rich Solutions] silver-rich solutions processed:

(A) two metallic replacement units installed in series and operated simultaneously and one electrolytic recovery unit; or

(B) one electrolytic recovery unit and chemical precipitation;



(ii) test for the silver concentration in the influent and effluent from the silver recovery unit(s) using silver estimating paper/wire and/ or test kits at least once per month on a day that is representative of normal operations;

(iii) perform one daily composite sampling of the influent and effluent at least once every calendar year on a day that is representative of normal operations and have the sample analyzed for silver by a laboratory certified by the New York State Department of Health;

(iv) measure representative daily quantities of [Total Silver-Halide Process Wastewater] total silver-halide process wastewater discharged to the public sewer;

(v) keep written records of pretreatment technology maintenance;

(vi) record the date any new pretreatment technology is brought into service; and

(vii) keep all measurements and records required by this section at such person's facility for at least three years from the date such records and measurements are made.

#### §19-08 House and Trailer Connections.

(a) *Conditional house connection.* (1) Conditional House Connection Permits are issued under a variety of situations among which the two (2) most common are:

(i) The [Developer/Builder] developer/builder does not have a [Prospectus] prospectus at the time house connection permits have to be issued as consequence of a hardship.

(ii) The [Developer/Builder] developer/builder does not have a [Prospectus] prospectus which is most likely early on in the construction sequence of his or her [Building Construction] building construction, however needs one or several connections to drain [his] the construction site.

(2) The manner in which conditional House Connection Permits are issued is as follows:

The Local Office of the Department's Permit Control Section will approve a [Permit Application] permit application conditionally by indicating on it that the Certificate of [Inspections] Inspection [are] is not to be released until a [Prospectus] prospectus has been secured.

(b) *Trailer connections.* Basically there are two types of trailer connections:

(1) A construction trailer connection that is necessitated by the construction of a [Building] building. [The trailer connection(s) in such a case should] Such connection should be tied in with the certification of the [Site Connection Proposal] site connection proposal and the issuance of the House [Connections] Connection Permits for [this] such building as follows:

(i) The Plumber requesting the trailer connection should present a copy of the certified [Site Connection Proposal] site connection proposal with [his] the Permit Application.

(ii) The Local Office will issue a house connection permit subject to the following condition:

We will withhold the Certificate of Inspection for at least one of the Buildings House Connections until the plug for the trailer connection is performed.

(2) If the construction trailer is necessitated by [D.O.T.] the Department of Transportation (or any other Agency's) Capital Project, the plumber should present an original letter from [D.O.T. (or any other Agency)] the appropriate agency to [D.E.P.] the Department indicating[ the following]:

(i) The number and size of connections needed.

(ii) The duration of the construction operations at the end of which the plumber will plug the trailer connection(s).

(iii) Guarantee from [D.O.T.] DOT (or any other Agency) that the Plumber will obtain a plug permit(s) at the end of their construction operations to plug the trailer connection(s).

The Local Office will not issue any other trailer connections to the agency in question if it is common knowledge that a job has been completed and there are outstanding open connections.

(c) *Board of Standards and Appeals (BSA) letter:* Letters to the Board of Standards and Appeals for situations where there are no allowable storm/combined sewer outlets for storm discharge within 500 feet will be sent out upon verification by [D.E.P.] the Department provided:

The filing Engineer/Architect requests such a letter and encloses the following:

(1) NB/BN/ALT numbers

(2) Street address

(3) Block & Lot

(4) Site Plans

(5) Tentative Lot Sheets

(6) Survey

(d) *House connection charges (private sewers).* (1) For private sewers that are still recoupable[,] (meaning either[/or]: (i) All property owners abutting the sewer have not paid their proportionate part of the sewer cost for sewers built prior to 1963[); or (ii) For sewers where the Construction Permits were obtained after January 1, 1963, the seven year period is not up and all the abutting property owners have not paid their share of the private sewer cost[.]),

(2) The following procedure is to be followed:

(i) *Case I* (Plumber has "Consent Letter"). At the time of applying for the House Connection Permit the Plumber will present the "Proof of Payment Letter" (Sewer Owner's Consent Letter) to the Local Office [of

the Permit Control Section] in order to be able to connect to the Private Sewer.

(ii) *Case II* (Missing Sewer Owner). At the time of applying for the House Connection Permit the plumber will present the following additional documents:

(A) *Registered Letter Envelope with Post Office Stamp:* Return to sender not at this address or something similar. (The addressee on the envelope should be the latest address we have on record which would prove that an attempt was made to contact the sewer owner.)

(B) A properly executed Missing Owner Affidavit.

(C) A House Connection Bond for a six year period which should be the House Connection Charge to the Private Sewer plus 25 percent (the computation of the House Connection Charge is determined/ provided by the Local Office).

(iii) *Case III* (House Connection Charge Dispute with Sewer Owner). At the time of applying for the House Connection Permit the plumber will present the following additional documents:

(A) A properly executed "Fee in Dispute Affidavit".

(B) A House Connection Bond for a six year period which should be the House Connection Charge to the Private Sewer plus 25 percent (the computation of the House Connection Charge is determined/ provided by the Local Office).

#### §19-09 Business Confidentiality Procedures.

(a) *Scope.* These procedures concern all information submitted to the Department pursuant to either the New York City Department of Environmental Protection rules and regulations relating to the use of the Public Sewers or to §24-501 et seq. of Chapter 5 of Title 24 of the Administrative Code of the City of New York. All requests for confidentiality will be evaluated in accordance with Article 6 of the New York State Public Officers Law.

(b) *Submission of Business Confidentiality Claims ("Claims") in Response to Requests for Information by the Department.*

(1) *Method and time to assert a claim.* A business may assert a claim concerning information requested by the Department, by placing a cover sheet, stamped legend or any other suitable form of notice on the information, employing language such as "trade secret", "proprietary" or "company confidential" at the time such information is submitted. Allegedly confidential parts of otherwise non-confidential documents should be clearly marked as such. Effluent data, as defined in Part 2.302 of Title 40 of the Code of Federal Regulations, cannot be treated as confidential.

(2) *Failure to submit a timely claim.* If a business submits information in response to a Department request, without a claim accompanying such information at the time it is received by the Department, the Department need not make further inquiries to the business concerning confidentiality of the submitted information[; and the information may be made available for public inspection. If a claim is submitted after the Department has received the information, the Department may make efforts that are administratively practicable to process the late claim with the previously submitted information.

(c) *Department requests for comments and their submission by claimants.*

(1) The Department shall give written notice to each business asserting a claim, in accordance with §19-09(b)(1), stating that written comments, as described in §19-09(c)(5), must be submitted no later than 15 business days after receipt by the business of the request for comments. The request for comments will indicate the address of the appropriate Department official to whom comments should be sent, and will also state that failure to submit timely comments will be construed as a waiver of the claim. This notice by the Department shall be made in such a manner that the fact and date of receipt may be verified.

(2) The comment period may be extended, if, before comments are due, a written request for an extension has been made and approved by the Department.

(3) If disclosure of information under a claim would be helpful in alleviating a situation posing an imminent and substantial danger to public health or safety, the Department may prescribe and make known to an affected business a shorter comment period that it finds necessary under the circumstances.

(4) Information submitted by a business as part of its comments, pertaining to its claim, will be treated as part of the claim.

(5) Written notice will invite comments on:

(i) the period of time for which confidential treatment is desired;

(ii) the extent to which the information has been disclosed to others and any measures or precautions taken to guard against undesired disclosure;

(iii) whether any other governmental agency determination or any judicial decision has held the claimed information to be confidential. If so, a copy of such determination or decision, if available, must be included; and

(iv) whether the business asserts that disclosure would be likely to result in substantial harmful effects on their competitive position, what those harmful effects would be, and why they should be viewed as substantial. The reasons why the information is considered to be confidential (i.e. why the information should be regarded as a trade secret or proprietary information) must be stated in detail.

(d) *Non-final recommendation by the Department.* When a business submits information to the Department that is claimed

to be confidential, the Department shall consider the claim and comments, previously issued determinations, material submitted to the Department in response to requests, applicable substantive criteria and any other material that it finds appropriate. The Department will make a non-final recommendation as to whether or not the information should be treated as confidential and this recommendation shall be forwarded to the designated Records Access Officer upon request.

(e) *Final confidentiality determination.* When notified of a request, pursuant to the Freedom of Information Law, for any claimed information, the Records Access Officer shall issue a final confidentiality determination. If it is determined that the information should not be treated as confidential, the affected business shall be notified (in writing) by the Records Access Officer of that determination and that a request for the release of such information has been made. Notice shall also state the date that the information will be released. If the Records Access Officer decides to treat the information as confidential, the request for release of the information shall be denied.

