

EAST MIDTOWN REZONING

MANHATTAN CB - 5 and 6

N 130247(A) ZRM

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, concerning Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community Districts 5 and 6.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

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

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

Table of Contents - Special Midtown District

GENERAL PURPOSES ..... 81-00

\* \* \*

~~SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT ..... 81-60~~

~~General Provisions ..... 81-61~~

~~Special Bulk and Urban Design Requirements ..... 81-62~~

~~Transfer of Development Rights from Landmark Sites ..... 81-63~~

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT ..... 81-60

General Provisions ..... 81-61

Special Floor Area Provisions for Qualifying Sites..... 81-62

Authorizations and Special Permits for Qualifying Sites..... 81-63

Special Floor Area Provisions for All Other Sites..... 81-64

Transfer of Development Rights from Landmark Buildings or Other Structures  
on All Other Sites..... 81-65

Special Street Wall Requirements..... 81-66

Special Height and Setback Requirements..... 81-67  
Special Mandatory District Plan Element Requirements..... 81-68  
Special District Improvement Fund Procedural Regulations..... 81-69

\* \* \*

**Chapter 1**  
**Special Midtown District**

**81-00**  
**GENERAL PURPOSES**

The "Special Midtown 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 strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;

- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to protect and strengthen the economic vitality and competitiveness of the East Midtown Subdistrict by facilitating the development of exceptional modern and sustainable office towers and enabling improvements to the above and below grade pedestrian network;
- (o) to protect and strengthen the role of iconic landmark buildings as important features of the East Midtown Subdistrict;
- ~~(p)(n)~~ to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City and in East Midtown, to expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- ~~(q)(o)~~ to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;

~~(r)(p)~~ to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and

~~(s)(q)~~ to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

## **81-01**

### **Definitions**

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 81-261, ~~or 81-271~~ or Section 81-612 (Definitions).

\* \* \*

## **81-03**

### **District Plan**

The regulations of this Chapter are designed to implement the ~~#Special Midtown District#~~ Plan.

The District Plan partly consists of the following ~~four~~ five maps:

- |       |  |
|-------|--|
| Map 1 | Special Midtown District and Subdistricts  |
| Map 2 | Retail and Street Wall Continuity  |
| Map 3 | Subway Station and Rail Mass Transit Facility Improvement Areas                              |
| Map 4 | <u>East Midtown Subareas and Subarea Cores</u> <del>Network of Pedestrian Circulation.</del> |
| Map 5 | <u>Applicability of special permit for superior development</u>                              |

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

**81-04**

**Subdistricts and Subareas**

In order to carry out the purposes and provisions of this Chapter, five special Subdistricts are established within the #Special Midtown District#. In each of these Subdistricts certain special regulations apply which do not apply in the remainder of the #Special Midtown District#. The Subdistricts are outlined on Map 1 (Special Midtown District and Subdistricts) in Appendix A.

The Subdistricts, together with the Sections of this Chapter specially applying to each, are as follows:

Subdistricts	Sections Having Special Application
Penn Center Subdistrict	81-50
<u>East Midtown-Grand Central</u> Subdistrict	81-60
Theater Subdistrict	81-70
Fifth Avenue Subdistrict	81-80
Preservation Subdistrict	81-90

The Subdistricts are also subject to all other regulations of the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District# and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves.

Within the East Midtown Subdistrict, certain special regulations apply to Subareas which do not apply within the remainder of the Subdistrict. Such Subareas are established, as follows:

Grand Central Subarea

Northern Subarea.

These Subareas are shown on Map 4 (East Midtown Subareas and Subarea Cores) in Appendix A of this Chapter.

\* \* \*

**81-067**

**Modification of provisions for minimum base height and street wall location in Historic Districts**

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), ~~81-66 (Special Street Wall Requirements)~~ ~~81-621 (Special street wall requirements)~~ pertaining to the East Midtown Grand Central Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts).

\* \* \*

**81-20**

**BULK REGULATIONS**

**81-21**

**Floor Area Ratio Regulations**

The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of this Section or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) shall not apply in the East

Midtown Subdistrict, where the special #floor area# provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) and 81-64 (Special Floor Area Provisions for All Other Sites) shall apply, as applicable.

**81-211**

**Maximum floor area ratio for non-residential or mixed buildings**

- (a) For #non-residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.
- (b) In the #Special Midtown District#, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES  
AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS

Means for Achieving Permit-ting FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)						
	Outside the Grand Central Subdistrict						Grand Central Subdistrict
			C5-2.5				
	C6-4	C6-5	C6-4.5		C5-3		
		M1-6	C6-5.5		C6-6		<del>C5-3</del>
	C5P		C6-6.5	C6-7T	C6-7	<del>C5-2.5</del>	<del>C6-6</del>

A. Basic Maximum FAR

8.0      10.0      12.0      14.0      15.0      ~~12.0~~      ~~15.0~~

B. Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Public plaza# (Section 81-23)

--- 1.0<sup>1,2</sup> 1.0<sup>1,3</sup> --- 1.0<sup>2</sup> --- ---

C. Maximum Total FAR with As-of-Right Incentives

8.0 11.0<sup>1,2,7 8</sup> 13.0<sup>1,3</sup> 14.0 16.0 ~~12.0~~ ~~15.0~~

D. Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvement (Section 74-634)

--- 2.0<sup>1,6 7</sup> 2.4<sup>1</sup> --- 3.0 ~~2.4~~ ~~3.0~~

E. Maximum Total FAR with District-wide and As-of-Right Incentives

8.0 12.0 14.4 14.0 18.0 ~~14.4~~ ~~18.0~~

F. Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)

--- 2.0 --- --- 3.0 --- ---

G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:

--- 12.0 --- --- 18.0 --- ---

H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:

Development rights (FAR) of a "granting site" (Section 81-744)

--- 10.0 12.0 14.0 15.0 --- ---



Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))

--- 2.0 2.4 2.8 3.0 --- ---

Inclusionary Housing (Sections 23-90 and 81-22)

--- 2.0<sup>4</sup> --- --- --- --- ---

I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict

--- 12.0 14.4 16.8 18.0 --- ---

J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))

--- 2.4 --- --- --- --- ---

K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations

--- 14.4 14.4 16.8 18.0 --- ---

L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:

Rehabilitation of "listed theaters" (Section 81-745)

--- 4.4 2.4 2.8 3.0 --- ---

M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives

8.0 14.4 14.4 16.8 18.0 --- ---

N. Maximum FAR of Lots Involving Landmarks:

Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)

8.0	10.0	12.0	14.0	15.0	<del>12.0</del>	<del>15.0</del>
-----	------	------	------	------	-----------------	-----------------

Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)

8.0	10.0	13.0 <sup>5</sup>	14.0	16.0	<del>12.0</del>	<del>15.0</del>
-----	------	-------------------	------	------	-----------------	-----------------

Maximum amount of transferable development rights (FAR) from landmark #zoning lot# that may be utilized on:

(a) — an "adjacent lot" (Section 74-79)

1.6	2.0	2.4	No Limit	No Limit	<del>2.4</del>	<del>No Limit</del>
-----	-----	-----	----------	----------	----------------	---------------------

(b) — a "receiving lot" (Section ~~81-634~~)

—	—	—	—	—	1.0	1.0
---	---	---	---	---	-----	-----

(c) — a "receiving lot" (Section ~~81-635~~)

—	—	—	—	—	9.6	6.6
---	---	---	---	---	-----	-----

O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives

9.6	14.4	14.4	No Limit	No Limit	<del>21.6</del>	<del>No<sup>6</sup> Limit</del>
-----	------	------	----------	----------	-----------------	---------------------------------

- <sup>1</sup> Not available for #zoning lots# located wholly within Theater Subdistrict Core
- <sup>2</sup> Not available within the Eighth Avenue Corridor
- <sup>3</sup> Not available within 100 feet of a #wide street# in C5-2.5 Districts
- <sup>4</sup> Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#
- <sup>5</sup> 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
- ~~<sup>6</sup> Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict~~
- ~~<sup>67</sup> Not available on west side of Eighth Avenue within the Eighth Avenue Corridor~~
- <sup>78</sup> 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34<sup>th</sup> Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities)

## **81-212**

### **Special provisions for transfer of development rights from landmark sites**

The provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites) shall apply in the #Special Midtown District#, subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, Section 81-747 (Transfer of development rights from landmark theaters) and Section 81-85 (Transfer of Development Rights from Landmark Sites).

The provisions of Section 74-79 pertaining to the meaning of the term "adjacent lot" in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the "adjacent lot" is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5 or C6-7T District.

The provisions of paragraph (c) of Section 74-792 as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark "granting lot" for transfer purposes.

Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

Within the East Midtown Subdistrict, ~~Grand Central Subdistrict~~, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79, or Section 81-65 (Transfer of Development Rights from Landmark Buildings or Other Structures on All Other Sites) ~~Section 81-63 (Transfer of Development Rights from Landmark Sites)~~, but not both.

For #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the City Planning Commission may also modify or waive the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a #court#, where:

- (a) the required minimum distance as set forth in Section 23-86 is provided between the #legally required windows# in the #development# or #enlargement# and a wall or #lot line# on an adjacent #zoning lot# occupied by the landmark; and
- (b) such required minimum distance is provided by a light and air easement on the #zoning lot# occupied by the landmark #building or other structure#, and such easement is acceptable to the Department of City Planning and recorded in the County Clerk's office of the county in which such tracts of land are located.

For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on #streets# on which curb cuts are restricted, pursuant to Section 81-44, the Commission may also modify or waive the number of loading berths required pursuant to Section 36-62. In granting such special permit, the Commission shall find that:

- (1) a loading berth permitted by Commission authorization, pursuant to Section 81-44, would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;
- (2) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and

- (3) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement. For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space, pursuant to Sections 37-50 and 81-45. In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.

## **81-23**

### **Floor Area Bonus for Public Plazas**

Within the #Special Midtown District#, for each square foot of #public plaza# provided on a #zoning lot#, the basic maximum #floor area# permitted on that #zoning lot# under the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) may be increased by six square feet, provided that in no case shall such bonus #floor area# exceed a #floor area ratio# of 1.0.

This Section shall be applicable in all underlying districts throughout the #Special Midtown District#, except that there shall be no #floor area# bonus for a #public plaza# that is:

- (a) on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);
- (c) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and
- (d) on #zoning lots#, any portion of which is within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subareas and Subarea Cores) in Appendix A of this Chapter, or on #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-612 (Definitions) ~~on #zoning lots#, any portion of which is in the Grand Central Subdistrict.~~

All #public plazas# provided within the #Special Midtown District# shall comply with the requirements for #public plazas# set forth in Section 37-70, inclusive.

A major portion of a #public plaza# may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (Pedestrian Circulation Space), provided that the overlapping portion of the #public plaza# also conforms to the design standards of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a #public plaza# for purposes of calculating the proportional restrictions set forth in Section 37-715.

\* \* \*

### **81-253**

#### **Special provisions for the East Midtown ~~Grand Central~~, Theater, Fifth Avenue, Penn Center and Preservation Subdistricts**

The provisions of Sections 81-26 (Height and Setback Regulations) and 81-27 (Alternate Height and Setback Regulations) are supplemented and modified by special provisions applying in the Fifth Avenue Subdistrict, as set forth in Sections 81-81 (General Provisions) and 81-83 (Special Street Wall Requirements) or in the Theater Subdistrict as set forth in Sections 81-71 (General Provisions) and 81-75 (Special Street Wall and Setback Requirements) or in the East Midtown ~~Grand Central~~ Subdistrict as set forth in Sections 81-61 (General Provisions), 81-66 (Special Street Wall Requirements) ~~81-621 (Special street wall requirements)~~ and 81-67 (Special Height and Setback Requirements) ~~81-622 (Special height and setback requirements)~~.

The provisions of Sections 81-26 and 81-27 are not applicable in the Preservation Subdistrict, where height and setback is regulated by the provisions of Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT), or in the Penn Center Subdistrict as set forth in Section 81-532 (Special street wall requirements).

### **81-254**

#### **Special permit for height and setback modifications**

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

- Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)
- Section 74-79 (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277
- Section 81-066 (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)
- Section 81-633 (Special permit for superior developments)
- Section 81-652 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea)
- ~~Section 81-635 (Transfer of development rights by special permit).~~

\* \* \*

[Sections 81-60 through 81-635 are to be deleted and re-written as new text, as follows.]

**81-60**

**SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT**

**81-61**

**General Provisions**

Special regulations are set forth in this Section in order to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers and enabling improvements to the above and below grade pedestrian circulation network; protecting and strengthening the role of iconic landmark buildings as important features of East Midtown; protecting and enhancing the role of Grand Central Terminal as a major transportation hub within the City and in East Midtown; expanding and enhancing the pedestrian circulation network connecting the Terminal to surrounding development and minimizing pedestrian congestion; and protecting the surrounding area's special character. Such regulations establish special provisions governing maximum floor area, sustainability, urban design and streetscape enhancements, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network in the East Midtown Subdistrict.

The regulations of Sections 81-60 (SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT), inclusive, are applicable only in the East Midtown Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

## **81-611**

### **Applicability of regulations**

All #developments# in the East Midtown Subdistrict on #qualifying sites# shall utilize the #floor area# provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites). No foundation permit or new building permit for a #building# on a #qualifying site# with a #lot area# greater than or equal to 30,000 square feet shall be issued by the Department of Buildings prior to July 1, 2017 and no certificate of occupancy for such #building# on a #qualifying site# shall be issued until the Department of Buildings determines such #building# is compliant with applicable provisions of Section 81-62.

In the Northern Subarea, provisions allowing the transfer of development rights from #landmark buildings or other structures# to #receiving lots# as set forth in Section 81-622 (Transfer of development rights from landmarks to qualifying sites) and Section 81-633 (Special permit for superior developments), shall not be effective until January 1, 2019.

All #developments# and #enlargements# on #zoning lots# other than #qualifying sites# shall utilize the #floor area# provisions of Section 81-64 (Special Floor Area Provisions for All Other



Sites).

#Zoning lots# existing on (date of adoption) with more than 50 percent of their #lot area# within the boundaries of the East Midtown Subdistrict shall be deemed to be entirely within the Subdistrict. In addition, #zoning lots# with #landmark buildings or other structures# with more than 50 percent of their #lot area# in the Special Midtown District which #abut# the East Midtown Subdistrict boundary, may be considered as part of the Subdistrict, and the associated Subarea therein, for the purposes of transferring development rights pursuant to the applicable provisions of Sections 81-62 or 81-64. However, the maximum amount of #floor area# that may be transferred from a #granting lot#, or portion thereof, located outside the Special Midtown District shall be the maximum #floor area ratio# permitted under the applicable underlying zoning district. For #zoning lots# divided by zoning district, or Subarea boundaries, the applicable provisions of Article 7, Chapter 7 shall apply.

## **81-612**

### **Definitions**

#### Adjacent lot

For the purposes of Section 81-60, inclusive, an "adjacent lot" is:

- (a) a #zoning lot# that is contiguous to the lot occupied by the designated #landmark building or other structure# or one that is across a #street# and opposite to the lot occupied by such designated #landmark building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by such #landmark building or other structure#; and
- (b) in the case of lots located in C5-3 or C6-6 Districts, a lot contiguous or across a #street# and opposite to another lot or lots that except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by such designated #landmark building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS)).

#### East Midtown District Improvement Fund

For the purposes of Section 81-60, inclusive, the “East Midtown District Improvement Fund” (the “Fund”) shall be a separate account established for the deposit of contributions made when #developments# on sites in the East Midtown Subdistrict utilizing the provisions of either Sections 81-614 (Special provisions for retaining non-complying floor area) or 81-62 (Special Floor Area provisions for Qualifying Sites) are planned to exceed the basic maximum #floor area ratio#.

In the event an East Midtown Infrastructure Corporation ( the “Corporation”) is established in order to undertake financing for the purpose of funding district improvements in the East Midtown Subdistrict, the “Fund” shall be an account of the “Corporation” and shall be owned for all purposes by the “Corporation” and may be used for any corporate purposes of the “Corporation”, including its pledge, assignment or sale in furtherance of any financing by the “Corporation” in support of district improvements in the East Midtown Subdistrict. The “Corporation”, as owner for all purposes of the “Fund”, will manage the “Fund” in furtherance of the purposes of the “Corporation”.

