City Development & Planning

1. Amending Chapter 264 to Change the Zoning of 1075 Strong Street  
   Avi Epstien

2. Authorize the Issuance of Revocable Permit No. 643 to Mad Jack Brewing Co. for a Sign and Awning that will Overhang the City’s Right-of-Way at 237 Union Street  
   Chris Wallin

3. Authorize the Issuance of Revocable Permit No. 644 to the Emily Willey Foundation for the Installation of “Little Libraries” in Select City Park  
   Chris Wallin

4. CPH - Adoption of Historic Stockade District Comprehensive Streetscape Plan  
   Kristin Diotte

5. Parking Garage Code Change  
   Michael Eidens

6. Review – DSAD Budget (PH 11/18/19)  
   Karen Zalewski-Wildzunas

Finance

1. CPH – Upper Union Street BID 2020 Budget  
   Vince Riggi

2. Discussion – Council Approval for any Contract Acceptance Relating to Smart City Initiative  
   John Mootooveren

3. Discussion – Council Approval for any Contract Acceptance or Change Orders of a Certain Amount  
   John Mootooveren

4. Discussion – Change in the City’s Procurement Policy  
   John Mootooveren

Public Service & Utilities

1. CR – Judge Loyola  
   Ed Kosiur
BACKGROUND INFORMATION:
The Department of Development has received a request from the property owner of 1075 Strong Street, Beesham Ramdeo, to change the zoning of the parcel from "R-1" Single Family Residential to "C-5" Business District.

EVALUATION/ANALYSIS:
The purpose of the zoning request is to allow the operation of a tractor engine service center. The property is currently surrounded by one and two family homes and is adjacent to the Speedway Gas Station on Brandywine Avenue.

The Planning Commission issued a recommendation to the City Council on December 19, 2018 to allow a zoning change, however, the Planning Commission recommended that it be consistent with the zoning adjacent to the property, which is "C-5" Business District.

RECOMMENDATION:
The City Council shall declare the intent to act as the Lead Agency for the State Environmental Quality Review by calling for a public hearing to determine the environmental significance of the project.

LEGISLATION WILL BE PREPARED BY _____Law Dept._____

CITY OF SCHENECTADY
LEGISLATION REQUEST FORM

COMMITTEE ASSIGNMENT: City Development & Planning     DATE: 11-27-19
TO: COUNCILMEMBERS
FROM: Avi Epstein
SUBJECT: 1075 Strong – Rezoning/SEQR
Legislative Request Form

DEPARTMENT OF ENGINEERING
CHRISTOPHER WALLIN, P.E., CITY ENGINEER

COMMITTEE ASSIGNMENT: DATE: November 4, 2019

TO: City Council

FROM: Christopher R. Wallin, P.E., City Engineer

SUBJECT: Authorize the Issuance of Revocable Permit No. 643 to Mad Jack Brewing Co. for a Sign and Awning That Will Overhang the City’s Right-of-Way at 237 Union Street, Schenectady, New York

TO BE PLACED ON COUNCIL AGENDA OF: November 12, 2019

Background Information:

Mad Jack Brewing Co. would like to install a sign and awning (existing) over the City’s right-of-way at 237 Union Street, Schenectady, New York. (Please see attached).

Evaluation/Analysis:

Attached please find the Revocable Permit Application, an email of approval from the Planning Dept., and a picture submitted for the sign and awning over the City’s right-of-way at 237 Union Street, Schenectady, New York.

Recommendation:

Authorize the Issuance of Revocable Permit No. 643 to Mad Jack Brewing Co. for a sign and Awning that will overhang the City’s right-of-way at 237 Union Street, Schenectady, New York.