#### §19-10 General Provisions.

(a) *Delegation of authority.* All actions or approvals required by or permitted to the Commissioner pursuant to this chapter may be taken by any Deputy or Assistant Commissioner of the Department or by an authorized representative of the Commissioner or any Deputy or Assistant Commissioner.

(b) *Protection from damage.* (1) No unauthorized person shall enter any regulator or other element of the sewerage system and no person shall dispose of or allow to discharge directly or indirectly into the public sewer any material or substance excluded by these Rules and Regulations from the public sewers. No person shall damage or tamper with the operation of any mechanism nor shall any person change the operation of any device without proper authorization from the Commissioner.

(2) No person shall knowingly, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewerage system.

(c) *Non-interference with authorized employees.* Authorized employees of the Department shall be in charge of the operation of the sewerage system and no person or persons shall interfere with such employees in the performance of their duties nor shall any material which will impair the operation of such system be thrown or placed or cause to be thrown or placed in or about such system, or in or about the parts or appurtenances of the operating machinery, or devices of such system. No person shall in any way interfere with or obstruct the operation of the machinery or devices of such system and no person other than an authorized employee or agent of the Department shall operate or attempt to operate or change the operation of any appurtenance of a sewage treatment works.

(d) (1) An authorized representative of the Department may enter on any property to inspect for compliance with this chapter or Chapter 5 of Title 24 of the administrative code or to execute orders of the Commissioner issued pursuant thereto. If entry to such property is denied, the Department may seek judicial authorization, and such representative may enter, pursuant to such authorization. In the event of exigent circumstances, an authorized representative of the Department may enter on any property without such judicial authorization to inspect for compliance with these rules or Chapter 5 of Title 24 of the administrative code or to execute orders of the Commissioner issued pursuant thereto. Inspections, pursuant to this paragraph may include observation, sampling and testing as necessary.

(2) No person shall interfere with or obstruct a duly authorized representative of the Department, bearing proper credentials and identification, from inspecting or from otherwise entering all properties, public or private, including providing access to equipment, plumbing, or industrial or commercial processes as necessary for the completion of such inspection, in accordance with Paragraph (1) of this subdivision, for the purpose of inspection, observation, sampling and testing as necessary to determine compliance with this chapter, Chapter 5 of Title 24 of the administrative code or to execute the orders of the Commissioner issued pursuant thereto.

(3) Tampering with any device placed within the premises for purposes of sampling or testing shall be a violation of this chapter.

(e) *Cooperation by private persons, water companies and public agencies.*

(1) The Commissioner may require every person who owns or occupies real property within the City, and every private water company supplying water to property within the City, to furnish him with such information, as may be necessary to carry out the provisions of this chapter.

(2) The Commissioner shall have the power to hold hearings and subpoena any such persons or company, or any officer, employee or agent of any such company, and direct the production of books and records in order to carry out the provisions of this chapter.

(3) Every such person, water company or public official or municipal agency, officer or employee shall cooperate with the Commissioner in carrying out the provisions of §24-523 of the Administrative Code and shall comply with all rules and regulations promulgated pursuant to said section.

(f) *Penalties and sanctions.* Any person who is in violation of, or fails to comply with any provision of any section of these Regulations or any order or determination issued pursuant to this chapter shall be subject

to the fines, penalties and other sanctions provided in §24-524 of the Administrative Code of the City of New York.

(g) The Commissioner shall cause to be published annually, in a newspaper of general circulation that provides meaningful public notice within the City of New York, a list of persons that, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements, as defined in Part 403.8(f)(2)(viii) of Title 40 of the Code of Federal Regulations.

(h) Nothing contained in any section of this chapter shall be deemed to waive any requirement of the New York City Administrative Code or of any other city, state or federal law or regulation.

#### §19-11 Best Management Practices (BMPs) for All Non-Residential [Direct and Indirect] Dischargers of Fat, Oil, and Grease to the Public Sewer System.

(a) Grease interceptors or automatic grease removal devices [shall] must be installed by a New York City Licensed Master Plumber in waste lines which may receive fat, oil, and/or grease from all non-residential [direct and indirect] dischargers, including, but not limited to, those leading from pot [wash] sinks, [woks] wok stations, soup or stock kettles or similar devices, [food scrap sinks] scraper sinks (pre-rinse sinks), scullery sinks, meat and/or poultry and/or fish preparation sinks, sinks or drains receiving discharges from dairy products, automatic hood wash units, aerobic and anaerobic digestion equipment, floor drains including but not limited to floor sinks into which kettles are drained, automatic dishwashers which use chemical sanitizers, scraper sinks or other similar plumbing fixtures, vessels, receptacles, and equipment in all restaurants, kitchens (including but not limited to those serving the central eating areas in residential health care facilities, nursing homes, senior centers, rehabilitation facilities, and community centers), hospitals, bars, cafeterias (including but not limited to school cafeterias), clubs, catering halls, butcher shops, slaughterhouses, fish markets, supermarket food processing areas, delicatessens, bakeries, ice cream and yogurt shops, commissaries where food is prepared for off-site food service establishments, grocery stores, coffee shops, tea shops, donut shops, pastry shops, or other non-residential establishments where fat, oil, and/or grease may be introduced into the drainage system. [Sizing of grease interceptors shall comply with the criteria specified in this section, including applicable Tables I and/or II.]

A grease interceptor or an automatic grease removal device shall not be required for individual dwelling units, any private living quarters, work place pantries used exclusively by employees to prepare meals for themselves where no food or drink is sold, or non-culinary schools which only contain residential type stoves and sinks intended only for teaching basic home cooking skills.

Sizing of grease interceptors and automatic grease removal devices must comply with the criteria specified in this section, including applicable Tables I and/or II.

For grease interceptor sizing, the required minimum flow rate in gallons per minute (gpm) and minimum grease retention capacity in pounds (lb) shall be applicable to hydromechanical grease interceptors. To determine the corresponding minimum size for gravity grease interceptors, such minimum flow rate in gallons per minute shall be multiplied by 3. The resulting number shall be the minimum storage capacity in gallons that shall be required if a gravity grease interceptor is installed.

If a grease interceptor or automatic grease removal device model is not manufactured in the required size then the next higher size for that model shall be the required size.

Prior to installing aerobic or anaerobic digestion equipment, the Department shall be notified of the make, model, and size of such equipment so that the appropriate size of the required grease interceptor or automatic grease removal device can be determined.

(b) All prefabricated grease interceptors and automatic grease removal devices shall [be] either have been approved by the New York City Board of Standards & Appeals prior to July 10, 1991, approved by the New York City Department of Buildings Materials and Equipment Acceptance Division prior to July 1, 2008, or shall [conform to] be designed and tested in accordance with the Plumbing and Drainage Institute standard PDI G101, or the American Society of Mechanical Engineers standards ASME A112.14.3 or ASME A112.14.4 and shall be installed in accordance with the manufacturer's instructions. The design, construction, and installation of all grease interceptors and automatic grease removal devices must not hinder the ability to perform a dye test for the purpose of ascertaining connections to waste lines, unless installed with a dye testing port for such purposes, upstream of the inlet of such interceptors and devices. Neither shall such design, construction, and installation hinder the ability to perform such other inspection as may be necessary for determining compliance with these regulations. Grease interceptors and automatic grease removal devices that are installed below grade which have lids that are unequal in surface area to that of the body of such interceptors and devices must either have an opening just under where the lid sits that is of a different width from that of all other models made by the same manufacturer, or alternatively must have another tamper-proof

distinguishing feature subject to Department approval, so that the model can be readily identified when installed below grade. No grease interceptor or automatic grease removal device shall be installed below grade, if the model is not readily identifiable visually when installed below grade, except where the Department identifies the model visually at the time of installation or subsequent thereto upon excavation of such interceptor or device.