Upon the repayment or other satisfaction of any such financing of the “Corporation”, the “Fund” shall be utilized, subject to the provisions of 81-691 (The East Midtown District Improvement Fund Committee), to implement improvements to the East Midtown Subdistrict, pursuant to the provisions of such Section.

#### East Midtown District Improvement Fund Committee

For the purposes of Section 81-60, inclusive, the “East Midtown District Improvement Fund Committee” (the “Committee”) shall be established to administer the #East Midtown District Improvement Fund# (the “Fund”), pursuant to the provisions set forth in Section 81-691 (The East Midtown District Improvement Fund Committee). The “Committee” shall consist of six members: one member shall be the Director of the Department of City Planning; four members shall be appointed by and serve at the pleasure of the Mayor; and one member shall be the Chairman of the Metropolitan Transportation Authority or his or her designee, who shall be non-voting.

#### East Midtown District Improvement Fund Contribution Rate

For the purposes of Section 81-60, inclusive, the “East Midtown District Improvement Fund Contribution Rate” (“Contribution Rate”) shall refer to the rate which is in effect at the time the contribution is received. As of (date of the adoption), the “Contribution Rate” shall be set at \$360

per square foot of #residential floor area#, and \$250 per square foot of #non-residential floor area#. Such “Contribution Rate” shall be adjusted only in accordance with the provisions of Section 81-692 (The East Midtown District Improvement Fund Contribution Rate). Any #residential floor area# in the #building#, up to the total amount of #floor area# in the #building# in excess of the basic maximum #floor area# established in Row A of the table in Section 81-62 (Special Floor Area Provisions for Qualifying Sites), shall be included in determining such #building’s# “Contribution Rate”. #Non-complying floor area# in #commercial building# constructed prior to December 15, 1961 may be reconstructed pursuant to the provisions of Section 81-614 (Special provisions for retaining non-complying floor area) at 50 percent of such #building’s# “Contribution Rate”.

The “Contribution Rate” for #mixed buildings# shall be determined as follows:

Step 1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A of the table in Section 81-62 shall be multiplied by the “Contribution Rate” for #residential use#.

Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio#. The percentage that such difference constitutes of the amount of #floor area# in the #building# in excess of such basic maximum #floor area# shall be multiplied by the “Contribution Rate” for #non-residential uses#.

Step 3: Add the products obtained in the calculations in Step 1 and 2 to determine the adjusted “Contribution Rate” for such #mixed building#.

Step 4: The “Contribution Rate” for any #non-complying floor area# reconstructed pursuant to Section 81-614 would be 50 percent of such adjusted rate.

### **Illustrative Examples**

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of the adjusted “Contribution Rate” to #mixed buildings#.

#### **Example 1:**

A #mixed building# being #developed# on a #qualifying site# has a #lot area# of 25,000 square feet, a basic maximum #floor area ratio# of 15.0, and a proposed #floor area ratio# of 21.6. Twenty percent of the total #floor area ratio# is proposed to be comprised of #residential use#.

Step1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A of the table in Section 81-62 is 65.45 percent (4.32 is 20 percent of the #building's floor area ratio#, and constitutes 65.45 percent of the 6.6 #floor area ratio# proposed above 15.0). Multiplying this percentage by the #residential Contribution Rate#, one obtains the product of \$235.62 per square foot (.6545 x \$360 per square foot).

Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio# to obtain a #floor area ratio# of 2.28 (6.6 #floor area ratio# - 4.32 #residential floor area ratio#). The percentage that such difference constitutes of the amount of #floor area# in the #building# in excess of such basic maximum #floor area ratio# is 34.55 percent (2.28 is 34.55 percent of 6.6). Such percentage is multiplied by the #non-residential Contribution Rate# to obtain the product of \$86.38 per square foot (.3455 x \$250 per square foot).

Step 3: The sum of products obtained in the calculations in Step 1 and 2 determine the adjusted "Contribution Rate" for the #mixed building#, at \$322 per square foot (\$235.62 per square foot + \$86.38 per square foot).

If the #building# achieved all 6.6 of the #floor area ratio# in excess of the basic maximum #floor area ratio# through contributions to the #East Midtown District Improvement Fund#, pursuant to Section 81-621 (District improvement bonus for qualifying sites), the contribution amount for such #mixed building# would be \$53,130,000 (6.6 x 25,000 square feet x \$322 per square foot)

### **Example 2:**

A #mixed building# being #developed# on a #qualifying site# has a #lot area# of 25,000 square feet, a basic maximum #floor area ratio# of 15.0 and a proposed #floor area ratio# of 24.0. Prior to #development#, a #non-complying commercial building# with a #non-complying floor area ratio# of 18.0 was demolished. A #floor area ratio# of 3.0 is eligible to be reconstructed at a

reduced “Contribution Rate” pursuant to Section 81-614. Fifteen percent of the total #floor area ratio# is proposed to be comprised of #residential uses#.

Step1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A of the table in Section 81-62 is 40 percent (3.6 is 15 percent of the #building’s floor area ratio#, and constitutes 40 percent of the 9.0 #floor area ratio# proposed above 15.0). Multiplying this percentage by the #residential Contribution Rate#, one obtains the product of \$144 per square foot (.4 x \$360 per square foot).

Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio# to obtain a #floor area ratio# of 5.4 (9.0 #floor area ratio# - 3.6 #residential floor area ratio#). The percentage that such difference constitutes of the amount of #floor area# in the #building# in excess of such basic maximum #floor area ratio# is 60 percent (5.4 is 60 percent of 9.0). Such percentage is multiplied by the #non-residential Contribution Rate# to obtain the product of \$150 per square foot (.6 x \$250 per square foot).

Step 3: The sum of these two products will determine the adjusted “Contribution Rate” for the #mixed building#, at \$294 per square foot (\$144 per square foot + \$150 per square foot).

Step 4: The “Contribution Rate” for the reconstructed #non-complying floor area# would be 50 percent of such adjusted rate, or \$147 per square foot.

If the #building# achieved 5.0 of the #floor area ratio# in excess of the basic maximum #floor area ratio# through contributions to the #East Midtown District Improvement Fund#, pursuant to Section 81-621, and of such 5.0, a #floor area ratio# of 3.0 was achieved utilizing the reduced “Contribution Rate” for #non-complying floor area#, pursuant to Section 81-614, the contribution amount for such #building# would be \$25,725,000 (2.0 x 25,000 square feet x \$294 per square foot + 3.0 x 25,000 square feet x \$147 per square foot)

### Granting lot

For the purposes of Section 81-60, inclusive, a “granting lot” shall mean a #zoning lot# which contains a #landmark building or other structure#. Such “granting lot” may transfer development rights pursuant to Sections 81-622 (Transfer of development rights from landmarks to qualifying

sites), 81-633 (Special permit for superior developments) or 81-65 (Transfer of Development Rights from Landmark Buildings or Other Structures on All Other Sites).

If the landmark designation is removed from the #landmark building or other structure#, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

#### Landmark #building or other structure#

For the purposes of Section 81-60, inclusive, a "landmark #building or other structure#" shall include any structure designated as a landmark pursuant to the New York City Charter, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, or any structures within historic districts, statues, monuments or bridges.

#### Minimum Clear Site

For the purposes of Section 81-60, inclusive, a "minimum clear site" shall refer to the applicable #lot area#, #lot width# and #lot depth# of a #zoning lot#, or portion thereof, required in paragraphs (a) or (b), as well as the clearance requirement of paragraph (c) of this definition:

- (a) for #qualifying sites# to be #developed# pursuant to the provisions of 81-62 (Special Floor Area Provisions for Qualifying Sites), such #zoning lot# shall:
- (1) have a minimum #lot area# of 25,000 square feet for #buildings developed# with a #floor area ratio# beyond the basic maximum #floor area ratio# set forth in Row A of the table in Section 81-62 (Special Floor Area Provisions for Qualifying Sites); or a minimum #lot area# of 40,000 square feet for #buildings developed# pursuant to the special permit provisions of Section 81-633 (Special permit for superior developments) in the Grand Central Subarea Core of the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Cores) in Appendix A of this Chapter; and
  - (2) have a #lot width# which extends along the entire #wide street block# frontage, or continuously for at least 200 feet of #wide street block# frontage, whichever is

less. Such #lot width# shall extend continuously to a depth of at least 100 feet, as measured perpendicular to the #street line#.

- (b) for non-#qualifying sites# where the reconstruction #non-complying floor area# is proposed pursuant to the provisions of Section 81-614 (Special provisions for retaining non-complying floor area), such #zoning lot# shall have frontage along a #wide street# and a #lot area# of at least 20,000 square feet.
- (c) within the site area established in paragraph (a) or (b) of this definition, no existing #buildings or other structures# shall remain at the time of #development#, except for any #building or other structure# devoted exclusively to subway or rail mass transit-related #uses#, including, but not limited to, ventilation facilities and other facilities or services used or required in connection with the operation of a subway or rail mass transit facility.

### Qualifying Site

For the purposes of Section 81-60, inclusive, a “qualifying site” shall refer to a #zoning lot# which, at the time of #development#, complies with the requirements of paragraphs (a) through (d) of this definition:

- (a) such #zoning lot# shall meet the applicable criteria for a #minimum clear site# set forth in the definition in Section 81-612;
- (b) the owner of such #zoning lot# has made a district improvement contribution to the #East Midtown District Improvement Fund# pursuant to the applicable regulations set forth in Sections 81-621 (District improvement bonus for qualifying sites) or 81-614 (Special provisions for retaining non-complying floor area);
- (c) within the #minimum clear site# required in the definition in Section 81-612, such #zoning lot# shall have a single proposed #building# where a minimum of 80 percent of such #building’s floor area# is allocated to office #uses#, as listed in Use Group 6B, or #uses# listed in Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A, or 12B, subject to the underlying zoning district regulations. The remaining percentage, not to exceed 20 percent of such #building’s floor area#, or the portion of the #building’s floor area# exceeding the basic maximum #floor area ratio# set forth in Row A of the table in Section 81-62, whichever is less, may be allocated to #residential#, hotel or non-commercial club #uses#, as listed in Use Groups 2, 5 and 6E respectively. However,

where hotel #uses# occupied floor space in a #building# on a #qualifying site# prior to the demolition of such #building#, and such #use# existed on (date of adoption), the aggregate amount of #floor area# used by such hotel #uses# may exceed such 20 percent maximum, up to the amount of #floor area# previously used by such hotel #use#. The #use# regulations of this paragraph (e) may only be modified where permitted by the City Planning Commission, in accordance with the provisions of Section 81-634 (Special permit for use modifications); and

- (d) such proposed #building# on the #qualifying site# complies with the performance standards set forth in Section 81-623 (Special building performance requirements for all qualifying sites) and the #qualifying site# complies with the applicable environmental standards set forth in Section 81-624 (Special environmental requirements for all qualifying sites).

#### Receiving lot

For the purposes of Section 81-60, inclusive, a “receiving lot” shall mean a #zoning lot# to which development rights of a "granting lot" are transferred. Such “receiving lot" may receive a transfer of development rights pursuant to Sections 81-622 (Transfer of development rights from landmarks to qualifying sites), 81-633 (Special permit for superior developments) or 81-65 (Transfer of Development Rights from Landmark Buildings or Other Structures on All Other Sites).

### **81-613**

#### **Special provisions for existing buildings**

Existing #buildings#, including existing #non-complying buildings# with #non-complying floor area#, may remain on a #qualifying site developed# pursuant to the provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or any other #zoning lot developed# pursuant to the provisions of Section 81-614 (Special provisions for retaining non-complying floor area), provided that any such #buildings# to remain are not located within the applicable #minimum clear site# required for #qualifying sites#, or #zoning lots developed# pursuant to the provisions of paragraph (b) of Section 81-614, as applicable. Any #non-complying floor area# on the #zoning lot# generated from the provision of a #publicly accessible open area# may only be retained if such #publicly accessible open area# is retained on the #qualifying site# without diminution, pursuant to provisions of Section 81-231 (Existing plazas or other public amenities).

Where a #non-complying building or other structure# is damaged or destroyed, and the extent of damage or destruction constitutes less than 75 percent of such #building's# total #floor area#, the provisions of Section 54-41 (Permitted Reconstructions) shall apply. For #buildings or other



structures# where the extent of damage or destruction constitutes 75 percent or more of the total #floor area#, the provisions of Section 54-41 shall apply, except that where such #non-complying building# was a #commercial building# with #non-complying floor area# constructed prior to December 15, 1961, such #non-complying building# may be demolished and reconstructed to retain the amount of pre-existing #non-complying floor area# pursuant to the provisions of Section 81-614.

## **81-614**

### **Special provisions for retaining non-complying floor area**

In the East Midtown Subdistrict, a #non-complying commercial building# with #non-complying floor area# constructed prior to December 15, 1961 may be demolished and reconstructed to retain the amount of pre-existing #non-complying floor area# in accordance with the applicable district #bulk# regulations of this Chapter, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings first, that prior to demolition, such #non-complying commercial building# complies with the provisions of paragraph (a) of this Section, as applicable, and, subsequently, that such reconstructed #building# complies with the provisions of paragraph (b) of this Section, as applicable. Additional requirements for the reconstruction of such #non-complying commercial building# are set forth in paragraph (c) of this Section. Additional provisions are set forth in paragraph (d) of this Section for #non-complying commercial buildings# that, after (date of adoption), were demolished prior to certification pursuant to paragraph (a).

(a) Certification to demolish a #non-complying building#

A #non-complying commercial building# may be demolished in order to reconstruct pre-existing #non-complying floor area# pursuant to the provisions of paragraph (b) of this Section, provided that:

- (1) The #non-complying commercial building# is located on a #zoning lot# which meets the applicable criteria for a #minimum clear site# set forth in the definition in Section 81-612 (Definitions);
- (2) Calculations of the amount of #non-complying floor area# in such existing #non-complying commercial building#, and where applicable, the amount of any #floor area# allocated to a hotel #use# to be replaced in such reconstructed #building#

pursuant to paragraph (e) of the definition of #qualifying site# set forth Section 81-612, shall be submitted to the Chairperson. Such calculations shall be shown on either the #building's# construction documents previously submitted for approval to the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or on an as-built drawing set completed by a licensed architect prior to such #building's# demolition.

For the purpose of calculating the amount of #non-complying floor area# to be retained on #zoning lots# with multiple existing #buildings# at the time of application, including #buildings# to remain outside the #minimum clear site# required pursuant to paragraph (a)(1) of this Section, as applicable, the #non-complying floor area# in the #building# to be reconstructed shall be determined in relation to the entire #lot area# of the #zoning lot# and shall be calculated based on the #floor area# of all such existing #buildings#; and

- (3) such #zoning lot# complies with the applicable environmental standards for #qualifying sites# set forth in Section 81-624 (Special environmental requirements for all qualifying sites).

Certification pursuant to the provisions of paragraph (a) of this Section shall be a precondition to the issuance of any demolition permit by the Department of Buildings for a #zoning lot# reconstructing #non-complying floor area#. Such certification shall set forth the calculation of the amount of #non-complying floor area# which may be reconstructed pursuant to paragraph (b) of this Section, as determined by the Chairperson.

- (b) Certification to reconstruct pre-existing #non-complying floor area#

Upon certification pursuant to paragraph (a) of this Section, a #building# may reconstruct the amount of pre-existing #non-complying floor area# calculated pursuant to such certification, provided that such reconstructed #building# complies with the applicable provisions of this paragraph (b).

- (1) For #qualifying sites#

A #building# may reconstruct pre-existing #non-complying floor area# on a #qualifying site# provided that:

- (i) All requirements for #qualifying sites# set forth in the definition in Section 81-612 (Definitions), inclusive are met; and
- (ii) contributions to the #East Midtown District Improvement Fund# are made pursuant to Section 81-621 (District improvement bonus for qualifying sites) at a rate of 50 percent of the #East Midtown District Improvement Fund Contribution Rate# for the amount of such reconstructed pre-existing #non-complying floor area#. The process for determining such “Contribution Rate” is set forth in the definition of #East Midtown District Improvement Fund Contribution Rate# in Section 81-612 (Definitions);
- (iii) The #lot area# of the #zoning lot# at the time of application for certification under paragraph (a) of this Section is the same at the time of application for this paragraph (b), as well as any subsequent or concurrent application for additional #floor area# pursuant to Section 81-62; and
- (iv) Any proposed #floor area# in the reconstructed #building# beyond the amount contained in the pre-existing #non-complying building# shall be obtained by utilizing the applicable provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites).