LEGISLATION WILL BE PREPARED BY: Engineering

CRW: cd
The City of Schenectady hereby grants Revocable Permit No. 643 to Mad Jack Brewing Co. for a Sign and Awning that will overhang the City's right-of-way at 237 Union St., Schenectady, New York.

a) The Sign and Awning will overhang the City's right of way at 237 Unions Street, Schenectady, New York

b) Mad Jack Brewing Co. shall hold the City, its employees, or agents harmless for any damage to the Sign and Awning resulting from their acts in performing of their duties.

c) So long as the Sign and Awning remain in the City right-of-way, Mad Jack Brewing Co. shall carry, at THEIR expense public liability insurance in an amount not less than $1,000,000/$1,000,000 for personal liability and not less than $1,000,000 for property damage in one accident and $2,000,000 in the aggregate. The liability policy must the name City of Schenectady as additionally insured to be saved harmless for personal liability and property damage and is subject to the approval of the Corporation Counsel of the City of Schenectady.

d) The City Engineer of the City of Schenectady reserves the power to revoke the permission granted and to require the removal of the Sign and Awning except in case of a dangerous condition which shall be corrected immediately upon notification.

e) Mad Jack Brewing Co. complies with all rules, regulations and building permits relating to the erection and maintenance of the Mad Jack Brewing Co.

f) Mad Jack Brewing Co. agrees to defend, indemnify and hold harmless the City of Schenectady, their officers, agents and employees from any and against any and all claims, suits, liens, judgments, damages, losses and expenses including reasonable legal fees and costs arising in whole or in part and in any manner from acts, omissions, breach or default of Mad Jack Brewing Co., or their agent, related to their performance related to this revocable permit.
REVOKECABLE PERMIT

Instruction:

This application shall be completed in full, either typed or printed clearly in ink, and filed with the City of Schenectady Department of Engineering, at the above address.

Description:

This application shall be used when a property owner or their representative install or places an object in City right-of-way, such as signs, planters, etc. All required information for the object placed in City right-of-way can be found herein and/or within the City of Schenectady's Municipal Code Section §364-63: Zoning Signs, §398-10: Encroaching Structures and Articles. This Permit shall be allowed for as long as the insurance is still in place and require a fee of $100.00 to be paid in Room 100, City Hall 105 Jay Street, Schenectady, NY 12305.

Any work or obstructions within the City Right-of-way shall require submission of current liability insurance naming the City as additionally insured.

Before any excavation always call Dig Safely New - Call 811

Part 1: General Information

1. Item Information
   a. Permit Address
   b. Name Permit to be issued to: (Owner/Business/etc.)
   c. Object type

   237 Union St
   Mail Jack Brewing Co.
   Signage

2. Applicant's Information
   a. Applicant's Name:
   b. Street Address:
   c. City, State, ZIP:
   d. Telephone No.:
   e. Fax No.:
   f. Emergency Name 24/7:
   g. Emergency Phone #:

   AJ Sign Co
   842 Stratford Rd
   Burnt Hills, NY 12027
   (618) 949-9012
   (518) 688-079
   (518) 333-3344 - Tom Whelan

Signature: 11/1/19

Revocable Permit
PART II PERMIT APPLICATION SKETCH
SAMPLE

Applicant: Assigns for And Jack      Work Site Address: 237 Union St

Is there alternate side parking on street: Yes ☐ No ☐

Phone No.: ________________________ Fee: ________________________ Date: ______________

LOCATION OF WORK

[Diagram showing the location of work with streets and a marked area at 237 Union St]
Max Allowance: 6 sq ft

Mad Jack Hanging Sign

- Mad Jack Logo - Print
  - 7125 White
  - 7125 Black

Colors: 7125 White

Materials: 1/16" Painted Aluminum with Vinyl Graphics

30" Scroll Bracket

Mad Jack Light bulb to be raised PVC. Includes new 30" scroll bracket.

Photo Representation of Approximate Sizing

The Van Dyck

Live Entertainment
Brewpub & Brewings Co.
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policyholder must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marshall & Sterling Upstate, Inc.
25 Mohawk Avenue
Scotia, NY 12302

CONTACT NAME: Debbie Kruman
PHONE: (518) 384-1100
FAX: (518) 384-0193
EMAIL: dkkruman@marshallsterling.com

INSURED
Van Dyck LLC
237 Union St
Schenectady, NY 12305

INSURER A: Ulster Fire Insurance Co.
INSURER B: Hartford Fire Insurance Co.
INSURER C:
INSURER D:
INSURER E:
INSURER F:

INSURER A FEEDBACK COVERAGE

COVERAGE SCHEDULE

CERTIFICATE NUMBER: CL1992673049
REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERMIT, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101): Additional Remarks Schedule may be attached if more space is required.