(c) The method for determining the minimum flow rate in gallons per minute (gpm) and the minimum grease retention capacity in pounds (lb) [size/capacity] of a grease interceptor or automatic grease removal device is provided in Tables I and II below:

Table I		Table II	
Aggregate volume in cubic inches of all plumbing fixtures, vessels, receptacles, and equipment listed in this table.	Minimum grease interceptor or automatic grease removal device flow rate and [retaining] grease retention capacity for pot sinks, food prep. sinks, scullery sinks, tilting braisers/tilting skillets, any plumbing fixture receiving discharge from soup and stock kettles, and floor drains which are used for washdown purposes only.*	Aggregate volume in cubic inches of all plumbing fixtures, vessels [and], receptacles, and equipment listed in this table.	Minimum grease interceptor or automatic grease removal device flow rate and [retaining] grease retention capacity for: scraper/pre-rinse sinks, woks, automatic hood wash units, rotisserie machines, combination ovens, and automatic dishwashers [, and any fixture receiving discharge from soup and stock kettles].*
Up to 246[2]4	4 gpm / 8 (lb)	Up to 1,23[1]2	4 gpm / 8 (lb)
2,46[3]5 to 4,312	7 gpm / 14 (lb)	1,23[2]3 to 2,156	7 gpm / 14 (lb)
4,313 to 6,160	10 gpm / 20 (lb)	2,157 to 3,080	10 gpm / 20 (lb)
6,161 to 9,240	15 gpm / 30 (lb)	3,081 to 4,620	15 gpm / 30 (lb)
9,241 to 12,320	20 gpm / 40 (lb)	4,621 to 6,160	20 gpm / 40 (lb)
12,321 to 15,400	25 gpm / 50 (lb)	6,161 to 7,700	25 gpm / 50 (lb)
15,401 to 21,560	35 gpm / 70 (lb)	7,701 to 10,780	35 gpm / 70 (lb)
21,561 to 30,800	50 gpm / 100 (lb)	10,781 to 15,400	50 gpm / 100 (lb)
30,801 to 46,200	75 gpm / 150 (lb)	15,401 to 23,100	75 gpm / 150 (lb)
46,201 to 61,600	100 gpm / 200 (lb)	23,101 to 30,800	100 gpm / 200 (lb)
61,601 to 92,400	150 gpm / 300 (lb)	30,801 to 46,200	150 gpm / 300 (lb)
92,401 to 123,0[2]00	200 gpm / 400 (lb)	46,201 to 61,600	200 gpm / 400 (lb)
123,201 to 154,000	250 gpm / 500 (lb)	61,601 to 77,000	250 gpm / 500 (lb)
154,001 to 184,800	300 gpm / 600 (lb)	77,001 to 92,400	300 gpm / 600 (lb)
184,801 to 215,600	350 gpm / 700 (lb)	92,401 to 107,800	350 gpm / 700 (lb)
215,601 to 246,400	400 gpm / 800 (lb)	107,801 to 123,200	400 gpm / 800 (lb)
246,401 to 277,200	450 gpm / 900 (lb)	123,201 to 138,600	450 gpm / 900 (lb)
277,201 to 308,000	500 gpm / 1000 (lb)	138,601 to 154,000	500 gpm / 1000 (lb)
308,001 to 616,000	1000 gpm / 2000 (lb)	154,001 to 308,000	1000 gpm / 2000 (lb)
616,001 to 924,000	1500 gpm / 3000 (lb)	308,001 to 462,000	1500 gpm / 3000 (lb)
924,001 to 1,232,000	2000 gpm / 4000 (lb)	462,001 to 616,000	2000 gpm / 4000 (lb)
1,232,001 to 1,540,000	2500 gpm / 5000 (lb)	616,001 to 770,000	2500 gpm / 5000 (lb)

Note: Aggregate volume is the maximum volume (e.g. length times width times height to the overflow if rectangular) in cubic inches of all plumbing fixtures, vessels, [and] receptacles, and equipment that [may flow simultaneously through] are connected to the grease interceptor or automatic grease removal device.

\* Subject to the sizing requirements specified in sections 19-11(i) through (p).

If a premises contains plumbing fixtures, vessels, receptacles, and/or equipment listed in Table I and plumbing fixtures, vessels, [and/or] receptacles, and/or equipment listed in Table II, all of which are

[tributary] connected to the same grease interceptor, or automatic grease removal device then the method for determining [the minimum grease interceptor retaining] the minimum flow rate in gallons per minute and the minimum retention capacity, in pounds, for the grease interceptor or automatic grease removal device shall be to separately calculate the [retaining capacities] aggregate volumes for the plumbing fixtures, vessels, receptacles, and/or equipment in Table I, and the plumbing fixtures, vessels, [and/or] receptacles, and/or equipment in Table II. [These retaining capacities shall then be added together to obtain the total minimum grease interceptor retaining capacity required for such premises] The aggregate volume for the plumbing fixtures, vessels, receptacles, and/or equipment in Table II shall be doubled and added to the aggregate volume for the plumbing fixtures, vessels, receptacles, and/or equipment in Table I. The sum of the two shall then be used under the aggregate volume column of Table I to obtain the corresponding total minimum flow rate and total minimum grease retention capacity that is required for the grease interceptor or automatic grease removal device.

If the aggregate volumes listed in Tables I and II are exceeded, then a New York State Licensed Professional Engineer or a New York State Registered Architect shall extrapolate the appropriate grease interceptor or automatic grease removal device sizing requirements.

(d) [Vented flow control fittings shall be installed to insure that the flow capacity of the grease interceptor as specified by the manufacturer is not exceeded.] Grease interceptors and automatic grease removal devices must be equipped with devices to control the rate of water flow so that the water flow does not exceed the rated flow. The flow control device must be vented and terminate not less than 6 inches (152 mm) above the flood rim level or be installed in accordance with the manufacturer's instructions. Flow-control valves and/or fittings that are manually adjustable may not be used to limit flow to [an] a grease interceptor or automatic grease removal device.

(e) Grease interceptors and automatic grease removal devices must be rated by flow rate in gallons per minute and grease retention capacity in pounds. [Grease interceptors must have a] The grease retention capacity, in pounds, [of] must be at least twice the numerical flow[-through] rate in gallons [-]per [-]minute. Both the minimum required grease retention capacity in pounds and the minimum required flow rate in gallons per minute must be satisfied when determining grease interceptor and automatic grease removal device sizing.

(f) Grease interceptors and automatic grease removal devices shall remove an average of 90 percent or more of the grease or other extractable matter in the wastewater before their rated grease retention capacity is exceeded.

(g) The temperature of water entering a grease interceptor or automatic grease removal device [shall] must not exceed 180°F, except where only waste lines discharging water above 180°F are connected to such interceptor or device. The Department may require a dedicated grease interceptor or automatic grease removal device of sufficient capacity for waste lines that only discharge water above 180°F.

(h) All grease interceptors and automatic grease removal devices must be [readily accessible for inspection by duly authorized employees of the Department] installed in locations such that they are readily accessible for routine maintenance and inspection. Establishments must provide access to and open their grease interceptors and automatic grease removal devices for inspection by the Department upon request, and must have the necessary tools readily available.

(i) Grease interceptors and automatic grease removal devices for scraper sinks [shall] must be sized in accordance with Table II, except that the minimum flow rate and [retaining] grease retention capacity [shall] must be 15 gallons per minute and 30 pounds, respectively. When determining the aggregate volume of all plumbing fixtures, vessels, [and] receptacles, and equipment specified in Table II that [may flow simultaneously through an] are connected to a grease interceptor or automatic grease removal device, a minimum of 3,465 cubic inches per scraper sink [shall] must be used.

(j) Discharges from automatic dishwashers which use chemical sanitizers must [be tributary] drain to a grease interceptor or automatic grease removal device. [Whether connected separately or in conjunction with other fixtures, the total volume in gallons of each automatic dishwasher shall be converted to cubic inches and added to the aggregate volume of Table II] The minimum flow rate of the required grease interceptor or automatic grease removal device as per Table II for a single rack automatic dishwasher must be equivalent to the dishwasher's discharge rate in gallons per minute, as indicated on the manufacturer's specification sheet, or based on the number of gallons of water the device uses per wash cycle, or a minimum of 1,100 cubic inches, whichever is greater. The minimum flow rate of the required grease interceptor or automatic grease removal device as per Table II for a conveyor or multi-rack automatic dishwasher must be equivalent to the dishwasher's discharge rate in gallons per minute, as indicated on the manufacturer's specification sheet, or based on the number of gallons of water the device uses per wash cycle, or a minimum of 2,200 cubic inches, whichever is greater. The minimum

grease retention capacity in pounds must be that which corresponds to such flow rate in Table II.

(k) Discharges from high-temperature sanitizer cycles of automatic dishwashers [or from dedicated sanitization compartments of sinks need] must not [be tributary] drain to a grease interceptor or automatic grease removal device, except where only waste lines discharging water above 180°F are connected to such interceptor or device. The Department may require a dedicated grease interceptor or automatic grease removal device of sufficient capacity for waste lines that only discharge water above 180°F.