(2) For all other sites

A #building# may reconstruct #non-complying floor area# on a #zoning lot# which is not a #qualifying site#, in an amount equivalent to the #non-complying floor area# contained in the pre-existing #non-complying building#, provided that:

- (i) such reconstructed #building# shall comply with the #use# provisions of paragraph (e) of the definition of #qualifying site# set forth in Section 81-612. Such #use# regulations may only be modified where permitted by the City Planning Commission, in accordance with the provisions for #qualifying sites# set forth in Section 81-634 (Special permit for use modifications);
- (ii) such reconstructed #building# shall comply with the performance standards for #qualifying sites# set forth in Section 81-623 (Special building performance requirements for all qualifying sites) and, such #zoning lot# shall comply with the applicable environmental standards

set forth in Section 81-624 (Special environmental requirements for all qualifying sites). For the purpose of applying provisions in Section 81-624, the term #developments# on #qualifying sites# as used in such Section shall include #developments# on a #zoning lot# pursuant to the provisions of this paragraph (b);

- (iii) contributions to the #East Midtown District Improvement Fund# shall be made, at rate of 50 percent of the #East Midtown District Contribution Rate#, for the amount of reconstructed pre-existing #non-complying floor area#. The process for determining such “Contribution Rate” is set forth in the definition of #East Midtown District Improvement Fund Contribution Rate# in Section 81-612; and
- (iv) The #lot area# of the #zoning lot# at the time of application for certification under paragraph (a) of this Section is the same at the time of application for this paragraph (b).

(c) Additional requirements

Legal instruments shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments and the payment of the non-refundable contribution to the #East Midtown District Improvement Fund# pursuant to the provisions of paragraph (b), shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# on a #qualifying site# or other site.

No foundation permit or new building permit for a #building# reconstructed on a #zoning lot# with a #lot area# greater than or equal to 30,000 square feet pursuant to the provisions of this Section shall be issued by the Department of Buildings prior to July 1, 2017, and no certificate of occupancy for the reconstructed #building# shall be issued until the Department of Buildings determines such reconstructed #building# is compliant with the provisions of this Section.

(d) For buildings demolished prior without certification

In the event that, after (date of adoption), a demolition permit was issued for work within the #minimum clear site# prior to application for certification pursuant to paragraph (a) of this Section, no application shall be granted under paragraph (b) of this Section unless and until the Chairperson has obtained materials which are sufficient to determine the

amount of #non-complying floor area# in the demolished #non-complying commercial building# that may be reconstructed in accordance with paragraph (b) of this Section. The Commissioner of the Department of Buildings may assist the Chairperson making such a determination, as necessary.

## **81-615**

### **Location of uses in mixed buildings**

For #mixed buildings developed# on #qualifying sites#, or #buildings# on other sites #developed# pursuant to the provisions of Section 81-614 (Special provisions for retaining non-complying floor area), the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above, #residential uses#, provided that no access exists between such #uses# at any level above the ground floor:

open or enclosed observation decks;

open or enclosed publicly-accessible spaces;

eating or drinking establishments, as listed in Use Groups 6C, 10A and 12A;

bowling alleys, as listed in Use Group 8A and 12A;

theaters, as listed in Use Group 8A;

commercial art galleries, as listed in Use Group 8B;

gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis, as listed in Use Group 9A;

wedding chapels and banquet halls, as listed in Use Group 9A;

enclosed skating rinks, as listed in Use Group 12A; and

swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#.

The #use# regulations of this Section may only be modified where permitted by the City Planning Commission, in accordance with the provisions of Section 81-634 (Special permit for use modifications).

## **81-616**

### **Conversion in buildings on certain sites**

Where the “Contribution Rate” for #residential uses# exceeds that for #non-residential uses#, no #conversion# of #non-residential floor area# to #residential floor area# within a #building# on a #qualifying site developed# pursuant to the provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or any other #zoning lot developed# pursuant to the provisions of Section 81-614 (Special provisions for retaining non-complying floor area), shall be permitted unless additional contributions to the #East Midtown District Improvement Fund# are made in accordance with the provisions of Section 81-621 (District improvement bonus for qualifying sites). For the purposes of determining the contribution amount pursuant to paragraph (b) of such Section, the amount of #floor area# being #converted# to #residential use# shall be multiplied by the difference between the #East Midtown District Improvement Fund Contribution Rate# for #residential uses# and the “Contribution Rate” for #non-residential uses# in effect at the time of application. No #conversion# shall result in a percentage of #residential floor area# within such #building# in excess of that permitted pursuant to paragraph (e) of the definition of #qualifying site# in Section 81-612 (Definitions) or Section 81-634 (Special permit for use modifications), as applicable.

## **81-62**

### **Special Floor Area Provisions for Qualifying Sites**

The #floor area# provisions of Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings), and 81-24 (Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses) shall not apply to #qualifying sites# in the East Midtown Subdistrict. In lieu thereof, the provisions of this Section shall apply.

The table in this Section shall apply only to #qualifying sites#. The basic maximum #floor area ratio# for #qualifying sites# is specified in Row A. Such #floor area ratio#, shall be increased, up to the amount specified in Row B, only through contributions to the #East Midtown District Improvement Fund# pursuant to Section 81-621 (District improvement bonus for qualifying sites). For #qualifying sites# that have maximized such increased #floor area# permitted in Row

B, additional #floor area# shall be permitted, up to the amount specified in Row C, through further contributions to the “Fund” pursuant to Section 81-621, or through the transfer of development rights pursuant to Section 81-622 (Transfer of development rights from landmarks to qualifying sites). As an alternative to such additional contributions, additional #floor area# shall be permitted up to the amount specified in Row D for district improvement contributions in-kind, pursuant to Section 81-632 (Authorization for contribution in-kind). For #qualifying sites# that have achieved the #floor area ratio# specified in Row E, such #floor area ratio# may be further increased up to the amount specified in Row F pursuant to Section 81-633 (Special permit for superior developments).

#Zoning lots# with #landmark buildings or other structures# may transfer development rights, pursuant to Section 81-622 or 81-633, as applicable, only to the Subarea of the East Midtown Subdistrict within which such #landmark building or other structure# is located.

<b><u>MAXIMUM FLOOR AREA ALLOWANCES FOR QUALIFYING SITES IN THE EAST MIDTOWN SUBDISTRICT</u></b>										
<b><u>Row</u></b>	<b><u>Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#</u></b>	<b><u>Grand Central Subarea</u></b>				<b><u>Northern Subarea</u></b>			<b><u>Any other Areas</u></b>	
		<b><u>Grand Central Subarea Core</u></b>	<b><u>Outside of Grand Central Subarea Core and Park Avenue</u></b>		<b><u>Along Park Ave, between E. 46<sup>th</sup> and E. 49<sup>th</sup> Streets</u></b>	<b><u>Northern Subarea Core</u></b>	<b><u>Outside of Northern Subarea Core</u></b>			
		<b><u>C5-3</u></b>	<b><u>C5-2.5</u></b>	<b><u>C5-3</u></b>	<b><u>C5-3</u></b>	<b><u>C5-3</u></b>	<b><u>C5-2.5</u></b>	<b><u>C5-3</u></b>	<b><u>C5-2.5</u></b>	<b><u>C5-3</u></b>
			<b><u>C6-4.5</u></b>	<b><u>C6-6</u></b>			<b><u>C6-4.5</u></b>	<b><u>C6-6</u></b>	<b><u>C6-4.5</u></b>	<b><u>C6-6</u></b>
<b><u>A</u></b>	<b><u>Basic Maximum FAR</u></b>	<b><u>15</u></b>	<b><u>12</u></b>	<b><u>15</u></b>	<b><u>15</u></b>	<b><u>15</u></b>	<b><u>12</u></b>	<b><u>15</u></b>	<b><u>12</u></b>	<b><u>15</u></b>

<u>B</u>	<u>Additional FAR through District Improvement Bonus (DIB) (Section 81-621)</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>1.2</u>	<u>1.5</u>	<u>2.4</u>	<u>3</u>
<u>C</u>	<u>Additional FAR for further contributions to DIB (Section 81-621) or transfer of development rights from landmark buildings (Sections 81-622)</u>	<u>6</u>	<u>6.6</u>	<u>3.6</u>	<u>3.6</u>	<u>3.6</u>	<u>1.2</u>	<u>1.5</u>	=	=
<u>D</u>	<u>Additional FAR through contribution in-kind (Section 81-632)</u>	<u>6</u>	<u>6.6</u>	<u>3.6</u>	<u>3.6</u>	<u>3.6</u>	=	=	=	=
<u>E</u>	<u>Total FAR without special permit</u>	<u>24</u>	<u>21.6</u>	<u>21.6</u>	<u>21.6</u>	<u>21.6</u>	<u>14.4</u>	<u>18</u>	<u>14.4</u>	<u>18</u>
<u>F</u>	<u>Additional FAR through special permit (Section 81-633)</u>	<u>6</u>	<u>NA</u>	<u>NA</u>	<u>2.4</u>	<u>2.4</u>	=	=	=	=
<u>G</u>	<u>Maximum FAR permitted for #qualifying Sites#</u>	<u>30</u>	<u>21.6</u>	<u>21.6</u>	<u>24</u>	<u>24</u>	<u>14.4</u>	<u>18</u>	<u>14.4</u>	<u>18</u>



## **81-621**

### **District improvement bonus for qualifying sites**

The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# for a #qualifying site# set forth in Row A of the table in Section 81-62 (Special Floor Area Provisions for Qualifying Sites) to be increased up to the maximum amount specified in Row B and thereafter, Row C of such table, as applicable, provided that the requirements for applications in paragraph (a) of this Section have been completed and a district improvement contribution has been deposited in the #East Midtown District Improvement Fund#, in the amount set forth in paragraph (b) of this Section. All #floor area# certified pursuant to this Section shall be utilized within the #lot area# of the #qualifying site# as it existed at the time of application. Legal instruments and notices of restrictions shall be executed by the applicant in accordance with the provisions of paragraph (c) of this Section. Additional provisions are set forth in paragraph (d) of this Section for #buildings# that have proceeded with construction prior to certification pursuant to this Section.

- (a) The following requirements for applications shall be completed and submitted, as applicable, prior to, or as part of an application:
- (1) an affidavit shall be submitted to the Chairperson attesting that, at the time of #development#, the #zoning lot# will comply with the applicable criteria for a #minimum clear site# set forth in the definition in Section 81-612 (Definitions). A site plan shall also be submitted to the Chairperson, demonstrating compliance with the such #minimum clear site# criteria;
  - (2) the applicant shall submit materials for the Chairperson to determine whether, within five years prior to the time of application, any foundation or new building permit has been issued for a foundation or #building#, as applicable, within such #minimum clear site# and work has been conducted pursuant to such permit. In the event that such a foundation or new building permit has been issued within five years prior to the time of application and work commenced pursuant thereto, the applicant shall submit additional materials for the Chairperson to determine whether the foundation if or as completed, would be of sufficient size and capable of supporting a #building# exceeding the basic maximum #floor area ratio# established in Row A of the table in Section 81-62 and, if applicable, the #building# if or as completed, would be of sufficient size and capable of including #floor area# exceeding the basic maximum #floor area ratio#

established in Row A of the table in Section 81-62. The Commissioner of the Department of Buildings may assist the Chairperson making such a determination, as necessary;

- (3) zoning calculations for the proposed #development# on the #qualifying site# shall be submitted to the Chairperson;
  - (4) for #qualifying sites# replacing the amount of #floor area# allocated to a hotel #use# pursuant to paragraph (e) of the definition of #qualifying site# set forth in Section 81-612, the permitted amount of hotel #floor area# shall be that amount shown on either the previous #building's# construction documents submitted for approval to the Department of Building's at the time of such #building's# construction, #enlargement# or subsequent alteration, as applicable; or on an as-built drawing set completed by a licensed architect prior to such #building's# demolition; and
  - (5) for #qualifying sites# meeting the criteria of paragraph (a) of the definition of #adjacent lot# with regard to such #zoning lot's# adjacency to Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship between the proposed #development# on such #qualifying site# and Grand Central Terminal has been submitted to the Chairperson.
- (b) Monies shall be contributed to the #East Midtown District Improvement Fund# at the #East Midtown District Improvement Fund Contribution Rate# for the applicable amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A of the table in Section 81-62. However, where such #building# includes #floor area# reconstructed pursuant to the provisions of Section 81-614 (Special provisions for retaining non-complying floor area), the contribution amount for such reconstructed pre-existing #non-complying floor area# shall be 50 percent of the #East Midtown District Improvement Fund Contribution Rate#. The process for determining such "Contribution Rate" is set forth in the definition of #East Midtown District Improvement Fund Contribution Rate# in Section 81-612 (Definitions).
- (c) Legal instruments shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments and the payment of such non-refundable contribution to the #East Midtown District Improvement Fund# shall be a precondition to

the issuance of any foundation permit or new building permit by the Department of Buildings that would allow a #development# on a #qualifying site#.

- (d) In the event that a foundation or new building permit has been issued within five years prior to the time of application and worked commenced pursuant thereto, and the Chairperson has determined, in consultation with the Commission of the Department of Buildings, as necessary, that the foundation if or as completed would be of sufficient size and capable of supporting a #building# exceeding the basic maximum #floor area ratio# established in Row A of the table in Section 81-62 and , if applicable, the #building# if or as completed, would be of sufficient size and capable of including #floor area# exceeding the basic maximum #floor area ratio# established in Row A of the table in Section 81-62 the Chairperson shall not grant such application under this Section for a period of 5 years following the issuance of the foundation or new building permit whichever is the later.

## **81-622**

### **Transfer of development rights from landmark buildings or other structures to qualifying sites**

Within the Grand Central or Northern Subareas, as shown on Map 4 (East Midtown Subareas and Subarea Cores) in Appendix A of this Chapter, the Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# within the Subarea to a #qualifying site# proposed for #development# also within such Subarea, provided that the requirements for applications in paragraph (a) of this Section have been completed, the conditions set forth in paragraph (b) of this Section have been met, and the transfer instruments required pursuant to paragraph (c) of this Section have been executed.

- (a) An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and #receiving lot#. The following requirements for applications shall be completed and submitted, as applicable, prior to, or as part of an application:
- (1) prior to, or concurrently with the application, the applicant shall comply with the certification provisions of Section 81-621 (District improvement bonus for qualifying sites), including the contribution to district improvements required pursuant to paragraphs (b) of such Section. The proposed #development# shall

utilize the #floor area# bonus of such Section to the full extent set forth in Row B of the table in Section 81-62;

- (2) site plans and zoning calculations for the #granting lot# and #receiving lot# shall be submitted to the Chairperson;
- (3) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#; and
- (4) a report from the Landmarks Preservation Commission shall be submitted to the Chairperson concerning the continuing maintenance program of the #landmark building or other structure#;

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to this Section.

(b) The transfer of development rights, shall be subject to the following conditions:

- (1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Row A of the table in Section 81-62, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to Section 81-621;
- (2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the applicable amount set forth in Row C of the table in Section 81-62; and
- (3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

(c) The owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson a copy of a transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in

the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Chairperson of the City Planning Commission, in a form acceptable to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting lot# and the #receiving lot# that are a party to such transfer.

### **81-623**

#### **Special building performance requirements for all qualifying sites**

Within the East Midtown Subdistrict, no new building permit shall be issued for a #development# on a #qualifying site# unless such #building# achieves a level of energy efficient design that exceeds the standard set forth in paragraph (a) of this Section by the minimum margin set forth in paragraph (b), as the same may be modified in accordance with paragraph (c) of this Section. Compliance with the provisions of this Section shall be demonstrated to the Department of Buildings at the time of issuance of such new building permit. For purposes of this Section, the term #developments# on #qualifying sites# shall include #developments# on a #zoning lot# pursuant to the provisions of paragraph (b) of Section 81-614 (Special provisions for retaining non-complying floor area).