CERTIFICATE HOLDER

City of Schenectady
105 Jay Street - Room 205
Schenectady, NY 12305

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Committee: City Development & Planning

Committee Date: Monday, December 02, 2019

From: Chris Wallin

Subject: Authorize the Issuance of Revocable Permit #644 - to the Emily Willey Foundation for the installation of "Little Libraries" in select City parks.

Background Info:

Evaluation/Analysis

Recommendation
The Stockade Association, over the past several years in collaboration with the City of Schenectady has drafted a Comprehensive Streetscape Plan for the Historic Stockade District that will serve as a guidebook to address improvements to the streetscape, including pedestrian & traffic safety enhancements, signage and wayfinding needs, and street tree installation and maintenance recommendations.

The Comprehensive Streetscape Plan for the Historic Stockade District is a very thoughtfully prepared and detailed guidebook for the city and should be considered under NYS General City Law Section 28-a for incorporation into the City Comprehensive Plan as an amendment thereto, including updates and amendments to the City Code for those portions of the Streetscape Plan which conflict with the current City Code.

A public hearing should be held on the Streetscape Plan and related Code Changes

LEGISLATION WILL BE PREPARED BY: Law Department
CITY OF SCHENECTADY
LEGISLATION REQUEST FORM

COMMITTEE: City Development & Planning

DATE: November 26, 2019

TO: COUNCIL MEMBERS

FROM: Michael Eidens

SUBJECT: Park Garage Code Change

Background Information:

IN 2018 the NY Department of State enacted a rule amending Parts 1202, 1203, and 1204 of Title 19 of the New York Codes, Rules and Regulations, requiring municipalities and agencies responsible for administering and enforcing the Uniform Code to require the owners of parking garages obtain operating permits and to have periodic condition assessments of those parking garages performed by qualified professional engineers.

Evaluation/Analysis:

The changes proposed are driven by new State regulation and the draft legislation enacts the required changes to the City Code.

Recommendation:

Enact the recommended legislation upon completion of review and public hearing.

LEGISLATION WILL BE PREPARED BY: Law Department; Michael Eidens

Attach additional pages if necessary.
The Department of State recently adopted a rule that amends Parts 1202, 1203, and 1204 of Title 19 of the New York Codes, Rules and Regulations. The amendments (found here) require cities, towns, villages, counties, and State agencies that are responsible for administering and enforcing the Uniform Code to require the owners of parking garages to have periodic condition assessments of those parking garages performed by qualified professional engineers. A condition assessment, as defined in Section 1203.3(j)(2)(ii), is an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural or building component, evidence of the existence of any unsafe condition, and evidence indicating that a parking garage is an unsafe structure. A condition assessment report is a written evaluation and description of a condition assessment. Each parking garage in the State shall undergo an initial condition assessment as follows:

- New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued.
- Existing parking garages shall undergo an initial condition assessment as follows:
  - if originally constructed prior to 1/1/1984, initial assessment to be completed prior to 10/1/2019;
  - if originally constructed between 1/1/1984 and 12/31/2002, initial assessment to be completed prior to 10/1/2020; and
  - if originally constructed between 1/1/2003 and 8/29/2018, initial assessment to be completed prior to 10/1/2021.

Following the initial condition assessment, parking garages shall undergo periodic condition assessments at the intervals required by the Authority Having Jurisdiction’s (AHJ) code enforcement program, but in no case shall that interval exceed three years. Additional condition assessments may be required if recommended by the professional engineer issuing a condition assessment report or, if the AHJ becomes aware of any new or increased deterioration that may warrant an assessment.