(l) Floor drains, including but not limited to floor sinks, trench, and trough drains, which may receive grease must be [tributary] connected to a grease interceptor or automatic grease removal device. The size of such grease interceptor or automatic grease removal device shall be determined as follows:

(1) For floor drains up to 3 inches in diameter where grease may be discharged during washdowns, Table I shall be used, and [an additional] 1,540 cubic inches per floor drain shall be added to the aggregate volume[,], except that for trench and trough drains that have a trench or trough volume greater than 1,540 cubic inches, the actual volume of the trench or trough shall be used. For floor drains having a diameter larger than 3 inches, not including trench and trough drains, where grease may be discharged during washdowns, Table I shall be used, and 2,738 cubic inches shall be added for each floor drain with a diameter of 4 inches; 4,278 cubic inches shall be added for each floor drain with a diameter of 5 inches; and 6,160 cubic inches shall be added for each floor drain with a diameter of 6 inches.

(2) Grease interceptors and automatic grease removal devices for floor drains which receive discharges directly from plumbing fixtures, receptacles, [and/or] vessels, and/or equipment [shall] must be sized in accordance with paragraph (1) above except that where the volume of the plumbing fixtures, receptacles, vessels, and/or equipment is greater than that of the volume in cubic inches specified in paragraph (1) above for the diameter of the floor drain, or in the case of trench and trough drains, greater than the actual volume of the trench or trough, the grease interceptors and automatic grease removal devices must be sized in accordance with the Table and corresponding sizing requirements applicable to [the] such plumbing fixtures, vessels, [and/or] receptacles, and/or equipment [tributary to it].

(3) [For floor drains having a diameter larger than 3 inches trench and/or trough drains, a New York State Licensed Professional Engineer or a New York State Registered Architect shall extrapolate the appropriate sizing requirements of the tributary grease interceptor based on (1) and/or (2) above] Floor drains receiving discharges from a grease interceptor or automatic grease removal device must be surrounded by a water-proof collar a minimum of 1½ inches in height for the purpose of preventing liquids from the floor from entering such drains. If installing such a collar would create a trip hazard, a properly sized grease interceptor or automatic grease removal device must be installed downstream of the drain instead.

(m) For soup and/or stock kettles, the calculation of aggregate volume to be used in Table [II] I [shall] must be made based upon the total volume of all soup and stock kettles [tributary] connected to the grease interceptor or automatic grease removal device even if the discharges from these vessels are made to a floor drain or similar plumbing fixture.

(n)(1) Where a wok[s] table, either alone or [in conjunction] combined with other types of plumbing fixtures, [are] is [tributary] connected to a grease interceptor or automatic grease removal device, each wok shall be deemed to contribute 1,617 cubic inches to the aggregate volume of Table II. For the purpose of determining such volume, the number of woks shall be deemed to be equivalent to the number of gas burners at the corresponding wok table, regardless of the actual number of woks that are used.

(2) Each half size combination oven shall be deemed to contribute a minimum of 1,617 cubic inches to the aggregate volume of Table II. Each full size combination oven shall be deemed to contribute a minimum of 3,234 cubic inches to the aggregate volume of Table II.

(o) Discharges from the cleaning of kitchen hoods which may extract grease from cooking operations must be made to receptacles or floor drains that are [tributary] connected to a grease interceptor or automatic grease removal device. [The sizing of the tributary grease interceptor must account for such discharges using standard engineering practice] The minimum flow rate of the required grease interceptor or automatic grease removal device as per Table II for an automatic hood wash unit shall be equivalent to such unit's discharge rate in gallons per minute, as indicated on the manufacturer's specification sheet or based on the number of gallons of water the device uses per wash cycle, or based on the length of the hood system

(0.7 gallons per minute per foot), whichever is greater. The minimum flow rate of the required grease interceptor or automatic grease removal device as per Table I for an electrostatic precipitator shall be equivalent to the precipitator's discharge rate in gallons per minute, as indicated on the manufacturer's specification sheet, or based on the number of gallons of water the precipitator uses per wash cycle, whichever is greater. The minimum grease retention capacity in pounds shall be that which corresponds to such flow rate in Table II. [For kitchen hoods with automatic rinse cycles, the tributary grease interceptor must be sized to account for the peak flow from the automatic rinse cycle as specified by the manufacturer.]

(p) [Interceptors] Grease interceptors or automatic grease removal devices smaller than those described in Tables I and II may be used, but only if connected in parallel to another [interceptor(s)] grease interceptor or automatic grease removal device, and the aggregate flow rate and grease retention capacity of such interceptors or devices must either equal or exceed the [interceptor] minimum flow-through rate and grease retention capacity required by Tables I and/or II. For parallel connections, vented flow control fixtures must be installed on each [interceptor] grease interceptor or automatic grease removal device. Grease interceptors or automatic grease removal devices connected in parallel must be of equal flow rate in gallons per minute and grease retention capacity in pounds. The flow of wastewater must be evenly distributed into each grease interceptor or automatic grease removal device.

(q) Grease interceptors and automatic grease removal devices [shall] must be [properly] correctly installed, maintained in good working order, and operated properly to [insure] ensure that the requirements of this section and other applicable sections of the regulations are met. This [shall] must include routine cleaning and fat, oil, grease, and solids removal [from the interceptor] as needed to [insure] ensure [the] proper operation [of the interceptors] and to prevent the rated grease retention capacity from being exceeded. The minimum cleaning frequency shall be such that the accumulated fat, oil, grease, and solids do not exceed 25% of the total liquid depth that the grease interceptor or automatic grease removal device was designed to hold.

(r) New York State Licensed Professional Engineers and New York State Registered Architects may petition the Commissioner in writing for acceptance of an alternative pretreatment device, technology, equipment or procedures varying from, but equivalent to, those listed in this section. Such a petition must contain detailed documentation and calculations substantiating their equivalency. In no event shall any alternative pretreatment device, technology, equipment or procedures be less stringent than the requirements of this section.

(s) Notwithstanding any other provision of this section, (1) existing grease interceptors and automatic grease removal devices [shall] must conform to the specific requirements of this section, as amended, no later than one year after the effective date of the amendments to this section, except where engineering plans showing such interceptors and devices and the specific plumbing fixtures, vessels, receptacles, or equipment they are connected to had been approved by the Department and such interceptors and devices and plumbing fixtures, vessels, receptacles, or equipment are in accordance with the approved plans, conformity with the specific requirements of this section, as amended, must be attained upon replacement of such interceptors and devices; no such plans shall be deemed to waive, nor be held to limit the power of the Commissioner to enforce any requirements of this section where such plans fail to accurately and completely represent such installations, or their actual use, or fail to show a connection to a properly sized grease interceptor or automatic grease removal device and (2) grease interceptors and automatic grease removal devices installed after the effective date of the amendments to this section pursuant to an application filed before such effective date [shall] must conform to the specific requirements of this section, as amended, no later than 90 days after such effective date.

(t) Notwithstanding anything contained in section 19-11, the Commissioner, in his or her discretion, may require any grease interceptor or automatic grease removal device to be installed[,], at any time[,], and to have a flow rate and a retention capacity equal to those listed in Tables I and/or II.

(u) The use of emulsifiers, enzymes, chemicals, microbial agents, or other additives in grease interceptors or automatic grease removal devices is prohibited.

(v)(1) Yellow grease (waste cooking oil) must only be disposed of through collection by a carter having a trade waste removal license from the City of New York Business Integrity Commission, and that provides written proof of collection to the establishment that generated the yellow grease, each time a pickup is made from the establishment. The written proof must be maintained by such establishment on site for at least one year from the date of disposal, and must be made available to the Department upon request.

(2) It is the responsibility of all yellow grease generating establishments to secure their yellow grease from theft so as to ensure that the written proof required in Subdivision (v)(1) above is obtained for every batch of yellow grease disposed of.

**§19-12 Best Management Practices for Perchloroethylene Discharges to the Public Sewer System from Dry Cleaning Facilities.**

(a) *Perc-contaminated wastewater management.* Perc-contaminated wastewater generated by all new and existing perc dry cleaning facilities [shall] must be managed as follows:

(1) *Perc-contaminated wastewater discharges.* Perc-contaminated wastewater that is discharged to the public sewer [shall] must be treated by physical separation (water separator) and double carbon filtration, or an equivalent control which has been approved by the New York State Department of Environmental Conservation, which has been properly designed to assure an effluent quality that is less than or equal to 20ppb perc without evaporation; and

(2) *Evaporation of perc-contaminated wastewater.* Perc-contaminated wastewater that is evaporated must be treated by physical separation (water separator) and double carbon filtration prior to evaporation.