- (a) As of (date of adoption), and unless modified pursuant to the provisions of paragraph (c), the energy efficiency standard shall be either the 2011 New York City Energy Conservation Code (NYCECC) or the Building Performance Rating method of the applicable version and edition of American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., Standard 90.1 (ASHRAE 90.1), as referenced within the NYCECC.
- (b) As of (date of adoption), and unless modified pursuant to the provisions of paragraph (c), #buildings# on #qualifying sites# shall exceed the energy efficiency standard set forth in paragraph (a) by a minimum of 15 percent.
- (c) In order to ensure that #developments# on #qualifying sites# continue to achieve a level of energy efficient design that substantially exceeds code requirements while remaining reasonably achievable for high-rise commercial construction based on contemporary best practices for such #buildings#, the Commission may, by rule, modify the standard of

paragraph (a) or the minimum margin of paragraph (b) of this Section, as necessary, to ensure that the level of energy efficient design required by this Section is maintained.

- (d) Within 90 days of the effective date of a new energy efficiency reference standard for New York City made by operation of other law or regulation which supersedes the energy efficiency reference standard set forth in paragraph (a), the Department of City Planning shall submit to the City Planning Commission a report recommending any changes necessary to the standard set forth in paragraph (a) and, to the extent necessary in connection therewith, the minimum margin of paragraph (b), that would maintain the level of energy efficient design required by this Section. Such report shall consider the effects of changes in the referenced standard, as well as current industry practices. Following receipt of such report, the Commission may, by rule, modify the referenced standard and minimum margin set forth in paragraphs (a) or (b) of this Section, respectively, as necessary, to ensure that the level of energy efficient design required by this Section is maintained.

#### **81-624**

##### **Special environmental requirements for all qualifying sites**

Within the East Midtown Subdistrict, all #developments# on #qualifying site# shall comply with the provisions of paragraph (a), and where applicable, the provisions of paragraph (b) or (c) of this Section. For purposes of this Section, the term #developments# on #qualifying sites# shall include demolitions, excavations and #developments# on a #zoning lot# pursuant to the provisions of paragraphs (a) and (b) of Section 81-614 (Special provisions for retaining non-complying floor area).

- (a) All #developments# on #qualifying sites# shall comply with the following:
- (1) for #qualifying sites# that include an existing #building# listed in Special Environmental Requirement List 1, in Appendix B of this Chapter, that has not been designated as a New York City Landmark at the time of filing for a full demolition permit for purposes of #development# on a #qualifying site# pursuant to Section 81-62 (Special Floor Area Provisions for Qualifying Sites), no such permit shall be issued unless the Chairperson of the City Planning Commission shall have certified to the Commissioner of Buildings, based upon notice received from the Chair of the Landmarks Preservation Commission, that Historic American Buildings Survey recordation work for such existing building has been

completed and submitted to the Landmarks Preservation Commission pursuant to a protocol approved by such Commission;

- (2) for #qualifying sites # located within ninety feet of an existing #building# listed in Special Environmental Requirement List 2, in Appendix B, that has not been designated as a New York City Landmark at the time of filing for a full demolition, excavation or foundation permit for purposes of #development# on such #qualifying site# pursuant to Section 81-62, no such permit shall be issued unless a monitoring plan shall have been developed by a registered design professional and accepted by the Commissioner of Buildings for the purpose of protection of such existing #building# during the course of construction. The monitoring plan shall be specific to the structures to be monitored and operations to be undertaken, and shall specify the scope and frequency of monitoring, acceptable tolerances, reporting criteria for when tolerances are exceeded, and methods for corrective action;
  
- (3) for #qualifying sites# located on Block 1278, Lots 8, 14, 15, 17, 62, 63, 64 and 65, Block 1279, Lots 9, 17, 57, 63 and 65, and Block 1279, Lots 23, 24, 25, 28, 45, no demolition, excavation or foundation permit shall be issued unless:
  - (i) The Chairperson certifies to the Department of Buildings, based on information provided by the applicant, that it is not anticipated that levels of construction activity projected in CEQR No. 13DCP011M to occur simultaneously at Projected Development Sites 5, 6 and 7 for purposes of noise impact analysis will occur during the period of construction of such #development#; or
  
  - (ii) The Chairperson certifies to the Department of Buildings that a declaration of restrictions has been executed and recorded, in a form acceptable to the Department, providing for the implementation of noise source and path controls during construction beyond those required pursuant to a Noise Mitigation Plan submitted to the Department of Environmental Protection in accordance with requirements of the New York City Noise Control Code. Such noise and path controls shall include noise source and path controls identified in CEQR No. 13DCP011M as noise reduction mitigation measures, except as determined by the Chairperson to be infeasible or impracticable based on site-specific considerations.

- (4) during construction, all non-road diesel engines greater than 50 hp shall satisfy Tier 4 standards or Tier 3 standards with the use of diesel particulate filters. No excavation, demolition or foundation permit shall be issued unless the Chairperson certifies to the Department of Buildings that a declaration of restrictions has been executed and recorded, providing for implementation of this paragraph (a)(4) and reporting with respect to compliance.
- (5) For purposes of this paragraph, (a), an excavation or demolition permit shall be considered to be for purposes of #development# on a #zoning lot# pursuant to Section 81-62, or Section 81-614, as applicable irrespective of whether an application has been filed pursuant to Section 81-621 (District improvement bonus for qualifying sites) or paragraph (b) of Section 81-614 at the time of issuance of such excavation or demolition permit, in accordance with the provisions of this paragraph.

At the time of filing for a demolition or excavation permit for a lot or lots which are so located as to be capable of comprising, in whole or in part, a #zoning lot# which, at the time of #development#, would meet the applicable #minimum clear site# provisions established in definition in Section 81-612, the owner of such #zoning lot# shall certify to the Department of Buildings whether the excavation or demolition is for purposes of #development# on a #qualifying site# pursuant to the provisions of Section 81-62 or #development# on a #zoning lot# pursuant to paragraph (b) of Section 81-614, as applicable, and such certification shall be a precondition to issuance of the permit. In the event the owner of such #zoning lot# certifies that the excavation or demolition is for purposes of #development# on a #qualifying site# pursuant to the provisions of Section 81-62, or #development# on a #zoning lot# pursuant to paragraph (b) of Section 81-614, as applicable, the provision of this Section shall apply. In the event that the owner of such #zoning lot# certifies that the excavation or demolition is not for purposes of #development# on a #qualifying site# pursuant to the provisions of Section 81-62, or #development# on a #zoning lot# pursuant to paragraph (b) of Section 81-614, as applicable, an excavation or demolition permit is issued and work undertaken pursuant to such permit without compliance with the provisions of this Section, on the basis of such certification, and application is made thereafter pursuant to Section 81-621 for purposes of #development# on a #qualifying site# or #development# on a #zoning lot# pursuant to paragraph (b) of Section 81-614, as applicable, which includes a lot or lots for which excavation and demolition work was undertaken pursuant to the such permit, the Chairperson shall not grant such application under Section 81-621 or paragraph (b) of Section 81-614, as



applicable, unless and until the Chairperson has determined that remedial measures specified by the Chairperson, and developed in consultation with relevant agencies, have been implemented or funded.

(b) No new building permit shall be issued for the purposes of #development# of Block 1285, Lot 36, Block 1310, Lot 1 or Block 1306, Lot 23 as a #qualifying site# unless:

(1) a shadow analysis has been submitted to the Department of City Planning identifying the extent of the incremental shadows that will be cast by the #building# upon stained glass windows of such landmark buildings or eligible historic resource, as applicable, identified in CEQR No. 13DCP011M as potentially impacted by incremental shadows from #development# as a #qualifying site#; and

(2) the Chairperson certifies to the Commissioner of Buildings, acting in consultation with the Chair of the Landmarks Preservation Commission, that:

(i) a plan for lighting the stained glass windows of such landmark buildings or eligible historic resource using artificial lighting or the use of architectural and design techniques to reflect natural light onto such stained glass windows impacted by incremental shadows, as applicable, has been developed and will be implemented to partially mitigate the effects of such incremental shadows; or

(ii) the artificial lighting of the stained glass windows or the use of architectural and design techniques to reflect natural light onto such stain glass windows in order to partially mitigate the effects of such incremental shadows is not feasible or is impracticable, or would negatively affect the character or integrity of the landmark buildings or eligible historic resource, as applicable, or has not been accepted by the owner of the landmark #building# or eligible historic resource.

(c) Within the East Midtown Subdistrict, (E) designations established under Application No. N120247AZRM pursuant to CEQR No. 13DCP011M for #developments# on #qualifying sites# shall be subject to the following requirements in addition to those set forth in Section 11-15 (Environmental Requirements):

- (1) for (E) designations for air quality and for noise, the term “building permit” for purposes of paragraph (a) of Section 11-15 shall mean a foundation permit. Prior to the issuance of a foundation permit, the Department of Buildings shall be furnished with a notice to proceed issued by the Office of Environmental Remediation (OER) stating that OER does not object to the issuance of such permit, and prior to the issuance of a temporary or final certificate of occupancy, the Department of Buildings shall be furnished with a notice of satisfaction issued by OER that OER does not object to the issuance of such certificate of occupancy, in accordance with the applicable rules of the City of New York; and
- (2) for (E) designations for hazardous materials, a building permit shall be considered to be for purposes of #development# on a #qualifying site# pursuant to Section 81-62, and subject to such (E) designation irrespective of whether an application has been filed pursuant to Section 81-621 at the time of filing for such permit. and a building permit shall be considered to be for purposes of #development# on a #zoning lot# pursuant to paragraph (b) of Section 81-614, and subject to such (E) designation irrespective of whether an application has been filed pursuant to paragraph (b) of Section 81-614 at the time of filing for such permit, unless the owner of the #zoning lot# or #development# certifies in accordance with this paragraph (c)(2) that the #development# will not be pursuant to Section 81-62 or paragraph (b) of Section 81-614, as applicable, and no application is filed thereafter pursuant to Section 81-621 or paragraph (b) of Section 81-614, as applicable. At the time of application for a building permit for work on a lot or lots which are so located as to be capable of comprising, in whole or in part, a #zoning lot# which, at the time of #development#, would meet the applicable #minimum clear site# provisions established in the definition of #qualifying site# under Section 81-612, or at the time of application for a building permit for a #zoning lot# which meets the requirements for reconstruction of #non-complying# floor area pursuant to paragraph (b) of Section 81-614, the owner of the #zoning lot# or #development# shall certify to the Department of Buildings whether the work under such permit is for purposes of #development# on a #qualifying site# pursuant to the provisions of Section 81-62 or for purposes of #development# on a #zoning lot# pursuant to paragraph (b) of Section 81-614, as applicable, and such certification shall be a precondition to the issuance of the permit. In the event that a permit is issued and work undertaken without compliance with the provisions of the (E) designation for hazardous materials, on the basis of a certification by the owner of the #zoning lot# or #development# that the work under such permit is not for #development#

pursuant to Section 81-62 or paragraph (b) of Section 81-614, as applicable, and application is made thereafter pursuant to Section 81-621 for purposes of a #development# on a #qualifying site# which includes a lot or lots for which work was undertaken pursuant to such permit, or is made thereafter pursuant to paragraph (b) of Section 81-614 for a #development# on a #zoning lot# pursuant to such Section, the Chairperson shall not grant such application under Section 81-621 or paragraph (b) of Section 81-614, as applicable, unless and until:

- (i) the Chairperson has been provided written notice from OER that the hazardous materials conditions were satisfactorily addressed during the course of work performed in one of the following ways:
  - (aa) pursuant to the City's Voluntary Brownfield Cleanup Program established pursuant to Administrative Code Section 24-903, or successor provisions thereto;
  - (bb) pursuant to a written protocol developed with the consultation and approval of OER prior to commencement of work under the permit;
  - (cc) pursuant to measures which OER has determined were equivalent to those required pursuant to the (E) designation program; or
- (ii) Chairperson has been provided written notice from OER that the exposure risk has been determined to be acceptable pursuant to a post-work testing program accepted by OER and that any retrofit work determined to be necessary by OER has been performed.

## **81-63**

### **Authorizations and Special Permits for Qualifying Sites**

## **81-631**

### **Authorization for zoning lots with limited wide street frontage**

In the East Midtown Subdistrict, the City Planning Commission may allow, by authorization, the utilization of the #floor area# provisions set forth in Section 81-62 (Special Floor Area Provisions for Qualifying Sites) for #zoning lots# that do not meet the #wide street block# frontage criteria established in paragraph (a)(2) of the definition of #minimum clear site#, as set

forth in Section 81-612 (Definitions), provided that the conditions of paragraph (a) and the findings of paragraph (b) of this Section are met. For the purpose of Section 81-60, inclusive, any #zoning lot# authorized pursuant to this Section shall be considered a #qualifying site#.

(a) Any application for such authorization shall contain information sufficient to allow the Commission to determine that the following conditions are met:

- (1) At the time of #development#, the #zoning lot# will have a #lot width# which extends across a minimum of 75 percent of the #wide street block# frontage, or for at least 150 feet of #wide street# frontage, whichever is less; and such #lot width# will extend continuously to a depth of 100 feet, as measured perpendicular to the #wide street line#;
- (2) Other than the #wide street block# frontage criteria established in paragraph (a)(2) of the definition of #minimum clear site#, as set forth in Section 81-612, the #zoning lot# shall comply with all other criteria established in such definition, including the minimum #lot area# required by paragraph (a)(1) of such definition. At the time of #development#, no existing #buildings or other structures# shall remain within the modified #minimum clear site#;
- (3) the #floor area ratio# of the proposed #building# does not exceed the amount set forth in Row E of the table in Section 81-62, as applicable, and the #development# will comply with the applicable certification provisions of Sections 81-621 (District improvement bonus for qualifying sites) or Section 81-622 (Transfer of development rights from landmarks to qualifying sites); and
- (4) the proposed #building# complies with all the applicable height and setback regulations of the #Special Midtown District#.

(b) In order to grant such authorization, the Commission shall find that:

- (1) the #building# footprint, including the size and configuration thereof, will be sufficient to accommodate a #non-residential# or #mixed building# which is comparable to recent #commercial developments# in the Midtown, and is consistent with the goals of the East Midtown Subdistrict;
- (2) the percentage of #block# frontage the proposed #building# will occupy, and the proposed distribution of #bulk# for such #building# can accommodate a

proportional amount of #floor area# being granted pursuant to this Section in a manner that ensures the surrounding #streets# and public spaces will have ample access to light and air;

- (3) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate movement between the #building# and adjoining public spaces;
- (4) where applicable, due consideration has been demonstrated for the relationship between the proposed #building# and any existing #building# on the #wide street block# frontage, especially with regard to streetscape and the distribution of #bulk#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

## **81-632**

### **Authorization for contribution in-kind**

In the East Midtown Subdistrict, the City Planning Commission may allow, by authorization, the applicable basic maximum #floor area ratio# for a #qualifying site# to be increased up to the maximum amount specified in Row D of the table in Section 81-62 (Special Floor Area Provisions for Qualifying Sites), as applicable, provided that a district improvement contribution in-kind is provided by the applicant. In order to authorize such #floor area# increase, the Commission shall determine that conditions set forth in paragraph (a), the findings set forth in paragraph (b) and the requirements of paragraph (c) of this Section have been met.