In summary, the new rule requires AHJs to:

- amend their code enforcement program to require, at a minimum, the requirements outlined in the new regulations, regardless of whether there are parking garages within their jurisdiction;
- require owners of new and existing parking garages to apply for and obtain an operating permit;
- require owners of parking garages to provide condition assessment reports that are sealed and signed by a professional engineer;
- review each condition assessment report and take appropriate enforcement action in response to the information contained in a condition assessment report, including but not limited to, issuing an Order to Remedy or suspending or revoking an operating permit; and
- retain all condition assessment reports for the life of the parking garages within their jurisdiction.

This rule applies to all parking garages subject to the Uniform Code that meet the definition of “parking garage” found in 19 NYCCR 1203.3(j)(2)(iv), including private, municipal, and State-owned garages. The rule also applies to those garages within the jurisdictional limits of New York City that are under the ownership or custody of a State Agency. As a reminder, Parts 1202, 1203, and 1204 are minimum standards for administration and enforcement, therefore, AHJs have the authority to require standards higher than the minimums imposed by this rule, to establish fines, and to withhold operating permits for all or portions of a parking garage, provided that such procedures are addressed in their local laws and are not considered to be a more restrictive standard for construction under Executive Law §379.

There are many industry standards that pertain to the operation, maintenance, and inspection of parking garages. Code users may find it beneficial to review these industry standards prior to amending their local laws, and prior to performing a condition assessment or reviewing a condition assessment report. Examples of these standards include:

- ACI 362.2R, Guide for Structural Maintenance of Parking Structures (American Concrete Institute);
- Maintenance Manual for Precast Parking Structures (Precast/Prestressed Concrete Institute);
- Parking Facility Maintenance Manual (National Parking Association); and
- Condition Assessment of Parking Structures (American Society of Civil Engineers).

The information contained in this edition of the Code Outreach Program is for informational purposes only. AHJs shall consult their municipal attorney and update their code enforcement program in accordance with the State regulations, and not with the generalized overview contained herein.

Please look for our next edition of the Code Outreach Program at the beginning of next month.

How to check In-Service Training credits: https://www.dos.ny.gov/DCEA/pdf/Check%20training%20credits.pdf
How to View Your Training Credits in SLMS: https://youtu.be/gMPiQV7ic

DBSC - A Division of Department of State
OFPC – An Office of the Division of Homeland Security & Emergency Services

If you have questions pertaining to the Code Outreach Program, email us at COP.codes@dos.ny.gov
If you have questions pertaining to the Uniform Code or Energy Code, email our technical support group at: codes@dos.ny.gov
To cancel your subscription to this email list, click on the unsubscribe link found here.
Section 1202.4 of Title 19 NYCRR is amended to add a new subdivision (c) to read as follows:

(c) Parking garages (as that term is defined in section 1203.3(j)(2)(iv) of Part 1203 of this Title) shall be subject to condition assessments in accordance with section 1203.3(j) of Part 1203 of this Title. It shall be the responsibility of the owner or operator of the parking garage to provide the Department of State with the condition assessment reports for any parking garages and to otherwise comply with section 1203.3(j) of Part 1203 of this Title. For the purposes of section 1203.3(j)(5), the period fixed by the Department of State’s code enforcement program as the interval between periodic condition assessments shall be deemed to be three (3) years.

Subdivision (b) of section 1203.2 of Title 19 NYCRR is amended to read as follows:

(b) Every state agency accountable under section 1201.2(d) of this Title for administration and enforcement of the Uniform Code shall provide for such administration and enforcement in accordance with Part 1204 of this Title and section 1203.3(j) of this Part. For the purposes of section 1203.3(j)(5), the period fixed by the code enforcement program of each such state agency as the interval between periodic condition assessments shall be deemed to be three (3) years.

Paragraph (1) of subdivision (g) of section 1203.3 of Title 19 NYCRR is amended to read as follows:

(g) Operating permits.
(1) Operating permits shall be required for conducting [the activities or using the categories of buildings listed below] any activity listed in subparagraph (i), (ii), or (iii) below or operating any type of building or structure listed in subparagraphs (iv), (v), or (vi) below:

(i) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in tables [(2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4), of the Fire Code of New York State (see Part 1225 of this Title)] 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) or 5003.1.1(4) of the 2015 edition of the International Fire Code (a publication currently incorporated by reference in Part 1225 of this Title);

(ii) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(iii) use of pyrotechnic devices in assembly occupancies;

(iv) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; [and]

(v) parking garages as defined in subdivision (i) of this section; and

[(v)] (vi) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the government or agency charged with or accountable for administration and enforcement of the Uniform Code.
Subdivision (j) of section 1203.3 of Title 19 NYCRR is renumbered subdivision (k) and a new subdivision (j) is added to read as follows:

(j) Condition assessments of parking garages.

