

**NOTICE OF ADOPTION OF RULE**

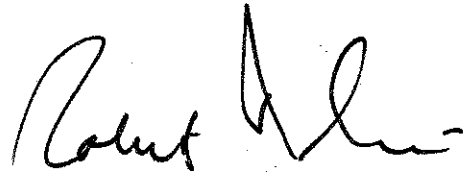
**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to section 102-01 of subchapter B of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding violation reclassification.

This rule was first published on July 26, 2010 and a public hearing thereon was held on August 26, 2010.

Dated: \_\_\_\_\_

9/9/10

New York, New York



Robert D. LiMandri  
Commissioner

Section 1. Subdivision (j) of section 102-01 of subchapter B of chapter 100 of Title 1 of the Rules of the City of New York is amended by moving the entry for ZR 42-543 from between the entries for RS 6-1 and ZR 22-00 to immediately following the entry for ZR 42-53.

§2. Subdivision (j) of section 102-01 of subchapter B of chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new entry for section ZR 11-62 of the New York City Zoning Resolution immediately following the entry for RS 6-1 and immediately preceding the entry for ZR 22-00, and by adding a new entry for miscellaneous sections of the Zoning Resolution at the end of the table, as follows:

<b>Section of Law</b>	<b>Classification</b>	<b>Violation Description</b>
<u>ZR 11-62</u>	<u>Class 2</u>	<u>Violation of discretionary Zoning conditions on privately owned public space.</u>
<u>Misc ZR</u>	<u>Class 2</u>	<u>Misc. violation of condition on as of right privately owned public space.</u>

### **Statement of Basis and Purpose**

The foregoing rule amendments are promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter. The amendment to subdivision (j) of Section 102-01 of the Department's rules addresses compliance with the NYC Zoning Resolution as it relates to Privately Owned Public Spaces (POPS). The Department of City Planning (DCP) authorizes the creation of POPS in exchange for additional floor area in certain buildings within the City's high-density commercial and residential districts. These areas typically contain some visual and functional amenities for the public use and enjoyment, and are designed to provide additional light, air, green space and breathing room in the densest areas of the City. Tougher enforcement of these provisions is being sought to protect the public's right to these areas.

In addition, reference to ZR 42-543 is being relocated to keep the table in numerical order.