- (a) Any application for such authorization shall contain information sufficient to allow the Commission to determine that the following conditions are met:
  - (1) the applicant will comply with the certification provisions of Section 81-621 (District improvement bonus for qualifying sites), including the contribution to district improvements required pursuant to such Section. The proposed #development# shall utilize the #floor area# bonus of such Section to the full extent set forth in Row B of the table in Section 81-62, as applicable;

- (2) the applicant has selected a district improvement project which has been included on the Priority Improvements List by the #East Midtown District Improvement Fund Committee# pursuant to 81-691 (The East Midtown District Improvement Fund Committee);
  - (3) The applicant has submitted concept plans for the proposed improvement to the Commission and any applicable City or State agencies with jurisdiction over and control of the proposed improvement; and
  - (4) any applicable City or State agencies with jurisdiction over and control of the proposed improvement have each provided a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement. Such letters shall be a prerequisite to the certification of the application.
- (b) To grant such authorization, the Commission shall find that:
- (1) Where the proposed improvement is not the first priority on the list established by the “Committee” pursuant to Section 81-691, the practical benefits of incorporating an improvement proximate to the proposed #development# into the construction phasing of such #development# warrant the adjustment of district improvement priorities. In order to make such determination, the Commission may consult with the “Committee”.
  - (2) The amount of proposed #floor area# proposed to be generated by the contribution in-kind is reasonable in relation to the anticipated cost of such improvement to the City or State agencies with jurisdiction over and control of the proposed improvement. In order to make such determination, the Commission may consult with an engineer at the applicant’s expense, or the staff of any applicable City or State agencies with jurisdiction over and control of the proposed improvement.
- (c) Prior to the grant of the authorization, the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to design and construct the improvement in accordance with the requirements of the applicable City or State agencies with jurisdiction over and control of the proposed improvement. The execution and recording of such instruments and the payment of such non-refundable contribution to the #East Midtown District Improvement Fund# required pursuant to Section 81-621 shall be a

precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# on a #qualifying site#.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# identified as utilizing the bonus #floor area# granted pursuant to the provisions of this Section until the Chairperson of the City Planning Commission, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement, has certified that the improvements are substantially complete and usable by the public. Such portion of the #building# shall be designated by the Commission in drawings included in the instruments filed pursuant to this paragraph (c). No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing such bonus #floor area# until the improvements have finally been completed in accordance with the approved plans and such final completion has been approved by the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **81-633**

#### **Special permit for superior developments**

For #qualifying sites# in the areas designated on Map 5 (Applicability of special permit for superior developments) in Appendix A of this Chapter, in order to facilitate the #development# of #buildings# that make a significant contribution to the East Midtown Subdistrict, the City Planning Commission may allow, by special permit, additional #floor area#, and in conjunction with such additional #floor area#, modifications to the regulations for #street wall#, height and setback, mandatory district plan elements, and the date a foundation or new building permit may be obtained, as set forth in paragraph (a) of this Section. In order to grant such increases in #floor area# or other such permitted modifications in paragraph (a), applications shall comply with the conditions of paragraph (b), as applicable, the findings of paragraph (c), as applicable, and the requirements of paragraph (d) of this Section.

(a) The City Planning Commission may, by special permit, allow:

- (1) Additional #floor area#, beyond the applicable #floor area ratio# permitted in Row E of the table in Section 81-62 (Special Floor Area Provisions For Qualifying Sites) up to the applicable amount set forth in Row F of such table; and
- (2) In conjunction with such additional #floor area#:
  - (i) modifications to the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-66 (Special Street Wall Requirements), inclusive;
  - (ii) modifications to the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, and 81-67 (Special Height and Setback Requirements), inclusive;
  - (iii) modifications to the mandatory district plan element regulations of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-Street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility), 81-68 (Special Mandatory District Plan Element Requirements), inclusive, or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37- 51 (Amount of Pedestrian Circulation Space) or the curb cut and loading berth provisions of Section 81-686 (Curb cut restrictions and loading berth requirements) shall be permitted;
  - (iv) modifications of the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements);
  - (v) the ability to achieve a portion of the proposed #floor area# in the #development# through a district improvement contribution in-kind without authorization pursuant to 81-632, where application for the special



permit is made prior to the establishment of the Priority Improvements List by the #East Midtown District Improvement Fund Committee# pursuant to Section 81-691 (The East Midtown District Improvement Fund Committee); and

(vi) modifications to the provisions establishing the earliest date a foundation permit or new building permit may be obtained, pursuant to Section 81-611 (Applicability of regulations), where below-grade improvements to the pedestrian circulation network, including access improvements to subway stations or rail mass transit facilities, are required in conjunction with the proposed #development#, pursuant to condition (b)(5) of this Section.

(b) Any application for such special permit shall contain information sufficient to allow the Commission to determine that the following conditions are met:

(1) The proposed #development# will comply with the applicable certification or authorization provisions of Section 81-621 (District improvement bonus for qualifying sites), Section 81-632 (Authorization for contribution in-kind) or Section 81-622 (Transfer of development rights from landmarks to qualifying sites). Compliance with such provisions shall include demonstration that:

(i) all proposed #floor area# for such #development# up to, and in excess of, the amount permitted in Row E of the table in Section 81-62, will be achieved through a contribution to district improvements in accordance with the provisions of Section 81-621; a district contribution in-kind in accordance with the provisions of Section 81-632, or paragraph (b)(2) of this Section, as applicable; a transfer of development rights from landmarks in accordance with the provisions of Section 81-622; or some combination thereof.

Contributions or transfers for #floor area# in excess of that permitted under Row E of the table in Section 81-62 shall be made in the manner described in the applicable Section for generating #floor area# up to the amount set forth in Row E; and

(ii) any district improvement contribution in-kind provided pursuant to Section 81-632, or paragraph (b)(2) of this Section, as applicable, is for an

improvement that is separate and distinct from the additional above and below-grade site improvements required pursuant to conditions (b)(4) and, if applicable, (b)(5) of this Section;

- (2) for any district improvement contribution in-kind proposed prior to the establishment of the Priority Improvements List by the “Committee”, the provisions of Section 81-632 shall not apply. In lieu thereof, the applicant shall propose a contribution in-kind project which shall achieve one or more of the requirements set forth for district improvement projects in paragraph (a) of Section 81-691 (The East Midtown District Improvement Fund Committee).

The applicant shall submit concept plans for the proposed improvement project to the Commission and any applicable City or State agencies which would have jurisdiction over and control of the proposed improvement project. At the time of filing of the application, such agencies shall each provide a letter to the Commission containing a conceptual approval of the improvement project, including a statement of any considerations regarding the construction and operation of the improvement project;

- (3) for any proposed modification to the date a foundation permit or new building permit may be obtained in order to accommodate a complex construction schedule associated with the provision of improvements to the below-grade pedestrian circulation network in conjunction with the proposed #development#, as required pursuant to condition (b)(5) of this Section, the applicant shall submit a construction schedule for the proposed #building#. In addition, such schedule shall describe when the improvements will be open to the public.

No proposed modification to the date a foundation or new building permit may be obtained for the #building# shall exceed one year prior to that required pursuant to Section 81-611, and accordingly, no foundation permit or new building permit shall be issued by the Department of Buildings for the #building# prior to July 1, 2016. No temporary certificate of occupancy shall be issued for any portion of the #building# prior to January 1, 2020, and no permanent certificate of occupancy shall be issued for such #building# prior to July 1, 2020;

- (4) the proposed #development# provides a major improvement to the above-grade pedestrian circulation network, consisting of open or enclosed space or spaces, which shall be open to the public for public use and enjoyment. A site plan shall

be submitted of sufficient scope and detail to enable the Commission to determine that such publicly-accessible space or spaces:

- (i) to the greatest extent feasible, includes amenities required for #public plazas#, as set forth in Section 37-70 (PUBLIC PLAZAS), including but not limited to planting beds and trees, a variety of seating types, paving, lighting, litter receptacles, and public space signage. The applicable minimum and maximum dimensional criteria for such amenities set forth in Section 37-70 shall apply;
- (ii) front upon a #street# or a pedestrian circulation space in close proximity to and full view of an adjoining sidewalk; and
- (iii) to the greatest extent feasible, are adjoined by ground floor #uses# and transparent materials in accordance with the provisions of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses);

Where a City or State agencies would have jurisdiction over and control of the proposed improvement, the applicant shall submit concept plans for the above-grade improvement to such agency and the Commission. At the time of filing of the application, any such agency with jurisdiction over and control of the proposed improvement shall provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

- (5) where located within the Grand Central Subarea Core, the proposed #development# provides major improvements to the below-grade pedestrian circulation network. Such below-grade improvements shall be in addition to the above-grade improvements required pursuant to paragraph (b)(4) of this Section. Such improvements may include, but are not limited to, widenings, straightenings or expansions of the existing pedestrian circulation network, reconfigurations of circulation routes to provide more direct pedestrian connections between the proposed #development# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and associated enhancements to air quality, lighting, finishes and signage.

Concept plans of the proposed improvements to the below-grade pedestrian circulation network, shall be provided to the Metropolitan Transportation Authority (MTA), the Commission and any other City or State agency with jurisdiction over and control of the proposed improvement. At the time of filing of the application, the MTA and any other agencies with jurisdiction over and control of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

- (6) the ground floor level of the proposed #development# provides pedestrian circulation spaces and active streetscape amenities to improve the surrounding pedestrian circulation network. A ground floor level site plan shall be provided of sufficient scope and detail to enable the Commission to determine:
- (i) the size and location of proposed circulation spaces and the manner in which such spaces will connect to the overall pedestrian circulation network and above-grade or below-grade improvements provided in accordance with conditions (b)(4) and (b)(5) of this Section;
  - (ii) the type of proposed #uses# on the ground floor level, the proposed amounts of transparency, and the location of proposed #building# entrances; and
  - (iii) where modifications to the mandatory district plan elements are proposed, how the proposed ground floor level will not comply with the provisions of Sections 81-42, 81-44, 81-45, 81-46, 81-47, or 81-48, or as such provisions are modified pursuant to Section 81-68.
- (7) any proposed modifications to #street wall# or height and setback regulations within the proposed #development# are demonstrated through materials submitted to the Commission, including but not limited to:
- (i) drawings, including but not limited to plan views and axonometric views, that illustrate how the proposed #building# will not comply with the provisions of Sections 81-26 or 81-27, or as such provisions are modified pursuant to Section 81-67;

- (ii) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-67; and
  - (iii) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-67;
- (8) the proposed #development# exceeds the #building# performance standards set forth in Section 81-623 (Special building performance requirements for all qualifying sites). Information regarding the proposed #development's# energy performance shall be submitted to the Commission; and
- (9) the applicant has submitted drawings sufficient to demonstrate to the Commission the building design of the proposed #development#, and to enable the Commission to evaluate such #building# in the context of adjacent #buildings# and the Manhattan skyline. Such drawings shall include, but shall not be limited to, measured elevation drawings, axonometric views, and renderings showing such proposed #building# within the Manhattan skyline.
- (c) To grant such special permit, the Commission shall find that:
- (1) the public benefit derived from the proposed #development# merits a proportional amount of additional #floor area# being granted pursuant to this Section;
  - (2) with regard to any district improvement contribution in-kind proposed prior to the establishment of the Priority Improvements List by the "Committee":
    - (i) the proposed contribution in-kind is consistent with one or more of the requirements for district improvement projects established in paragraph (a) of Section 81-691 (The East Midtown District Improvement Fund Committee);
    - (ii) the practical benefits of incorporating an improvement project proximate to the proposed #development# into the construction phasing of such #development# warrant a contribution in-kind; and

- (iii) the amount of #floor area# proposed to be generated by the contribution in-kind is reasonable in relation to the estimated cost of such improvement to the City or State agencies with jurisdiction over and control of the proposed improvement. In order to make such determination, the Commission may consult with an engineer at the applicant's expense, or with the staff of any applicable City or State agencies with jurisdiction over and control of the proposed improvement;
- (3) any proposed modification to the date a foundation permit or new building permit may be obtained for the #building# is necessary in order to ensure that a complex construction schedule associated with the below-grade improvements to the pedestrian circulation network required in conjunction with the proposed #development#, does not delay the construction or completion of the above-grade portion of the #building# = and will provide for the earlier availability of major below-grade improvements to the pedestrian circulation network;
- (4) the above-grade improvement required pursuant to condition (b)(4) of this Section:

  - (i) shall be a prominent space of generous proportions and quality design that is inviting to the public, and provides ample amounts of light and air for occupants. Such space shall contain amenities for the comfort and convenience of the public, including, but not limited to, abundant greenery through a combination of planting beds and trees, and generous amounts of seating in a variety of different types. Such amenities shall be combined in a cohesive and harmonious manner, demonstrating particular consideration for the choice, amount and quality of such proposed amenities, and shall result in a quality public space greater than that required for a #public plaza#; and
  - (ii) shall be highly visible and accessible from the adjoining sidewalk and significantly contribute to the pedestrian circulation network by providing generous pedestrian accessibility through and around the site, and fluid connections to pedestrian circulation spaces in the immediate vicinity thereof;

- (5) any below-grade improvements required as part of the proposed #development# pursuant to condition (b)(5) of this Section:
- (i) shall provide significant and generous connections from the above-grade pedestrian circulation network and surrounding #streets# to the below-grade pedestrian circulation network;
  - (ii) shall provide major improvements to public accessibility in the below-grade pedestrian circulation network between and among subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing connections; and
  - (iii) shall provide significant enhancements to the environment of subway stations and other rail mass transit facilities including through the provision of enhancements such as direct daylight access, or through enhancements to noise control, air quality, lighting or rider orientation;
- (6) with regard to the ground floor level of the proposed #building#, including any modifications to the mandatory plan elements:
- (i) the proposed pedestrian circulation spaces shall substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous connections to Grand Central Terminal;
  - (ii) the site plan of the proposed #development# seamlessly integrates the location of pedestrian circulation spaces with the location of above-grade and below-grade improvements required by conditions (b)(4) and (b)(5) of this Section; and
  - (iii) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces. Such design shall demonstrate particular consideration for the location of pedestrian circulation space, #building# entrances, and the types of #uses# fronting upon the #street# or adjoining public spaces;

- (7) with regard to the proposed #bulk# of the #building#, including any modifications to #street wall# or height and setback regulations:
- (i) the design of the #building# ensures light and air to the surrounding #streets# and public spaces through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;
  - (ii) the #building# demonstrates an integrated and well-designed combination of articulation, choice of materials and amounts of fenestration, which contribute to create a prominent and distinctive #building# which complements the character of the surrounding area;
  - (iii) any modifications to the #street wall# or height and setback regulations will result in a distribution of #bulk# on the #zoning lot# which is harmonious with the basic #bulk# strategy of the #Special Midtown District#;
- (8) the proposed #development# comprehensively integrates ‘green’ building systems into the #building# and site design, and exhibits innovations in ‘green’ building technology which will place the #development# at the forefront of sustainable building design; and
- (9) all of the separate elements within the proposed #development#, including but not limited to, the proposed #building#, the proposed open or enclosed publicly accessible space, and any required below-grade improvements to the pedestrian circulation network, are well integrated and will result in a superior #development# that will present a significant contribution to the East Midtown area and its collection of world-renowned #buildings#.
- (d) Prior to the grant of a special permit which includes an improvement provided pursuant to condition (b)(2) of this Section, or required under conditions (b)(4) or (b)(5) of this Section, where applicable, and to the extent required by the Metropolitan Transportation Authority (MTA) and any other City or State agencies with jurisdiction over and control of the proposed improvement, the applicant shall execute agreements and legally enforceable instruments, setting forth the obligations of the owner and developer, their



successors and assigns, to establish a design process and preliminary construction schedule for the proposed improvement, to construct the proposed improvement, and to establish a program for maintenance and a schedule of hours of public operation for the proposed improvement. Where the MTA, or any other City or State agencies with jurisdiction over and control of the proposed improvement, deems necessary, the applicant shall provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA and any other such agencies.

A written declaration of restrictions, in a form acceptable to the City Planning Commission, setting forth the obligations of owner or developer to construct, maintain and provide public access to a public improvement provided pursuant to conditions (b)(2) of this Section, or required pursuant to conditions (b)(4) or (b)(5) of this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted to the Department of City Planning, in a form acceptable to the Department. Execution and recordation of such declaration of restrictions and the payment of all non-refundable contributions to the #East Midtown District Improvement Fund# required pursuant to (b)(1)(i) of this Section and Section 81-621 shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# on a #qualifying site#.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission, acting in consultation with the MTA, or any other City or State agencies with jurisdiction over and control of the proposed improvement, where applicable, and such improvements are usable by the public. Such portion of the #building# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph (d). No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing such bonus #floor area# until all improvements have been completed in accordance with the approved plans and such final completion has been approved by the Chairperson, and, where applicable, until such final completion has been certified by letter from the MTA, and any other City or State agencies with jurisdiction over and control of the proposed improvement.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may stipulate appropriate hours of access to

above-grade and below-grade improvements provided in accordance with the provisions of this Section.

## **81-634**

### **Special permit for use modifications**

In the East Midtown Subdistrict, the City Planning Commission may allow, by special permit, modifications to the #use# criteria established in paragraph (e) of the definition of #qualifying site# in Section 81-612 (Definitions), to allow any #use# permitted by the underlying zoning district regulations on #qualifying sites# or #buildings developed# on non-#qualifying sites# pursuant to the provisions of Section 81-614 (Special provisions for retaining non-complying floor area), provided that the conditions of paragraph (a) and the findings of paragraph (b) of this Section are met. In conjunction with such modification to permitted #uses#, the Commission may permit modifications to the location of #use# provisions set forth in Section 81-615 (Location of uses in mixed buildings), as necessary.