(1) General. Each authority having jurisdiction shall include in its code enforcement program provisions requiring condition assessments of parking garages. Such provisions shall include, at a minimum, the requirements and features described in this subdivision.

(2) Definitions. For the purposes of this subdivision:

(i) the term “authority having jurisdiction” means the city, town, village, county, State agency, or other governmental unit or agency responsible for administration and enforcement of the Uniform Code with respect to a parking garage;

(ii) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(iii) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(iv) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(a) buildings in which the only level used for parking or storage of motor vehicles is on grade;
(b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(c) a townhouse unit with attached parking exclusively for such unit;

(v) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(vi) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report.

(vii) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the 2015 edition of the International Property Maintenance Code (a publication currently incorporated by reference in Part 1226 of this Title); and

(viii) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(3) Condition assessments – general requirements. The owner or operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in paragraph (4) of this subdivision, periodic condition assessments as described in paragraph (5) of this subdivision, and such additional condition assessments as may be required under paragraph (6) of this subdivision. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition
assessment shall be prepared, and provided to the authority having jurisdiction, in accordance
with the requirements of paragraph (7) of this subdivision. Before performing a condition
assessment (other than the initial condition assessment) of a parking garage, the responsible
professional engineer for such condition assessment shall review all available previous condition
assessment reports for such parking garage.

(4) Initial condition assessment. Each parking garage shall undergo an initial condition
assessment as follows:

(i) New parking garages shall undergo an initial condition assessment following
construction and prior to a certificate of occupancy or certificate of compliance being issued for
the structure,

(ii) Existing parking garages shall undergo an initial condition assessment as follows:

(a) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(b) if originally constructed between January 1, 1984 and December 31, 2002, then prior
to October 1, 2020; and

(c) if originally constructed between January 1, 2003 and the effective date of the rule
adding this subdivision to 19 NYCRR section 1203.3, then prior to October 1, 2021.

(5) Periodic condition assessments. Following the initial condition assessment of a
parking garage, such parking garage shall undergo periodic condition assessments at intervals
not to exceed the lesser of:

(i) three (3) years, or

(ii) at such shorter period as may be fixed by the authority having jurisdiction in its code
enforcement program.

(6) Additional condition assessments.
(i) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under paragraph (5) of this subdivision, the authority having jurisdiction shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(ii) If the authority having jurisdiction becomes aware of any new or increased deterioration which, in the judgment of the authority having jurisdiction, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under paragraph (5) of this subdivision, the authority having jurisdiction shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the authority having jurisdiction to be appropriate.

(7) Condition assessment reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the authority having jurisdiction within such time period as fixed by the authority having jurisdiction. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
(i) an evaluation and description of the extent of deterioration and conditions that cause
deterioration that could result in an unsafe condition or unsafe structure;

(ii) an evaluation and description of the extent of deterioration and conditions that cause
deterioration that, in the opinion of the responsible professional engineer, should be remedied
immediately to prevent an unsafe condition or unsafe structure;

(iii) an evaluation and description of the unsafe conditions;

(iv) an evaluation and description of the problems associated with the deterioration,
conditions that cause deterioration, and unsafe conditions;

(v) an evaluation and description of the corrective options available, including the
recommended timeframe for remedying the deterioration, conditions that cause deterioration, and
unsafe conditions;

(vi) an evaluation and description of the risks associated with not addressing the
deterioration, conditions that cause deterioration, and unsafe conditions;

(vii) the responsible professional engineer’s recommendation regarding preventative
maintenance;

(viii) except in the case of the report of the initial condition assessment, the responsible
professional engineer’s attestation that he or she reviewed all previously prepared condition
assessment reports available for such parking garage, and considered the information in the
previously prepared reports while performing the current condition assessment and while
preparing the current report; and

(ix) the responsible professional engineer’s recommendation regarding the time within
which the next condition assessment of the parking garage or portion thereof should be
performed. In making the recommendation regarding the time within which the next condition
assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage’s age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.