(b) *Perc-contaminated wastes.* Except as provided for by paragraph (a)(1) of this section, no person may discharge into the public sewer system any perc-contaminated wastewater or wastes resulting from dry cleaning processes including, but not limited to, still bottom or sludge residues, dirt, lint, soil or any other deposits or residues extracted as a result of dry cleaning processes. The discharge into the public sewer system of filters or other filter media used in dry cleaning processes is prohibited.

(c) *Operation and maintenance.* (1) Dry cleaning facilities must be maintained and operated to minimize the release of perc to the environment. All components of the dry cleaning system [shall] must be properly operated and maintained in accordance with the provisions of these, as well as applicable Federal, State and other local regulations.

(2) *Perc-contaminated wastewater treatment units.* (i) *Carbon filtration units.* Carbon cartridges [shall] must be replaced according to a schedule as specified by the manufacturer to assure an effluent quality that does not exceed 20ppb perc.

(ii) *Evaporators.* Perc-contaminated wastewater evaporators [shall] must be operated to ensure that no liquid perc or visible emulsion is allowed to vaporize.

(iii) *Water Separators.* Water separators [shall] must be maintained as recommended by manufacturer specifications.

(d) *Preparedness and prevention.* All dry cleaning operations must be equipped with the following:

(1) adequate spill control equipment including sorbent materials, or alternative methods for absorbing spills;

(2) vapor-proof containers dedicated exclusively for storing spill-contaminated material and labeled "FOR SPILL CONTAINMENT USE ONLY"; and

(3) fire control equipment.

(e) *Reporting and record keeping.* (1) Each owner or operator of a dry cleaning facility or their designees [shall] must record the following:

(i) The date, duration and nature of any malfunction, spill, incident, or emergency response at the facility, the notification procedures and the corrective action taken;

(ii) The dates of perc-contaminated wastewater treatment unit carbon cartridge replacement;

(iii) The date and volume of any perc-contaminated hazardous waste shipments;

(iv) The dates when the dry cleaning system components are inspected for perceptible leaks, and the name or location of dry cleaning system components where perceptible leaks are detected;

(v) The dates of repair and records of written or verbal orders for repair parts for the dry cleaning system; and

(vi) The dates of maintenance of water separators.

(2) Each owner or operator of a dry cleaning facility [shall] must keep receipts of perc purchases, and a log listing the volume of perc purchased each month by the dry cleaning facility, and the number of loads dry cleaned each month.

(3) Each owner or operator of a dry cleaning facility [shall] must retain on site a copy of the design specifications and the operating manuals for each dry cleaning system and each emission control device located at the dry cleaning facility.

(4) All records must be maintained on site for at least five years and must be made available to the Department upon [written or verbal] request.

**§ 19-13 Appeal of Commissioner's Orders.**

(a) Within the time specified for compliance in a Commissioner's Order issued, pursuant to Subdivision (a) of Section 24-524 or Section 24-581 of Administrative Code, and/or as otherwise specified in the Order, the party named in the Order may submit a written statement appealing the Commissioner's Order in the manner directed on the Order. In the event that the Department determines that non-compliance with the Order poses a significant risk of imminent harm to public health or safety or to the environment, the party shall be so notified and shall comply with the order forthwith, or otherwise within the time specified by the Department, notwithstanding that an appeal is taken.

(b) Appeals shall be reviewed by the Department and a final determination regarding the appeal shall be made within a reasonable period of time.

(c) If an appeal is sustained in whole or in part, then the stated terms of the final determination on appeal shall replace the original requirements of such Order. If an appeal is denied, the final determination shall specify a reasonable period of time for compliance based on the circumstances, except in the case of an Order where compliance is required at an earlier time as described in Subdivision (a) of this section.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
(212) 788-1400**

**CERTIFICATION/ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Public Sewer Use Rules Revision

**REFERENCE NUMBER:** DEP-38

**RULEMAKING AGENCY:** Department of Environmental Protection

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

July 3, 2019  
Date

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
(212) 356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Public Sewer Use Rules Revision

**REFERENCE NUMBER:** 2017 RG 081

**RULEMAKING AGENCY:** Department of Environmental Protection

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: July 3, 2019



• a12

**TAXI AND LIMOUSINE COMMISSION**

**■ NOTICE**

**Notice of Promulgation**

**NOTICE IS HEREBY GIVEN** in accordance with Section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") promulgates rules amending its provisions regarding cruising time for vehicles dispatched by High-Volume For-Hire Services. These rules are promulgated pursuant to Sections 1043 and 2303 of the Charter and Section 19-503 of the Administrative Code of the City of New York. These rules were published in the City Record on June 21, 2019 for public comment. On July 23, 2018, a public hearing on these rules was held by the TLC

at its offices at 33 Beaver Street, 19th Floor, New York, NY, and the rules were adopted by the Commission on August 7, 2019. Pursuant to Section 1043(f)(1)(c) of the Charter and the Statement of Substantial Need for Earlier Implementation attached to this Notice, these rules will take effect immediately upon publication.

### **STATEMENT OF BASIS AND PURPOSE OF RULES**

On August 14, 2018, Mayor de Blasio signed Local Law 147 of 2018, freezing new For-Hire Vehicle (FHV) licenses for a year, and instructing the New York City Taxi and Limousine Commission (TLC) and Department of Transportation (DOT) to study the impact of the FHV sector on traffic congestion. Specifically, Local Law 147 of 2018 enacted Section 19-550 of the New York City Administrative Code, which authorizes the TLC to establish vehicle utilization standards, or as they are referred to in the rules "caps on cruising," for FHVs dispatched by the High-Volume For-Hire Services (HVs) and mandates that the TLC periodically review the number of FHV licenses. Further, based on such review, Local Law 147 authorizes the TLC to regulate the number of FHV licenses it issues. Following completion of the study mandated by Local Law 147, TLC amends its rules to:

- Decrease the percentage of time that FHVs dispatched by HVs spend cruising (driving or waiting without a passenger) in Manhattan south of 96<sup>th</sup> Street by capping it at 31% during the most congested times of day, and
- Review and determine, every six months, the total number of new FHV licenses the TLC will issue.

### **Traffic Congestion**

Traffic congestion in New York City has grown steadily worse since 2010, with travel speeds in Midtown Manhattan dropping to 4.3 mph during November and December of 2018. While the increase in traffic congestion has many sources, including growth in population, employment, commerce, and construction activity, traffic counts collected by the DOT in the fall of 2018 found that FHVs, the overwhelming majority of which are dispatched by HVs, make up 30% of peak period vehicle volumes in Manhattan south of 96<sup>th</sup> street (the "Congestion Zone").

To address this cause of traffic congestion, the City Council passed Local Law 147, which paused the issuance of new FHV licenses for a year and mandated that the TLC and DOT study the consequences of certain changes in traffic policy in terms of congestion in the Congestion Zone, driver pay, passenger fares, passenger wait times, and shifts to other modes of transportation.

TLC and DOT retained consultants to assist with the study mandated by Local Law 147, which can be found at [https://www1.nyc.gov/assets/tlc/downloads/pdf/fhv\\_congestion\\_study\\_report.pdf](https://www1.nyc.gov/assets/tlc/downloads/pdf/fhv_congestion_study_report.pdf). As noted in the study, of the three standalone policies the Local Law tasked the City with studying, the cap on cruising is the only policy that the modeling predicts will result in significant reductions in FHV Vehicle Hours Traveled in the Congestion Zone without negatively impacting driver pay, passenger fares, or outer borough passenger wait times.

### **Cap on Cruising**

Following the study's recommendations, the rules require HVs to keep their company-wide Manhattan core cruising time below a certain percentage of their total vehicle hours in the Manhattan core. Cruising is the time drivers spend between trips, which can be divided into two segments: (1) time when drivers are waiting to receive their next trip and (2) time when they are driving to pick up a passenger after receiving a trip. For most drivers, both segments are time when the driver is working but not earning money.

Currently, drivers spend 41% of their time in Congestion Zone cruising, which results in an average of 13 minutes per trip. Less than half of that time is time the driver spends traveling to pick up a passenger, which is about 5.5 minutes per trip on average in the core. This leaves roughly 8 minutes a driver spends waiting for the next trip, either parked, double-parked, or driving to an area where the driver expects to get another trip. Because of high demand for on-street parking in the Manhattan core, most drivers are either double-parked or driving, both of which contribute to congestion.