- (a) Any application for such special permit shall contain information sufficient to allow the Commission to determine that the following conditions are met:
  - (1) no more than 25 percent of the #building's floor area# shall be allocated to #residential use#; and
  - (2) the #East Midtown District Improvement Fund Contribution Rate# for all proposed #floor area# for such #development# in excess of the basic maximum #floor area# established in Row A of the table in Section 81-62 (Special Floor Area Provisions for Qualifying Sites) utilizing the provisions of Section 81-621 (District improvement bonus for qualifying sites) has been adjusted, as necessary, to account for any increase in #residential floor area#, in the manner described in such definition in Section 81-612.
  
- (b) In order to grant such special permit, the Commission shall find that:
  - (1) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate movement between the #building# and adjoining public spaces;

- (2) above the ground floor level, adequate access to light and air is provided for #residential# and hotel #uses#, as applicable, through a well-composed distribution of #bulk# which utilizes setbacks, recesses and other forms of articulation;
- (3) the mix of #uses# in the proposed #building# will not undermine the achievement of the goals and purposes set forth for the East Midtown District and the #Special Midtown District#. In order to make such determination, the applicant shall demonstrate to the Commission that sufficient #development# sites exist within the East Midtown Subdistrict to reasonably accommodate the Subdistrict's projected office demand; and
- (4) where the location of #use# provisions are being modified, sufficient separation of #residential uses# from #non-residential uses# exists within the #building#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

## **81-64**

### **Special Floor Area Provisions for All Other Sites**

The provisions of this Section shall apply to all #zoning lots# that are not #qualifying sites# in the East Midtown Subdistrict. For such #zoning lots#, the #floor area# provisions of Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings), shall not apply. In lieu thereof, the provisions of this Section shall apply. The #residential floor area# provisions of Section 81-24 (Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses) shall apply.

The table in this Section shall apply to all #zoning lots# that are not #qualifying sites#. The basic maximum #floor area ratio# for such #zoning lots# is specified in Row A. Where such #zoning lot# is located outside the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Cores) in Appendix A of this Chapter, such #floor area ratio# may be increased up to the amount specified in Row B pursuant to Section 81-641 (Floor area bonus for public plazas). Where such #zoning lot# is eligible for a subway improvement, the basic maximum #floor area ratio# may be increased up to the amount specified in Row D, pursuant to Section 81-642 (Floor area bonus for subway station improvements). Where such #zoning lot# is a #receiving lot# in the Grand Central Subarea, the basic maximum #floor area ratio# may be

increased up to the amount specified in Row F.1 or F.2 pursuant to the applicable provisions of Sections 81-65 (Transfer of Development Rights from Landmark Buildings or Other Structures on All Other Sites) and 81-651 (Transfer of development rights by certification in the Grand Central Subarea) or 81-652 (Transfer of development rights by special permit in the Grand Central Subarea). Where such #zoning lot# is a #receiving lot# in the Northern Subarea, the basic maximum #floor area ratio# may be increased up to the amount specified in Row F.3 or F.4 pursuant to the applicable provisions of Sections 81-65 and 81-653 (Transfer of development rights by authorization in the North Subarea) or 81-654 (Transfer of development rights from landmarks by special permit in the Northern Subarea). The maximum #floor area# on a #receiving lot# shall not exceed the applicable amount set forth in Row G. Where such #zoning lot# is an #adjacent lot# in relation to a #landmark or other structure#, the basic maximum #floor area ratio# may be increased up to the amount specified in Row I pursuant to Section 74-79 (Transfer of Development Sites from Landmark Sites). The maximum #floor area# on an #adjacent lot# shall not exceed the applicable amount set forth in Row J.

Within the Grand Central or Northern Subarea, any transfer of development rights from a #landmark building or other structure# from a #granting lot# to a #receiving lot# may be made pursuant to either Section 74-79 or Section 81-65, but not both. For #receiving lots#, any subsequent transfer of development rights shall be made in accordance with the same provisions as the initial transfer. Any #development# using the provisions of Section 74-79 shall also be subject to the modifications set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites). Whenever there is an inconsistency between any provisions in Section 74-79 and the table in this Section, the table in this Section shall apply.

#Zoning lots# with #landmark buildings or other structures# may transfer development rights pursuant to Section 81-65 and the applicable subsequent Section, only to the Subarea of the East Midtown Subdistrict within which such #landmark building or other structure# is located.

<b><u>MAXIMUM FLOOR AREA ALLOWANCES FOR ALL OTHER SITES IN THE EAST MIDTOWN SUBDISTRICT</u></b>				
<b><u>Row</u></b>	<b><u>Means for achieving</u></b>	<b><u>Grand Central Subarea</u></b>	<b><u>Northern Subarea</u></b>	<b><u>Any other Areas</u></b>

	<u>permitted FAR on a #zoning lot# for all other sites</u>	<u>Grand Central Subarea Core</u>	<u>Outside of Grand Central Subarea Core</u>		<u>Northern Subarea Core</u>	<u>Outside of Northern Subarea Core</u>			
		<u>C5-3</u>	<u>C5-2.5</u> <u>C6-4.5</u>	<u>C5-3</u> <u>C6-6</u>	<u>C5-3</u>	<u>C5-2.5</u> <u>C6-4.5</u>	<u>C5-3</u> <u>C6-6</u>	<u>C5-2.5</u> <u>C6-4.5</u>	<u>C5-3</u> <u>C6-6</u>
<u>A</u>	<u>Basic Maximum FAR</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>12</u>	<u>15</u>
<u>B</u>	<u>Additional FAR for provision of a #public plaza# (Section 81-641)</u>	=	=	=	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>C</u>	<u>Total as-of-right FAR</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>16</u>	<u>13</u>	<u>16</u>	<u>13</u>	<u>16</u>
<u>D</u>	<u>Additional FAR for subway station improvements through special permit (Section 81-642)</u>	<u>3</u>	<u>2.4</u>	<u>3</u>	<u>3</u>	<u>2.4</u>	<u>3</u>	<u>2.4</u>	<u>3</u>
<u>E</u>	<u>Maximum FAR of a #landmark or other structure# for transfer purposes (Sections 81-65)</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>15</u>	<u>12</u>	<u>15</u>	=	=

<u>F</u>	<u>Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on:</u>									
	<u>1</u>	<u>a #receiving lot# in Grand Central Subarea through certification by Chairperson of the CPC (Section 81-651)</u>	<u>1</u>	<u>1</u>	<u>1</u>	=	=	=	=	=
	<u>2</u>	<u>a #receiving lot# in Grand Central Subarea through special permit (Section 81-652)</u>	<u>6.6</u>	<u>9.6</u>	<u>6.6</u>	=	=	=	=	=
	<u>3</u>	<u>a #receiving lot# in the Northern Subarea through authorization (Section 81-653)</u>	=	=	=	<u>3</u>	<u>2.4</u>	<u>3</u>	=	=

	<u>4</u>	a #receiving lot# in the Northern Subarea through special permit (Section 81-654)	=	=	=	<u>6.6</u>	=	=	=	=
<u>G</u>		Maximum FAR permitted on a #receiving lot# (Sections 81-65)	<u>21.6</u>	<u>21.6</u>	<u>21.6</u>	<u>21.6</u>	<u>14.4</u>	<u>18</u>	=	=
<u>H</u>		Maximum FAR of a #landmark or other structure# for transfer purposes (Section 74-79)	<u>15</u>	<u>12</u>	<u>15</u>	<u>16</u>	<u>13</u>	<u>16</u>	<u>13</u>	<u>16</u>
<u>I</u>		Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Sections 74-79)	No limit	<u>2.4</u>	No limit	No limit	<u>2.4</u>	No limit	<u>2.4</u>	No limit
<u>J</u>		Maximum FAR permitted on an #adjacent lot#	No limit	<u>14.4</u>	No limit	No limit	<u>14.4</u>	No limit	<u>14.4</u>	No limit

**81-641**

**Floor area bonus for public plazas**

For all #zoning lots# that are not #qualifying sites# within the East Midtown Subdistrict, except within the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Cores) in Appendix A of this Chapter, the basic maximum #floor area ratio# permitted on such #zoning lots# shall be increased, up to the amount specified in Row B of the table in Section 81-64 (Special Floor Area Provisions for All Other Sites), where a #public plaza# is provided in accordance with the provisions of Section 81-23 (Floor Area Bonus for Public Plazas).

### **81-642**

#### **Floor area bonus for subway station improvements**

For all #zoning lots# that are not #qualifying sites# within the East Midtown Subdistrict, the City Planning Commission may permit an increase in the amount of #floor area# permitted on such #zoning lots#, up to the amount specified in Row D of the table in Section 81-64 (Special Floor Area Provisions for All Other Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

### **81-65**

#### **Transfer of Development Rights from Landmark Buildings or Other Structures on All Other Sites**

In accordance with the provisions of Sections 81-651 through 81-654, the Chairperson of the City Planning Commission may certify, or the City Planning Commission may permit, or authorize, as applicable, the transfer of development rights from a #landmark building or other structure# to a #zoning lot#, as set forth in paragraph (a) of this Section, provided that the application requirements of paragraph (b), the conditions of paragraph (c) and the additional requirements of paragraph (d) of this Section are met.

(a) The following transfer of development rights shall be allowed on #zoning lots# other than #qualifying sites# within the East Midtown Subdistrict:

(1) In the Grand Central Subarea:

(i) The Chairperson of the City Planning Commission shall, by certification, allow a transfer of development rights from a #granting lot# to a



#receiving lot# in an amount not to exceed the applicable #floor area ratio# set forth in Row G.2 of the table in Section 81-64 (Special Floor Area Provisions for All Other Sites). In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-651 (Transfer of development rights from landmarks by certification in the Grand Central Subarea);

- (ii) The City Planning Commission may, by special permit, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed the applicable #floor area ratio# set forth in Row G.3 of the table in Section 81-64. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-652 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea).

(2) In the Northern Subarea:

- (i) The City Planning Commission may, by authorization, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed the applicable #floor area ratio# set forth in Row G.4 of the table in Section 81-64. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-653 (Transfer of development rights from landmarks by authorization in the Northern Subarea); and

- (iii) The City Planning Commission may, by special permit, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed the applicable #floor area ratio# set forth in Row G.5 of the table in Section 81-64. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-654 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

(b) An application filed with the City Planning Commission, or the Chairperson thereof, as applicable, shall be made jointly by the owners of the #granting lot# and #receiving lot# and shall include:

- (1) a site plan and zoning calculations for the #granting lot# and #receiving lot#;

- (2) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#;
  - (3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#, and for those #receiving lots# meeting the criteria of paragraph (a) of the definition of #adjacent lot# with regard to such #zoning lot's# adjacency Grand Central Terminal, a report concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal; and
  - (4) any such other information as may be required by the Commission or Chairperson, as applicable.
- (c) Any transfer of development rights from a #granting lot# to a receiving lot# pursuant to this Section shall be subject to the following conditions:
- (1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable maximum #floor area# on such landmark #zoning lot# set forth in Row E of the table in Section 81-64, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#;
  - (2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights under this Section shall not exceed the applicable amount set forth in Row G.2 through G.5 of the table in Section 81-64;
  - (3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.
- (d) The owners of the #granting lot# and the #receiving lot# shall submit to the Commission or the Chairperson, as applicable, a copy of a transfer instrument legally sufficient in both form and content to effect such a transfer. Notices of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted, in a form acceptable to the Commission or the Chairperson, as applicable.

Both the instrument of transfer and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

## **81-651**

### **Transfer of development rights from landmarks by certification in the Grand Central Subarea**

Within the Grand Central Subarea, the Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(1)(i) of Section 81-65 (Transfer of Development Rights from Landmark Buildings or other Structures on All Other Sites), provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-65, such #zoning lot# shall comply with the applicable environmental standards for #qualifying sites# set forth in paragraph (c) of Section 81-624 (Special environmental requirements for all qualifying sites). For the purpose of applying provisions in Section 81-624, the term #developments# on #qualifying sites# as used in such Section shall include #developments# or #enlargements# on a #zoning lot# pursuant to the provisions of this Section. In the case of an (E) designation for air quality or noise for a site for which certification has been made pursuant to this Section for the #enlargement#, #extension# or change of #use# in an existing #building#, the term “building permit” for purposes of paragraph (a) of Section 11-15 shall mean such permit as may be required for the #enlargement#, #extension# or change of #use#, as applicable.

In conjunction with such transfer of development rights, the Chairperson shall allow modifications to the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows:

For any #receiving lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations which allow a greater #floor area ratio# may be located on a portion of such #receiving lot# within a district that allows a lesser #floor area ratio#, provided that the amount of such #floor area#, #dwelling units# or #rooming units# to be located on the side of the district boundary permitting the lesser #floor area ratio# shall not exceed 20 percent of the basic maximum #floor area ratio# or the permitted number of #dwelling units# or #rooming

units# of the district in which such #bulk# is to be located.

## **81-652**

### **Transfer of development rights from landmarks by special permit in the Grand Central Subarea**

Within the portion of the Grand Central Subarea bounded by East 41st Street, East 48th Street, Lexington and Madison Avenues, the City Planning Commission may allow, by special permit, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(1)(ii) of Section 81-65 (Transfer of Development Rights from Landmark Buildings or Other Structures on All Other Sites), and, in conjunction with such transfer, the Commission may permit modifications to #bulk# and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-65, the conditions of paragraph (b), the findings of paragraph (c), and the additional requirements of paragraph (d) of this Section are met.

- (a) In conjunction with such transfer of development rights, the Commission may permit:
- (1) for #receiving lots# divided by district boundaries, modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto. The #floor area#, #dwelling units# or #rooming units# permitted on the portion of the #receiving lot# that, pursuant to district regulations, allows a greater #floor area ratio# may be located on the portion of the #receiving lot# that allows a lesser #floor area ratio#;
  - (2) the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify the provisions of Sections 81-66 (Special Street Wall requirements), 81-67 (Special Height and Setback requirements), 81-68 (Special Mandatory District Plan Element Requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height

and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions; and

(3) notwithstanding the provisions of paragraph (a)(2) of this Section, for #developments# or #enlargements# on #zoning lots# with a #lot area# of more than 40,000 square feet that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations.

(b) As a condition for approval, the applicant shall demonstrate to the Commission that the design of the #development# or #enlargement# includes a major improvement of the surface and/or subsurface pedestrian circulation network in that portion of the Subdistrict. The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage. The Commission may require, where appropriate, the provision of similar public amenities for #developments# or #enlargements# in the Northern Subarea.

(c) In order to grant such special permit, the Commission shall find that:

(1) the improvement to the surface and subsurface pedestrian circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal;

(2) the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the portion of the Subdistrict and minimize congestion on surrounding #streets#, and that a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within such portion of the Subdistrict;

(3) the modification of #bulk# regulations, regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the

#receiving lot#, density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;

- (4) for #enlargements# to existing #buildings#, the modifications of height and setback requirements of Sections 81-66 (Special Street Wall requirements), 81-67 (Special Height and Setback requirements) and the district plan requirements of 81-68 (Special Mandatory District Plan Element Requirements) are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and
- (5) for #developments# or #enlargements# on #zoning lots# with a #lot area# of more than 40,000 square feet that occupy an entire #block#, modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed.

(d) Any application filed with the Commission pursuant to this Section shall include a plan of the required pedestrian network improvement, as well as information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement to the surface and/or sub-surface of the pedestrian circulation network. The applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other City or State agencies with jurisdiction over and control of the area of the proposed improvement. Prior to Uniform Land Use Review Procedure (ULURP) certification of the special permit application, as required by Section 197-c of the New York City Charter, the MTA and any other agencies with jurisdiction over and control of the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

Prior to the grant of a special permit the applicant shall obtain approvals of plans from the MTA and any other agencies with jurisdiction over and control of the proposed improvement, as applicable, and, if appropriate, the applicant shall execute agreements and legally enforceable instruments, setting forth the obligations of the owner and

developer, their successors and assigns, to establish a design process and preliminary construction schedule for the proposed improvement, to construct the proposed improvement, and to establish a program for maintenance and a schedule of hours of public operation for the proposed improvement. Where the MTA, or any other City or State agencies with jurisdiction over and control of the proposed improvement, deems necessary, the applicant shall provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA and any other such agencies.

The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City Planning Commission.