(8) The authority having jurisdiction shall review each condition assessment report. The authority having jurisdiction shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the authority having jurisdiction shall, by Order to Remedy or such other means of enforcement as the authority having jurisdiction may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to subparagraphs (ii) and (iii) of paragraph (7). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. Neither this paragraph nor the provisions of the code enforcement program of the authority having jurisdiction that implement this paragraph shall limit or impair the right of the authority having jurisdiction to take any other enforcement action, including but not limited to suspension or revocation of a parking garage’s operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(9) The authority having jurisdiction shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the authority having
jurisdiction with a written statement attesting to the fact that he or she has been so engaged, the
authority having jurisdiction shall make the previously prepared condition assessment reports for
such parking garage (or copies of such reports) available to such professional engineer. The
authority having jurisdiction shall be permitted to require the owner or operator of the subject
parking garage to pay all costs and expenses associated with making such previously prepared
condition assessment reports (or copies thereof) available to the professional engineer.

(10) Neither this subdivision nor the provisions of the code enforcement program of the
authority having jurisdiction that implement this subdivision shall limit or impair the right or the
obligation of the authority having jurisdiction:

(i) to perform such construction inspections as are required by the stricter of subdivision
(b) of this section or the code enforcement program of the authority having jurisdiction;

(ii) to perform such periodic fire safety and property maintenance inspections as are
required by the stricter of subdivision (h) of this section or the code enforcement program of the
authority having jurisdiction; and/or

(iii) to take such enforcement action or actions as may be necessary or appropriate to
respond to any condition that comes to the attention of the authority having jurisdiction by means
of its own inspections or observations, by means of a complaint, or by any other means other
than a condition assessment or a report of a condition assessment.

(11) The use of the term “responsible professional engineer” in this subdivision shall not
be construed as limiting the professional responsibility or liability of any professional engineer,
or of any other licensed professional, who participates in the preparation of a condition
assessment without being the responsible professional engineer for such condition assessment.
Newly renumbered (k) of section 1203.3 of Title 19 NYCRR is amended to read as follows:

   [(j)](k) Recordkeeping.

   A system of records of the features and activities specified in subdivisions (a) through [(i)](j) of this section and of fees charges and collected, if any, shall be established and maintained.

Section 1204.12 of Title 19 NYCRR is amended by adding a new subdivision (e) to read as follows:

   (e) In addition to the periodic fire safety inspections of buildings within its custody required by subdivision (a), each State agency shall commence a program of having condition assessments conducted of parking garages within its custody in accordance with section 1203.3(j) of Part 1203 of this Title.
Committee:  City Development & Planning  Committee Date:  Monday, December 02, 2019

From:  Jim Salengo

Subject  Approval of the DSAD Budget

Background Info:

Evaluation/Analysis

Recommendation
Committee: Finance

Committee Date: Monday, December 02, 2019

From:

Subject  CPH - Upper Union Street BID 2020 Budget

Background Info:

Evaluation/Analysis

Recommendation
Committee: Finance

From: Vince Riggi

Subject: Discussion - Council Approval for any Contract Acceptance Relating to Smart City Initiative

Background Info:

Evaluation/Analysis

Recommendation
Committee: Finance

Committee Date: Monday, December 02, 2019

From: John Mootooveren

Subject: Discussion - Council Approval for any Contract Acceptance or Change Orders of a Certain Amount

Background Info:

Evaluation/Analysis

Recommendation
Committee: Finance

From: John Mootooveren

Subject: Discussion - Change in the City's Procurement Policy

Background Info:

Evaluation/Analysis

Recommendation
Committee: City Development & Planning

From: Ed Kosiur

Subject CR - Judge Loyola

Background Info:

Evaluation/Analysis

Recommendation