Placing a cap on cruising in the Congestion Zone will result in a substantial reduction of Vehicle Hours Traveled there. To achieve this result, rules:

- Beginning February 1, 2020, require HVs to cap cruising at 36% from six a.m. to eleven p.m. on Monday through Friday and from eight a.m. to eleven p.m. on Saturday and Sunday.
- Beginning August 1, 2020, require HVs to cap cruising at 31% from six a.m. to eleven p.m. on Monday through Friday and from eight a.m. to eleven p.m. on Saturday and Sunday.
- Establish monetary and non-monetary penalties for non-compliance with the caps on cruising.
- Eliminate the prohibitions on black car bases dispatching to vehicles affiliated with livery bases and livery bases dispatching to vehicles affiliated with black car bases to

provide HVs more options to increase their dispatching efficiency.

- Expand the window in which an FHV must pass a renewal inspection from 60 days after the date the inspection is scheduled to 120 days after the date the inspection is scheduled in order to allow existing FHV License holders more flexibility in renewing their licenses.
- Require HVs, in addition to the FHV bases through which they dispatch trips, to submit data and information to TLC regarding vehicle location and log-on/log-off information

The cap on cruising will require HV companies to better manage the supply of vehicles available to meet passenger demand, so that drivers will not drive around empty as often as they do today

### **New License Issuance**

Local Law 147 requires the TLC, in addition to conducting a congestion study, to periodically review the number of licenses it issues. The local law further allows the TLC to limit the number of licenses it issues based on such review. The rules codify that portion of the Local Law, requiring the TLC to review the current number of FHV licenses every six months and determine the number licenses it will issue over the next six months based on such review.

Since FHV service has not been reduced so far under the current vehicle license pause, TLC will continue the license pause established by Local Law 147 until it conducts its first review of the number of FHV licenses. This will allow the TLC to monitor the impact of the cap on cruising while it reviews and determines the number of new vehicle licenses to issue.

In order to provide a degree of flexibility consistent with the city's aggressive accessibility and greenhouse gas reduction goals, TLC will continue to exempt wheelchair accessible vehicles from the licensing pause, as provided in Local Law 147, and add an exception for battery electric vehicles. These rules also extend the exception to the license pause provided in Local Law 147 for TLC-licensed drivers who entered into long-term, lease-to-own agreements for a vehicle prior to the effective date of Local Law 147.

The Commission's authority for these rules is found in Sections 1043 and 2303 of the New York City Charter and Section 19-550 of the New York City Administrative Code.

### New material is underlined.

[Deleted material is in brackets]

Section 1. Section 51-03 of Title 35 of the Rules of the City of New York is amended by adding new definitions of "Available Vehicle," "Congestion Zone," "Cruising," and "Shared Ride," in alphabetical order, to read as follows:

**Available Vehicle** means a For-Hire Vehicle that is available to accept dispatched trips from a High-Volume For-Hire Service.

**Congestion Zone** is the geographic area of Manhattan south of and excluding 96th Street.

**Cruising** is the time a For-Hire Vehicle spends available to receive dispatches from a Base or High-Volume For-Hire Service while not transporting a passenger. Cruising includes the time a For-Hire Vehicle spends driving to pick up a passenger on a trip dispatched by a Base or a High-Volume For-Hire Service.

Section 2. Paragraphs (1), (2), and (5) of Subdivision (f) of Section 59A-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

(a) *Inspection Required to Renew a Vehicle License.*

- (1) An Applicant for renewal of a For-Hire Vehicle License must have the vehicle inspected at the Commission's Safety and Emissions Division and demonstrate that the Vehicle has passed an inspection within [sixty] 120 days after the date of the first scheduled inspection.
- (2) The maximum number of inspections allowed in this [60] 120-day period is four.

\*\*\*

- (5) Failure of the original vehicle or any replacement vehicle to pass an inspection after four tries within the [60] 120-day period will result in denial of the renewal application.

Section 3. Subdivision (a) of Section 59A-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *New License.* The term of a new For-Hire Vehicle License is two years.

- (1) *New License Issuance.* One year following the effective date of this rule, and every six months thereafter, the Commission will review the number of For-Hire Vehicle Licenses, pursuant to Section 19-550(b)(2) of the Administrative Code of the City of New York and determine the number of For-

Hire Vehicle Licenses to issue in the six (6) months following such review. In reviewing the number of Licenses to issue in the next six months, the Commission will review congestion levels, driver pay, License attrition rates, outer borough service, and any other information it deems relevant to determine the number of Licenses to issue. The results of such review, and the number of new For-Hire Vehicle Licenses the Commission will issue, will be posted on the Commission's website. The Commission will not issue new For-Hire Vehicle Licenses until such time as it completes its first review of the number of For-Hire Vehicle Licenses pursuant to this section.

- (2) Exceptions. Prior to the results of the first review performed pursuant to paragraph (1) of this subdivision, the Commission will continue to issue new Licenses to:
  - (i) Wheelchair accessible vehicles,
  - (ii) Battery electric vehicles, and
  - (iii) An applicant who possesses a TLC Driver's License, provides written proof that the applicant entered into a lease for the use of a licensed for-hire vehicle that contains a conditional purchase agreement for the vehicle prior to August 14, 2018, and demonstrates that the term of such lease is no less than two (2) years.

Section 4. Subdivision (d) of section 59B-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) *Must Dispatch Own Vehicles.* A Base Owner must not dispatch a Vehicle that is not affiliated with the Base Owner's Base[,] unless
  - (1)
    - (i) The Vehicle is affiliated with (i) a Livery Base if the dispatching Base is a Livery Base or (ii) either a Black Car or Luxury Limousine Base if the dispatching Base is a Black Car or Luxury Limousine Base, and
    - (ii) The] the Base Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer[; or
  - (2) The Base is dispatching an Accessible Vehicle affiliated with a For-Hire Base and the Base Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer[.

§59B-17(d)	Fine: \$150	Appearance NOT REQUIRED
------------	-------------	-------------------------

Section 5. Subdivision (a) of section 59D-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Required Information.* A High-Volume For-Hire Service must collect and transmit to the Commission, in a format, layout, procedure, and frequency prescribed by the Commission, the following records:
  - (1) With respect to all trips the High-Volume For-Hire Service dispatches through a Base:
    - (i) The date, the time, and the location of the Passenger pickup and drop-off
    - (ii) The Driver's TLC Driver License number
    - (iii) The dispatched Vehicle's License number
    - (iv) The TLC License number of the For-Hire Base that dispatched the Vehicle
    - (v) The TLC License number of the For-Hire Base affiliated to the dispatched Vehicle
    - (vi) The total number of passengers picked up and dropped off
    - (vii) The total trip mileage
    - (viii) The date and time the Passenger requested the trip
    - (ix) The itemized fare for the trip including the amount of the fare, any toll, surcharge, commission rate, other deduction and any gratuity and a breakdown of the amount such passenger paid for the trip
    - (x) The payment the Driver received for the trip or the Driver's hourly paid rate

- (xi) If the trip enters the Congestion Zone but the pick-up did not occur in the Congestion Zone, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle entered the Congestion Zone and, if applicable, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle exited the Congestion Zone, and
- (xii) An indicator as to whether the trip was administered as part of the MTA's Access-A-Ride program.
- (2) [The total amount of] For each time a Vehicle makes itself available to be dispatched by the High-Volume For-Hire Service[, and]:
  - (i) The Vehicle License number
  - (ii) The TLC Driver License number of the Driver operating the Vehicle
  - (iii) The date and time at which the Vehicle became available to accept dispatches from the High-Volume For-Hire Service
  - (iv) The geographic position of the Vehicle during the entire time the Vehicle is available to accept dispatches from the High-Volume For-Hire Service at intervals no less frequent than every sixty (60) seconds
  - (v) The date and time at which the Vehicle became unavailable to accept dispatches from the High-Volume For-Hire Service
  - (vi) If the Vehicle enters the Congestion Zone while available to accept dispatches from the High-Volume For-Hire Service, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the Vehicle entered the Congestion Zone and, if applicable, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the Vehicle exited the Congestion Zone,
- (3) The amount of time spent transporting passengers each day by each Vehicle that has made itself available to be dispatched by the High-Volume For-Hire Service, and the amount of time spent by such Vehicles between trips but not on the way to the passenger,
- (4) The amount of time each Available Vehicle spends each day in the Congestion Zone, and
- (5) The amount of time each Available Vehicle spends each day Cruising in the Congestion Zone.