No temporary certification shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission, acting in consultation with the MTA, as appropriate, and the areas are usable by the public. Such portion of the #building# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph (d). No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing such bonus #floor area# until all improvements have been completed in accordance with the approved plans and such final completion has been approved by the Chairperson and has been certified by letter from the MTA and any other agencies with jurisdiction over and control of the area of the proposed improvement.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area

### **81-653**

#### **Transfer of development rights from landmarks by authorization in the Northern Subarea**

Within the Northern Subarea, the City Planning Commission may allow, by authorization, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(2)(i) of Section 81-65 (Transfer of Development Rights from Landmark Buildings or Other Structures on All Other Sites), and, in

conjunction with such transfer, the Commission may authorize associated modifications to provisions regarding #zoning lots# divided by district boundaries, as forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-65, the conditions of paragraph (b) and the findings of paragraph (c) of this Section are met.

- (a) In conjunction with such transfer of development rights, for #receiving lots# divided by district boundaries, the Commission may authorize modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto. The #floor area#, #dwelling units# or #rooming units# permitted on the portion of the #receiving lot# that, pursuant to district regulations, allows a greater #floor area ratio# may be located on the portion of the #receiving lot# that allows a lesser #floor area ratio##.
- (b) As a condition for approval, the applicant shall demonstrate to the Commission that on (date of adoption), and at the time of application, the #receiving lot# did not meet the applicable #minimum clear site# criteria established for #qualifying sites# in the paragraph (a) of the definition in Section 81-612.
- (c) In order to grant such authorization, the Commission shall find that the authorized transfer of #floor area will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or on nearby #blocks#; and that the program for continuing maintenance will result in the preservation of the #landmark building or other structure#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

## **81-654**

### **Transfer of development rights from landmarks by special permit in the Northern Subarea**

Within the Northern Subarea, the City Planning Commission may allow, by special permit, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(2)(ii) of Section 81-65 (Transfer of



Development Rights from Landmark Buildings or Other Structures on All Other Sites), and, in conjunction with such transfer, the Commission may permit associated modifications to provisions regarding #zoning lots# divided by district boundaries, as forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-65, the conditions of paragraph (b) and the findings of paragraph (c) of this Section are met.

- (a) In conjunction with such transfer of development rights, for #receiving lots# divided by district boundaries, the Commission may permit modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto. The #floor area#, #dwelling units# or #rooming units# permitted on the portion of the #receiving lot# that, pursuant to district regulations, allows a greater #floor area ratio# may be located on the portion of the #receiving lot# that allows a lesser #floor area ratio#.
- (b) As a condition for approval, the applicant shall demonstrate to the Commission that on (date of adoption), and at the time of application, the #receiving lot# did not meet the applicable #minimum clear site# criteria established for #qualifying sites# in paragraph (a) of the definition in Section 81-612 (Definitions).
- (c) In order to grant such special permit, the Commission shall find:
  - (1) that the permitted transfer of #floor area will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#;
  - (2) that the program for continuing maintenance will result in the preservation of the #landmark building or other structure#; and
  - (3) the scale and placement of the #building# on the #zoning lot# is harmonious with the surrounding neighborhood character.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

## **81-66**

### **Special Street Wall Requirements**

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable #street wall# regulations of Section 81-43 (Street Wall Continuity Along Designated Streets) shall be modified in accordance with the provisions of this Section, inclusive.

## **81-661**

### **Special street wall requirements along designated streets**

#Buildings# that front upon designated #streets#, as shown on Map 2 (Retail and Street Wall Continuity) in Appendix A of this Chapter that are within the Grand Central Subarea and the Northern Subarea Core, as shown on Map 4 (East Midtown Subarea and Subarea Core), shall comply with the #street wall# requirements of this Section.

For #buildings# with frontage along designated #streets#, a #street wall# shall be provided for the entire length of a #zoning lot's# designated #street# frontage, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines fifteen feet from and parallel to such #street lines#. Where intersecting #streets# provide a sidewalk widening pursuant to Section 81-681, the #street wall# width shall be reduced to the extent of such widening. Furthermore, #street wall# lengths may be modified, to the minimum extent necessary, to accommodate required transit access that is open to the sky, pursuant to the provisions of Section 81-682 (Mass transit access). All #street walls# along designated #streets# shall be located in accordance with paragraphs (a) through (d) of this Section, as applicable, and shall extend to the minimum heights specified in such applicable paragraph.

Any #street wall# below the applicable minimum #street wall# height that is set back more than one foot from a #street line# or sidewalk widening line shall be considered a recess. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 81-685. Above the ground floor, the aggregate width of all recesses in the #street wall# shall not exceed 30 percent of the entire width of such #street wall# at any such level, and no recess shall be permitted within 30 feet of the intersection of two #street lines#. The maximum depth of any recess shall be ten feet if such recess is not open to the sky, and 15 feet if such recess is open to the sky. All recesses shall be at least twice as wide as they are deep.

The #street wall# provisions of this Section, inclusive, shall also apply to the portion of any #narrow street# frontage within 50 feet of the designated #street line#, and may apply on such #narrow street# frontage to a depth of 125 feet from such designated #street line#.

All heights shall be measured from #curb level#.

In addition, the following regulations shall apply:

(a) 42<sup>nd</sup> Street

The provisions of this paragraph shall apply to #buildings# fronting upon 42<sup>nd</sup> Street.

The #street wall# of all #buildings# fronting upon 42<sup>nd</sup> Street shall be located on the 42<sup>nd</sup> Street #street line#. For portions of #buildings# along 42<sup>nd</sup> Street and along #street# frontages within 125 feet of the #street line# of 42<sup>nd</sup> Street, the minimum height of such #street walls# without setback shall be 120 feet or the height of the #building#, whichever is less, and the maximum height of such #street walls# shall be 150 feet. However, such #street wall heights# shall be modified as set forth in paragraph (c) of this Section, where maximum #street wall# heights for #buildings# fronting on Vanderbilt Avenue or Depew Place are required to be maintained along 42<sup>nd</sup> Street.

(b) Madison and Lexington Avenues

The provisions of this paragraph shall apply to #buildings# fronting upon Madison or Lexington Avenues.

(1) Street wall location

Where the #building# has frontage along the entire Madison Avenue or Lexington Avenue #block# front, the #street wall# shall be located at the sidewalk widening required pursuant to Section 81-681 (Sidewalk widening). For all other #buildings# the #street wall# location shall match the location of an existing adjacent #building#, except that the #street wall# need not be located beyond ten feet of the Madison or Lexington Avenue #street line#.

(2) Street wall height requirements

- (i) For portions of #buildings# along Madison or Lexington Avenues or along #narrow streets# within 125 feet of the Madison or Lexington Avenue #street line#, the minimum height of such #street walls# without setback shall be 120 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet.
- (ii) For portions of #buildings# along #narrow streets# beyond 125 feet of the Madison or Lexington Avenue #street line#, the maximum height of the #street wall# shall be as follows:
  - (aa) where the height of the #street wall# of the adjacent #building# is less than 90 feet, the maximum height of such portion of the #street wall# shall be 90 feet;
  - (bb) where the height of the #street wall# of the adjacent #building# is between 90 and 120 feet, the maximum height of such portion of the #street wall# shall be 120 feet; and
  - (cc) where the height of the #street wall# of the adjacent #building# exceeds a height of 120 feet, the height of such portion of the #street wall# may match the height of such adjacent #building#, provided that the height of such #street wall# does not exceed a height of 150 feet.

(c) Vanderbilt Avenue and Depew Place

The provisions of this paragraph shall apply to #buildings# fronting upon Vanderbilt Avenue and Depew Place. For the purpose of this Section, Depew Place, between 42<sup>nd</sup> Street and 46<sup>th</sup> Street, as shown on Map 2 (Retail and Street Wall Continuity) in Appendix A of this Chapter, shall be considered a #street#. For the purpose of applying #street wall# height requirements, where two #street# levels exist, #curb level# shall be measured from the lower #street# level.

(1) Street wall location

For #buildings# fronting along Vanderbilt Avenue or Depew Place, the #street wall# shall be located on the Vanderbilt Avenue or Depew Place #street line#.

(2) Street wall height requirements along Vanderbilt Avenue

For #buildings# fronting upon Vanderbilt Avenue, the minimum height of a #street wall# without setback shall be 90 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 100 feet. Where such frontages intersect 42<sup>nd</sup> Street, the #street wall# height along Vanderbilt shall be maintained along 42<sup>nd</sup> Street for a minimum length of 15 feet. Above the maximum height permitted at the #street line#, every portion of a #building# shall be set back at least 15 feet from the #street line# of Vanderbilt Avenue.

(3) Street wall height requirements along Depew Place

For #buildings# fronting upon Depew Place, the minimum height of a #street wall# without setback shall be 90 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 100 feet. Where such frontages intersect 42<sup>nd</sup> Street, the #street wall# height along Depew Place shall be maintained along 42<sup>nd</sup> Street for a minimum length of 60 feet. Above the maximum height permitted at the #street line#, every portion of a #building# shall be set back at least 60 feet from the #street line# of Depew Place.

(d) Park Avenue

The provisions of this paragraph shall apply to #buildings# fronting upon Park Avenue

(1) Street wall location requirements

Where a #building# has frontage along the entire Park Avenue #block# front, the #street wall# shall be located within ten feet of the Park Avenue #street line#. For all other #buildings# the #street wall# location shall match the location of an existing adjacent #building#, except that the #street wall# need not be located beyond ten feet of the Park Avenue #street line#.

(2) Street wall height requirements

The minimum height of a #street wall# without setback shall be 120 feet or the height of the #building#, whichever is less, and the maximum height shall be 150 feet.

## **81-662**

### **Special street wall requirements along narrow streets**

#Buildings# that front upon #narrow streets# within the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, beyond any required #street wall# wrap-around distance from a designated #street# pursuant to the applicable regulations of Section 81-661 (Special street wall requirements along designated streets), shall comply with the requirements of this Section.

#### **(a) Street wall width and location**

A #street wall# shall be provided for at least 80 percent of the length of a #zoning lot's narrow street# frontage, exclusive of any required wrap-around distance from a designated street. Such #street wall# shall be located within ten feet of the #street line#. However, such requirements may be reduced, to the minimum extent necessary, to accommodate required transit access that is open to the sky, pursuant to the provisions of Section 81-682 (Mass transit access), and pedestrian circulation space provided pursuant to Section 81-685 (Pedestrian circulation space requirements).

#### **(b) Recesses**

Recesses are permitted in accordance with the provisions for designated #streets#, as set forth in Section 81-661 (Special street wall requirements along designated streets).

#### **(c) Street wall height requirements**

The minimum height of #street walls# without setback shall be 60 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall be 90 feet above #curb level#. However, where an adjacent #building# existing prior to (date of adoption) has a #street wall# height that exceeds 90 feet, as measured from #curb level#, the #street wall# of the #development# or #enlargement# may match such existing #building's street wall# height, provided that no portion of such #developed# or #enlarged street wall# exceeds a height of 150 feet, as measured above #curb level#.

## **81-67**

### **Special Height and Setback Requirements**

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, and 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, shall be modified in accordance with the provisions of this Section, inclusive.

#Buildings# in the East Midtown Subdistrict using the daylight compensation method of height and setback regulations shall utilize the provisions of Section 81-671 (For buildings using daylight compensation method in the Grand Central Subarea) or 81-672 (For buildings using daylight compensation method along Park Avenue), as applicable. #Buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central Subarea may utilize the provisions of either Section, but not both.

#Buildings# in the East Midtown Subdistrict using the daylight evaluation method of height and setback regulations shall utilize the provisions of Section 81-673 (For buildings using daylight evaluation method in the Grand Central Subarea) or 81-674 (For buildings using daylight evaluation method along Park Avenue), as applicable. #Buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central Subarea may utilize the provisions of either Section, but not both.

### **81-671**

#### **For buildings using daylight compensation method in the Grand Central Subarea**

For #buildings# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-26 (Height and Setback Regulations-Daylight Compensation) shall apply to all #buildings# on a #zoning lot#, except that:

- (a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):
  - (1) no #compensating recess# shall be required where #encroachments#, or portions thereof, are provided on the portion of the #building# below a height of 150 feet, as measured from #curb level#;

- (2) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not comply with the provisions of paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of #encroachment# provided at such level. The remaining provisions of paragraph (c) of Section 81-264 shall continue to apply to such #compensating recess#; and
- (3) where such #building# is located on a #zoning lot# that occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. The Vanderbilt Avenue portion of such modified #zoning lot# may be considered a #compensating recess# for encroachments along such #building's narrow street frontage zone#, provided that:
- (i) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (c)(2) of Section 81-661 (Special street wall requirements along designated streets); and
- (ii) the #street frontage zone# calculation along Madison Avenue shall not include Vanderbilt Avenue; and
- (b) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-265 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in paragraph (c) shall be modified to 20 percent of the length of the #front lot line#.

## **81-672**

### **For buildings using daylight compensation method along Park Avenue**

For #buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central or



Northern Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-26 (Height and Setback Regulations-Daylight Compensation) shall apply to all #buildings# on a #zoning lot#, except that the set back requirements of Table A, B, or C in paragraph (b) of Section 81-263 (Standard setback requirements) shall not apply to the Park Avenue frontage of such #building#. In lieu thereof, the Park Avenue wall of such #building# shall be set back behind the applicable #setback line# to the depth of the #setback line# required at that particular height, in accordance with the applicable requirements of Table D of this Section.

Table D

**SETBACK REQUIREMENTS ON STREETS AT LEAST 140 WIDE**

Depth of #Setback Line# from #Street Line# at Stated Heights above #Curb Level#.

<u>Height</u>	<u>Depth of #Setback Line#</u>	<u>Height</u>	<u>Depth of #Setback Line#</u>
<u>210</u>	<u>0.00</u>	<u>470</u>	<u>29.75</u>
<u>220</u>	<u>1.00</u>	<u>480</u>	<u>30.50</u>
<u>230</u>	<u>2.50</u>	<u>490</u>	<u>31.50</u>
<u>240</u>	<u>4.25</u>	<u>500</u>	<u>32.00</u>
<u>250</u>	<u>5.50</u>	<u>510</u>	<u>33.00</u>
<u>260</u>	<u>7.00</u>	<u>520</u>	<u>33.50</u>
<u>270</u>	<u>8.75</u>	<u>530</u>	<u>34.50</u>
<u>280</u>	<u>10.00</u>	<u>540</u>	<u>35.00</u>
<u>290</u>	<u>11.25</u>	<u>550</u>	<u>35.50</u>
<u>300</u>	<u>12.75</u>	<u>560</u>	<u>36.00</u>
<u>310</u>	<u>14.25</u>	<u>570</u>	<u>37.00</u>
<u>320</u>	<u>15.25</u>	<u>580</u>	<u>37.50</u>
<u>330</u>	<u>16.25</u>	<u>590</u>	<u>38.00</u>
<u>340</u>	<u>17.50</u>	<u>600</u>	<u>38.50</u>
<u>350</u>	<u>18.75</u>	<u>610</u>	<u>39.00</u>
<u>360</u>	<u>19.75</u>	<u>620</u>	<u>39.75</u>
<u>370</u>	<u>21.00</u>	<u>630</u>	<u>40.25</u>
<u>380</u>	<u>21.75</u>	<u>640</u>	<u>41.00</u>
<u>390</u>	<u>23.00</u>	<u>650</u>	<u>41.50</u>
<u>400</u>	<u>23.75</u>	<u>660</u>	<u>41.75</u>
<u>410</u>	<u>25.00</u>	<u>670</u>	<u>42.25</u>
<u>420</u>	<u>25.75</u>	<u>680</u>	<u>43.00</u>
<u>430</u>	<u>26.75</u>	<u>690</u>	<u>43.50</u>

<u>440</u>	<u>27.50</u>	<u>700</u>	<u>43.75</u>
<u>450</u>	<u>28.50</u>	<u>710</u>	<u>44.25</u>
<u>460</u>	<u>29.25</u>	<u>Above 710</u>	<u>*</u>

\*For every 10 feet of height above 710 feet, the depth shall increase by one foot.