Section 6. Chapter 59 of Title 35 of the Rules of the City of New York is amended by adding a new section 59D-21 to read as follows:

**§59D-21 Operations – Restrictions on Cruising Time in the Manhattan Core**

- (a) *Cruising in the Congestion Zone.* A High-Volume For-Hire Service must limit the total amount of time Available Vehicles spend Cruising while in the Congestion Zone in the following manner:
  - (1) Beginning February 1, 2020, the percentage of time all Available Vehicles spend Cruising while in the Congestion Zone between the hours of six a.m. and eleven p.m. on Monday through Friday and between the hours of eight a.m. and eleven p.m. on Saturday and Sunday cannot exceed thirty-six percent (36%).
  - (2) Beginning August 1, 2020, the percentage of time all Available Vehicles spend Cruising while in the Congestion Zone between the hours of six a.m. and eleven p.m. on Monday through Friday and between the hours of eight a.m. and eleven p.m. on Saturday and Sunday cannot exceed thirty-one percent (31%).

§59D-21(a)	<p><u>Fine: \$350 for each 100 hours by which the High-Volume For-Hire Service exceeds the limit on the percentage of time Available Vehicles can spend Cruising while in the Congestion Zone in the previous calendar month.</u></p> <p><u>Example: If Available Vehicles spent 2,500,000 hours in the Congestion Zone over the course of March 2020 but spent 925,000 of those hours Cruising, the High-Volume For-Hire Service will have exceeded the 36% limitation on Cruising by 25,000 hours and be subject to a \$87,500 fine.</u></p> <p><u>If a High-Volume For-Hire Service exceeds the Cruising limits outlined above by over 10%, the Commission may seek suspension of up to 30 days or revocation.</u></p>	Appearance REQUIRED
------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------

- (b) Calculating Cruising Time: Cruising time will be calculated as all the time a High-Volume For-Hire Service's Available Vehicles spend in the Congestion Zone without a passenger.
- (1) Concurrent Availability: When a Vehicle is available to accept dispatches from more than one High-Volume For-Hire Service, its Cruising time will be assigned proportionately based on the aggregate Congestion Zone trip volumes of each High-Volume For-Hire Service from which the Vehicle is available to accept dispatches. For example, if during a compliance period a Vehicle spends 10 hours Cruising in the Congestion Zone while available to accept dispatches from Company A and Company B, and during that compliance period Company A dispatches 800,000 trips in the Congestion Zone and Company B dispatches 200,000 trips in the Congestion Zone, 8 hours of the Vehicle's Cruising time will be assigned to Company A and 2 hours of the Vehicle's Cruising time will be assigned to Company B.
  - (2) En Route Time: For purposes of paragraph (1) above, the portion of a Vehicle's Cruising time spent driving to a Passenger's pick-up location after a Vehicle accepts a dispatch request will be exclusively assigned to the High-Volume For-Hire Service that dispatched the trip. For example, if a Vehicle spends 10 hours Cruising in the Congestion Zone while available to accept dispatches from Company A and Company B, and during those 10 hours, 2 hours were spent driving to pick-up locations for trips dispatched by Company A and 3 hours were spent driving to pick-up locations for trips dispatched by Company B, 2 hours of the Vehicle's Cruising time will be assigned to Company A, 3 hours of the Vehicle's Cruising time will be assigned to Company B, and the remaining 5 hours will be assigned proportionately between Company A and Company B pursuant to the method described in paragraph (1) above.
  - (3) Wheelchair Accessible Vehicle Exemption: The Commission will not include a High-Volume For-Hire Service's Available Vehicles that are Wheelchair Accessible when calculating the High-Volume For-Hire Service's Cruising time.
- (c) Evaluation by the Commission. No less than annually, the Commission will review compliance levels, service levels outside the Congestion Zone, and any other information it deems relevant to determine if adjustments need to be made to the limits on Cruising set forth in subdivision (a) of this section.

**Statement of Substantial Need for Earlier Implementation**

I hereby find, pursuant to Section 1043(f)(1)(c) of the New York City Charter, that there is a substantial need for the implementation of the rule governing the cap on cruising by for-hire vehicles dispatched by high-volume for-hire vehicle services and the continued cap on for-hire vehicle license issuance immediately upon publication of the promulgated rule in the *City Record*.

Local Law 147 of 2018, which took effect on August 14, 2018, among other things, froze the issuance of for-hire vehicle (FHV) licenses for a one-year period and instructed the New York City Taxi and Limousine Commission ("TLC") and the New York City Department of Transportation ("DOT") to conduct a study of the impact of the FHV sector on traffic congestion. Specifically, Local Law 147 of 2018 enacted section 19-550 of the New York City Administrative Code, which authorizes the TLC to establish vehicle utilization standards, or as they are referred to in the proposed rules "caps on cruising," for FHV's dispatched by the High-Volume For-Hire Services (HV's) and mandates that the TLC periodically review the number of FHV licenses. Further, based on such review, Local Law 147 authorizes the TLC to regulate the number of FHV licenses it issues. Having completed the study, the TLC has proposed this rule.

By this rule, the TLC will:

- Require that HV's decrease the percentage of time that FHV's dispatched by such services spend cruising (driving or waiting without a passenger) in Manhattan south of 96<sup>th</sup> Street by capping it at 31% of the driver's total on-duty time during the most congested times of day, and
- Review and determine, every six months beginning one year after the effective date of the rules, the total number of new FHV licenses the TLC will issue.

The freeze on FHV license issuance imposed by Local Law 147 expires on August 13, 2019. Immediate implementation of this rule is necessary to prevent the uncapped issuance of FHV licenses after August 13, 2019 and to begin to ameliorate the conditions described in the study required by Local Law 147.

◀ a12

## SPECIAL MATERIALS

### AGING

■ NOTICE

Notice of Concept Paper

In advance of the release of Request for Proposals, for Geriatric Mental Health Services Program, the Department for the Aging (DFTA), is issuing a concept paper presenting the purpose and plan for this program. The concept paper will be posted on the Department's website, <http://www.nyc.gov/aging>, beginning on August 15, 2019. Public comment is encouraged and should be emailed to, DFTA, at [matracy@aging.nyc.gov](mailto:matracy@aging.nyc.gov). The concept paper will be posted until Monday, September 30, 2019.

a8-14

### COMPTROLLER

■ NOTICE

**NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH** cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on **8/14/2019**, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	5030	72

Acquired in the proceeding entitled: MAPLE STREET PASSIVE RECREATION SPACE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer  
Comptroller

a1-14

### HEALTH AND MENTAL HYGIENE

■ NOTICE

Notice of a Concept Paper

Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) persons represent a diverse community of sexual and gender minorities with unique healthcare needs. LGBTQ persons have been consistently underserved by medical establishments and experience significant barriers to care. Numerous barriers to seeking and engaging in medical care include a lack of knowledgeable providers and specialists, stigma, financial constraints, and systems-level challenges, such as a lack of



appropriate documentation in clinical forms and medical records. Fear and stigma regarding disclosure of sexual and gender identity among LGBTQ persons has been linked to lower healthcare utilization. LGBTQ individuals may be less likely to engage in care or to have a personal doctor, and may encounter delays in care or be dissatisfied with the care received. Barriers to engaging in quality care contribute to LGBTQ health disparities. DOHMH, intends to issue a Request for Proposals (RFP) to reduce barriers to care among LGBTQ patients by promoting the provision of comprehensive quality care among LGBTQ individuals. Accordingly, DOHMH proposes to select one contractor to provide comprehensive services to increase access and provision of primary care services, sexual and reproductive health services, and behavioral health services among uninsured LGBTQ patients.

The Concept Paper will be posted on the DOHMH website, [www.nyc.gov/health](http://www.nyc.gov/health), August 16, 2019 through September 30, 2019. Written comments in response to the Concept Paper should be submitted, to [RFP@health.nyc.gov](mailto:RFP@health.nyc.gov). Please include "Comprehensive Health Service Provision Among LGBTQ Populations Concept Paper" in the subject line.

a9-15

**HUMAN RESOURCES ADMINISTRATION**

■ NOTICE

An amendment to the 2018-2019 New York City Biennial Temporary Assistance and Supplemental Nutrition Assistance Program Employment Plan related to the changes in state law and regulation on the conciliation process, is available for review and comment until the close of business on September 9, 2019. The Plan for the period January 1, 2018 through December 31, 2019 is mandated by Social Services Law Sec. 333 and 18 N.Y.C.R.R. Sec. 385.10. When there is a significant change to the information in an approved Plan, the Plan must be amended and another thirty day public comment period is necessary. The amended Plan can be obtained from HRA's Internet homepage, [www.nyc.gov/hra](http://www.nyc.gov/hra), or by writing to the New York City Human Resources Administration, 4 World Trade Center, 150 Greenwich Street, 35<sup>th</sup> Floor, New York, NY 10007, Attn.: Andrew Mandell, Assistant Deputy Commissioner, Office of Policy Procedures, and Training, or by email, to [mandella@dss.nyc.gov](mailto:mandella@dss.nyc.gov).

Persons wishing to comment on the amendment to the 2018-2019 Biennial Temporary Assistance and Supplemental Nutrition Assistance Program Employment Plan, should do so by writing, to Mr. Mandell, at the above addresses, either by mail, or email.

a8-16

**MAYOR'S OFFICE OF CONTRACT SERVICES**

■ NOTICE

**Notice of Intent to Extend Contract(s) Not Included in FY 2020 Annual Contracting Plan and Schedule**

**NOTICE IS HEREBY GIVEN** that the Mayor will be entering into the following extension(s) of (a) contract(s) not included in the FY 2020 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Office of Chief Medical Examiner (OCME)  
 FMS Contract #: CTA1 816 20197210233  
 Vendor: KPMG LLP  
 Description of services: Quality Control Services for Physical Security System Upgrade  
 Award method of original contract: Task Order  
 FMS Contract type: 10  
 End date of original contract: 6/30/2019  
 Method of renewal/extension the agency, intends to utilize: Amendment Extension  
 New start date of the proposed renewed/extended contract: 7/1/2019  
 New end date of the proposed renewed/extended contract: 6/30/2020  
 Modifications sought to the nature of services performed under the contract: None  
 Reason(s) the agency, intends to renew/extend the contract: Continuity of service  
 Personnel in substantially similar titles within agency: Project Manager, Architect, Electrician, Computer Associate  
 Headcount of personnel in substantially similar titles within agency: 8

◀ a12

**TRANSPORTATION**

■ NOTICE

New York City has one of the largest and most complex street networks in the world, including over 12,000 miles of sidewalks and pedestrian ramps at street crossings throughout the City. Pedestrian ramps are a critical component in providing for safe and accessible means of travel throughout New York City. Pedestrian ramps provide access on and off our streets and sidewalks and are an essential tool for all pedestrians, especially aging New Yorkers and persons with disabilities.

The City of New York (Defendants) and disability advocates (Plaintiffs) in the matter of *Eastern Paralyzed Veterans Association n/k/a United Spinal Association v. City of New York and Center for Independence of the Disabled, New York et al v. City of New York et al*, which was recently settled and approved by the United States District Court for the Southern District of New York, are in the process of searching for a mutually agreeable candidate(s) to work as a Court-appointed Monitor. The final selection of the Monitor will happen within 45 days of July 23rd, or shortly thereafter by the Court.

The Monitor will work as an independent entity and oversee compliance with the Settlement Agreement relating to the installation, upgrade, and maintenance of pedestrian ramps at street crossings City-Wide. As part of this process, the City is gathering names of potential candidates. The Monitor must be a New York State licensed Professional Civil Engineer. The City prefers candidate(s) who possess a minimum of 10 years' experience working on either infrastructure projects involving public utilities with facilities located under or above ground in New York City or real estate development projects within New York City.

According to the terms of the settlement, the Monitor will be in place for at least 15 years, but there would be no obligation for the selected Monitor to remain for the entire period. For further information on the settlement and duties of the Monitor, follow this link: <https://www.nycpedramps.info/sites/default/files/2019-07/Pedestrian%20Ramp%20Settlement%20Agreement--Final%20Approved%207-23-2019.pdf>

Section 22 of the settlement agreement contains the relevant provisions relating to the Monitor. Please consider any potential conflicts due to past, present and future work experience.

If you are interested in being appointed as the Monitor, please contact Timothy Cherry, NYC DOT Assistant General Counsel, at [tcherry@dot.nyc.gov](mailto:tcherry@dot.nyc.gov) or (212) 839-6510.

a2-15

**CHANGES IN PERSONNEL**

BOARD OF ELECTION POLL WORKERS  
FOR PERIOD ENDING 06/28/19

NAME	TITLE	NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
WONG	YING L	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
WOODBINE	LIA J	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
WRIGHT	IASIA A	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
WRIGHT	YVETTE L	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
WU	LIANG WE	9POLL	\$1.0000	APPOINTED	YES 01/01/18	300
XIA	SANDY	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
XIAO	ZHIPING	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
YANG	MICHELLE A	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
YAO	WEI	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300

BOARD OF ELECTION POLL WORKERS  
FOR PERIOD ENDING 06/28/19

NAME	TITLE	NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
YEHESKEL	LANA H	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
YU	DAVID	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
YU	KIN Y	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
YUE	LIU JIE	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
YUEN	LING H	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
ZHANG	JUSTIN	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
ZHANG	MONICA	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
ZONG	NIANMIN	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300
ZOU	JENNIFER	9POLL	\$1.0000	APPOINTED	YES 01/01/19	300

MANHATTAN COMMUNITY BOARD #8  
FOR PERIOD ENDING 06/28/19

NAME	TITLE	NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
HARRIGAN	SAIDA	56057	\$20.3706	APPOINTED	YES 06/09/19	348

MANHATTAN COMMUNITY BOARD #11  
FOR PERIOD ENDING 06/28/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Rows include HERRERA THOMAS, MESCAIN-ARCHER ANGEL D.

QUEENS COMMUNITY BOARD #1  
FOR PERIOD ENDING 06/28/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Row includes KOULOURIS FLORENCE.

QUEENS COMMUNITY BOARD #14  
FOR PERIOD ENDING 06/28/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Row includes GASKA JONATHAN L.

GUTTMAN COMMUNITY COLLEGE  
FOR PERIOD ENDING 06/28/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Rows include AGANA-WOODBINE SOULYKA, AZMI NUSRAT, BROWN KEINO, etc.

COMMUNITY COLLEGE (BRONX)  
FOR PERIOD ENDING 06/28/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Rows include ABOUSALHAM FAOUZI, ANYACHEBELU PATRICIA N, CAMPBELL VIRGINIA A, etc.

COMMUNITY COLLEGE (QUEENSBORO)  
FOR PERIOD ENDING 06/28/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Rows include AKPINAR REZAN, ARLIA MARIE, BAYER TINA, BIRCH MARIO.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Rows include BLANK CARRIE J, BOODHOO LEBLA, BOTEJU WJEBEWANI G, etc.

COMMUNITY COLLEGE (QUEENSBORO)  
FOR PERIOD ENDING 06/28/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Rows include GARBIN DANIEL J, GOLDBOURNE MARCIA, GONZALEZ NIDIA E, etc.

COMMUNITY COLLEGE (KINGSBORO)  
FOR PERIOD ENDING 06/28/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Rows include CAPOZZI JAMES G, CMIRLEWSKI RYSZARD, D'ARANCIO NORMA, etc.

COMMUNITY COLLEGE (MANHATTAN)  
FOR PERIOD ENDING 06/28/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Rows include ACHOLONU KELECHI I, ADDO ESTHER A, AFNAN MAHEYA J, AHMED SAKIB.

Table with columns: NAME, LAST NAME, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like ALOMARI, AMBROSE, AMIN, etc.

Table with columns: NAME, LAST NAME, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like MINIHAN, MITCHELL, MIYASHIRO, etc.

COMMUNITY COLLEGE (MANHATTAN) FOR PERIOD ENDING 06/28/19

Table with columns: NAME, LAST NAME, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like BUCKEY, BURKE, CAJILIMA, etc.

COMMUNITY COLLEGE (MANHATTAN) FOR PERIOD ENDING 06/28/19

Table with columns: NAME, LAST NAME, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like JOHN, JOSEPH, KAUR, etc.

COMMUNITY COLLEGE (MANHATTAN) FOR PERIOD ENDING 06/28/19

Table with columns: NAME, LAST NAME, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like SCHICKERLING-GE, SEETHAL, SHAPIRO, etc.

CUNY CENTRAL OFFICE FOR PERIOD ENDING 06/28/19

Table with columns: NAME, LAST NAME, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like AHMETI, BYRUM, CLARKE, etc.

COMMUNITY COLLEGE (HOSTOS) FOR PERIOD ENDING 06/28/19

Table with columns: NAME, LAST NAME, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like ASANTE, AYOB, BAIRD, etc.