### **81-673**

#### **For buildings using daylight evaluation method in the Grand Central Subarea**

For #buildings# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) shall apply to all #buildings# on a #zoning lot#, except that:

- (a) For the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):
  - (1) the computation of daylight evaluation shall not include any daylight blockage or profile daylight blockage for that portion of the #building# above the curved line representing 70 degrees in the applicable Daylight Evaluation Charts, and below a height of 150 feet above #curb level#. However, such computation shall include the daylight blockage or profile daylight blockage created by extending the lines representing the outermost edges of the portion of the #building# above a height of 150 feet downwards to such 70 degree line; and
  - (2) The computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to paragraph (c) of such Section, may apply along designated #streets# where #street wall# continuity is required; and
- (b) For the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart), where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly

boundary. Such modified #zoning lot# may be utilized to create a modified pedestrian view along Vanderbilt Avenue and intersecting #narrow streets# provided that:

- (1) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (c)(2) of Section 81-661 (Special street wall requirements along designated streets);
- (2) #vantage points# along Vanderbilt Avenue are taken 30 feet east of the easterly #street line# instead of the #center line of the street#; and
- (3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#.

#### **81-674**

##### **For buildings using daylight evaluation method along Park Avenue**

For #buildings# on a #qualifying site# with frontage along Park Avenue in the Grand Central or Northern Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) shall apply to all #buildings# on a #zoning lot#, except that:

- (a) for the purposes of establishing #vantage points# along Park Avenue to construct a #daylight evaluation chart# pursuant to the provisions of Section 81-272 (Features of the Daylight Evaluation Chart), the definition of #centerline of the street#, as set forth in Section 81-271 (Definitions), shall be modified along Park Avenue to be a line 70 feet from, and parallel to, the Park Avenue #street line# of the #zoning lot#;
- (b) for the purpose of plotting #buildings# on the #daylight evaluation chart# pursuant to Section 81-273 (Rules for plotting buildings on the daylight evaluation chart), Chart 4 (Daylight Evaluation Diagram – Park Avenue) in Appendix A of this Chapter, shall be utilized in lieu of the chart for #streets# 100 feet or more in width;
- (c) for the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):

- (1) the computation of daylight evaluation shall not include any daylight blockage or profile daylight blockage for that portion of the #building# above the curved line representing 70 degrees in the applicable Daylight Evaluation Charts, and below a height of 150 feet above #curb level#. However, such computation shall include the daylight blockage or profile daylight blockage created by extending the lines representing the outermost edges of the portion of the #building# above a height of 150 feet downwards to such 70 degree line; and
  - (2) the computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to paragraph (c) of such Section, may apply along designated #streets# where #street wall# continuity is required; and
- (d) the overall score calculated pursuant to paragraphs (h) of Section 81-274 shall include a reflectivity calculation, pursuant to Section 81-276 (Modification of score for reflectivity), irrespective of whether reflectivity is utilized to achieve the passing score.

## **81-68**

### **Special Mandatory District Plan Element Requirements**

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall be modified in accordance with the provisions of this Section, inclusive.

## **81-681**

### **Sidewalk widenings**

All sidewalk widenings provided pursuant to the provisions of this Section shall be improved as sidewalks to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. The design provisions set forth in paragraph (f) of Section 37-53 (Design Standards for Pedestrian Circulations Spaces) shall apply, except as modified in this Section. All sidewalk widenings provided in accordance with the provisions of this Section shall constitute pedestrian circulation space, as required pursuant to Section 81-45 (Pedestrian Circulation Space).

- (a) Mandatory sidewalk widenings

(1) Along Madison and Lexington Avenues

Along Madison and Lexington Avenues, in the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, all #developments# and #enlargements# shall provide mandatory sidewalk widenings as follows:

- (i) where such #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage, sidewalk widening shall be provided to the extent necessary so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#;
- (ii) where such #development# or #enlargement# is on a #zoning lot# which does not occupy the entire #block# frontage, a sidewalk widenings shall be provided where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#.

(2) Along #narrow streets# between 43<sup>rd</sup> and 47<sup>th</sup> Streets

Along #narrow streets# from 43<sup>rd</sup> to 47<sup>th</sup> Streets between Vanderbilt and Madison Avenues, in the Grand Central Subarea, as shown on Map 4, for #developments# and #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along either the #narrow street line#, sidewalk widenings shall be provided to the extent necessary so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#.

The Commissioner of the Department of Buildings may waive such sidewalk widening requirement where the Commissioner of the Department of Transportation certifies that a sidewalk widening on the portion of the sidewalk adjacent to a proposed #development# or #enlargement# is planned by the City of

New York in conjunction with an improvement of Vanderbilt Avenue, and #narrow streets# immediately adjacent thereto.

(b) Permitted sidewalk widenings

Sidewalk widenings may be provided, in accordance with the applicable size and design standards established in Section 37-50 (Pedestrian Circulation Space):

- (1) along #narrow streets# in the Grand Central Subarea, as shown on Map 4, for #developments# and #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along such #narrow street line#; and
- (2) where a #street wall#, or portions thereof, is permitted to be located beyond the #street line# pursuant to the applicable provisions of Section 81-66 (Special Street Wall Requirements), inclusive.

(c) Permitted obstructions

In the Grand Central Subarea, as shown on Map 4, awnings and canopies shall be permitted obstructions within a sidewalk widening provided that no structural posts or supports are located within any portion of the sidewalk or such widening.

**81-682**

**Mass transit access**

#Developments# and #enlargements# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, involving ground level construction shall provide on certain #zoning lots# a transit easement volume on such #zoning lot# for public access between the #street# and the below-grade subway station or rail mass transit facility. Such transit easement volume shall be provided on a #zoning lot# where subway or rail mass transit access is currently provided; on a #zoning lot# which is directly adjacent to a #zoning lot# or portion of the public right-of-way with a subway station or rail mass transit facility, including any mezzanines, platforms, concourses or connecting passageways; or on a #zoning lot# in the Grand Central Subarea Core, as shown on Map 4, when required pursuant to the provisions of this Section.

Prior to filing any applications with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority (MTA) and the Chairperson of the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

Within 60 days after receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the MTA and the Chairperson indicate that a transit easement volume is required, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days after its receipt and may, within such 45 day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the City Planning Commission to the Department of Buildings.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing a #development# or #enlargement#.

If a transit easement volume is required on the #zoning lot#, pursuant to the provisions of this Section, an off-street subway or rail mass transit access improvement may be constructed and maintained by either the owner of the #development# or #enlargement#, or the MTA, as follows:

- (a) where such mass transit access improvement is constructed and maintained by the owner of the #development# or #enlargement#:
  - (1) each square foot of mass transit access may constitute three square feet of pedestrian circulation space required pursuant to Section 81-45 (Pedestrian Circulation Space), not to exceed 3,000 square feet. Such mass transit access shall

be measured in accordance with the provisions of Section 81-48 (Off-street Improvement of Access Rail Mass Transit Facility), and shall comply with the following:

- (iii) such mass transit access shall be improved to the standards set forth in Section 81-48 and shall be approved by the MTA;
- (iv) where the #building's# lobby abuts such mass transit access, in addition to mass transit access to the #street#, such mass transit access shall provide a direct connection to the #building's# lobby which is open during normal business hours; and
- (v) such mass transit access shall provide directional #signs# in accordance with the provisions of Section 81-412 (Directions signs). Such #signs# shall be exempt from the maximum #surface area# of non-illuminated signs permitted by Section 32-642 (Non-illuminated signs); and

(2) No temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvements are substantially complete and usable by the public.

(b) where such mass transit access is constructed and maintained by the MTA:

(1) where construction of the transit easement volume by the MTA is not contemporaneous with the construction of the #development#:

- (i) any underground walls constructed along the #front lot line# of a #zoning lot# shall contain a knockout panel, not less than twelve feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA; and
- (ii) temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume; and



- (2) in the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as #building# columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.

The floor space occupied by any transit easement volume shall not count as #floor area#.

### **81-683**

#### **Building lobby entrance requirements**

In addition to the provisions of Section 81-47 (Major Building Entrances), #developments# and #enlargements# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, shall provide #building# lobby entrances in accordance with the provisions of this Section.

- (a) Required lobby entrances

#Buildings developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).

For #buildings developed# or #enlarged# on the ground floor after August 26, 1992, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby.

- (b) Maximum lobby widths

For #building# entrances located on a #wide street# frontage, the maximum lobby width shall be 40 feet or 25 percent of the #building's street wall# width, whichever is less. However, the maximum width of a lobby along Vanderbilt Avenue shall be 60 feet.

- (c) Through #block# provisions

Required #building# entrances on opposite #street# frontages may be connected directly to the #building# lobby by providing a through #block# connection in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.

## **81-684**

### **Retail continuity provisions**

In addition to the provisions of Section 81-42 (Retail Continuity along Designated Streets), #developments# and #enlargements# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, shall provide retail continuity in accordance with the provisions of this Section.

(a) Along designated #streets#

For #buildings# with frontage on designated #streets# other than Vanderbilt Avenue, where retail continuity is required, as shown in Map 2 (Retail and Street Wall Continuity) in Appendix A of this Chapter, ground floor level retail, personal service or amusement #uses# required by Section 81-42 shall extend to a minimum depth of 30 feet, as measured perpendicular to the #street wall#.

(b) Along #narrow streets# of #qualifying sites#

For #buildings# on #qualifying sites#, a minimum of 50 percent of a #building's# ground floor level #street wall# frontage along a #narrow street# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations, but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Such ground floor level retail, personal services or amusement #uses# shall extend to a minimum depth of 30 feet, as measured perpendicular to the #street wall#.

(c) Along Vanderbilt

For #developments# and #enlargements# of #buildings# with frontage upon Vanderbilt Avenue, within 60 feet of Vanderbilt Avenue, as measured perpendicular to a #building's# Vanderbilt Avenue #street wall#, the ground floor level or the portion of a

#building's street wall# frontage below a height of 60 feet, whichever is less, shall be allocated exclusively to:

- (1) retail #uses# listed in Use Groups 6A, 6C, and 10A, with access to each establishment provided directly from Vanderbilt Avenue;
- (2) transit access connections provided in accordance with the provisions of Section 81-682 (Mass transit access);
- (3) enclosed publicly-accessible spaces; or
- (4) #building# entrance lobbies, not to exceed the maximum #street wall# width set forth in paragraph (b) of Section 81-683 (Building lobby entrance requirements).

(d) Required transparency

- (1) Along designated #streets# and #qualifying sites#

For portions of ground floor #commercial# and #community facility uses# provided pursuant to paragraphs (a) and (b) of this Section, at least 50 percent of the #street wall# surface of each required establishment shall be glazed with clear untinted transparent material. For the purpose of this glazing requirement, the establishment's #street wall# surface shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is more.

- (2) Along Vanderbilt

Any portion of a #building# fronting along Vanderbilt Avenue shall provide transparency for at least 70 percent of the #street wall# surface measured from #curb level# to a height of 60 feet above #curb level#. Such transparency shall consist of clear untinted transparent material.

**81-685**

**Pedestrian circulation space requirements**

All #developments# and #enlargements# within the East Midtown Subdistrict shall be subject to the provisions of Sections 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACES), and 81-45 (Pedestrian Circulation Space), except that:

- (a) no arcade shall be allowed on Madison and Lexington Avenues in the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, except where an existing arcade is located, a new arcade may be provided which connects to such existing arcade, provided that such new arcade complies with the provisions of paragraph (a) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces);
- (b) no #floor area# bonus shall be granted for the provision of a #public plaza# within the Grand Central Subarea;
- (c) the minimum dimension of a #building# entrance recess area set forth in paragraph (b) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be measured from the #street wall# instead of the #street line# where a sidewalk widening is provided pursuant to Section 81-671 (Sidewalk widening); and
- (d) for all pedestrian circulation spaces in the Grand Central Subarea, lighting shall be provided as follows:
  - (1) within sidewalk widenings, a minimum level of illumination of two horizontal foot candles shall be maintained between sunset and sunrise; and
  - (2) for all other pedestrian circulation spaces, a minimum level of illumination of five horizontal foot candles shall be maintained between sunset and sunrise.

## **81-686**

### **Curb cut restrictions and loading berth requirements**

For #developments# or #enlargement# within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, in addition to the provisions of Sections 81-30 (OFF-STREET PARKING AND LOADING REGULATIONS), inclusive, and 81-44 (Curb Cut Restrictions), the following shall apply:

(a) Loading berth provisions

For #through lots#, the required loading berth shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

However, the Commissioner of Buildings may waive such head-in and head-out requirements, provided that:

(1) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:

(i) a #building# existing on (date of adoption) containing #residences#;

(ii) a #non-residential building# existing on (date of adoption) that is three or more #stories# in height; or

(iii) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or

(2) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

(b) Curb cut provisions

The maximum width of any curb cut (including splays) shall be 15 feet for one-way traffic and 25 feet for two-way traffic. Curb cuts shall not be permitted on 47th Street between Park and Madison Avenues or on 45th Street between Depew Place and Madison Avenue.

**81-69**

**Special District Improvement Fund Procedural Regulations**

**81-691**

**The Priority Improvements List and District Improvement Fund Committee**

(a) The Priority Improvements List

(1) The #East Midtown District Improvement Fund Committee# shall, in accordance with the provisions of this Section, adopt and modify a priority list (the “Priority Improvements List”) of physical above-grade and below-grade pedestrian circulation network improvements, including publicly accessible open space, within the East Midtown Subdistrict, or in a location immediately adjacent thereto, which may be funded through contributions to the #East Midtown District Improvement Fund#. All such improvements shall meet the definition of a capital project under Section 210 of the New York City Charter.

(2) All improvements on the Priority Improvements List shall achieve one or more of the following:

(i) Below-grade:

(aa) improve the Grand Central-42<sup>nd</sup> Street subway station by providing greater connectivity between street level and mezzanine level, as well as between mezzanine and platform levels;

(bb) provide greater connectivity between Grand Central Terminal and the Grand Central-42<sup>nd</sup> Street subway station;

(cc) provide greater connectivity between the 51st Street and Lexington/53rd Street subway stations, as well as between the Lexington/53rd Street platform and mezzanine levels;

(dd) provide greater connectivity between the street level and the Madison/53rd Street platform levels; and

(ee) improve the overall functioning of the transit system in the area, create a better user experience and improve the general network environment.

(ii) Above-grade:

- (aa) create diverse spaces that are accessible and inviting and that provide opportunities for casual activities;
  - (bb) provide street and sidewalk patterns that support smooth circulation with comfortable places for walking and stopping;
  - (cc) create new publicly accessible spaces and link existing publicly accessible spaces;
  - (dd) create opportunities to green the area with trees, planting and foliage; and
  - (ee) create a better overall user experience of the above-grade pedestrian network that supports the East Midtown Subdistrict as a high-density business district.
- (3) The priority order of improvements on the Priority Improvements List shall be determined through consideration of the following:
- (i) for below-grade improvements, priority shall be given to improvements to the Grand Central – 42nd Street subway station, the Lexington Avenue / 53rd Street and 51st Street subway station, and to the pedestrian network in the immediate vicinity of Grand Central Terminal;
  - (ii) the ability of such improvements to address or avoid the potential for significant adverse transit, traffic or pedestrian impacts identified in the City Environmental Quality Review (CEQR) No. 13DCP011M in connection with the adoption of provisions of this Chapter establishing the East Midtown Subdistrict. The Department of City Planning, in consultation with the Metropolitan Transportation Authority (MTA) and relevant City agencies, shall advise the “Committee” regarding the need for and possible adjustment of mitigation and other measures, and the timing of their implementation, in order to address or avoid the potential for significant adverse impacts, in relation to growth within the East Midtown Subdistrict, based on an on-going review of all mitigation and environmental measures identified in CEQR No. 13DCP011M. Monies from the “Fund” may be used to conduct evaluations to determine the need for and possible adjustment of mitigation and other measures identified in

CEQR No. 13DCP011M, and the timing of their implementation, as determined to be necessary by the Department of City Planning, acting in consultation with the agency having jurisdiction and control over such improvements; and

(iii) project readiness, availability of supplemental funding and any other changes in circumstances.

(4) Each improvement project on the Priority Improvement List shall have a City or State agency as a project sponsor and such list shall include, but not be limited to, the following information regarding each priority improvement:

(i) the purpose and need for such improvement, and the consistency of such improvement with the prioritization criteria set forth in paragraph (b) of this Section;

(ii) the projected timeline, milestones and preliminary cost estimates associated with the implementation of such improvement. Such preliminary cost estimates shall be accompanied by a description of any other funding available or potentially available for the improvement, and the sources of such funding;

(iii) a description of project readiness with regard to any previously conducted engineering or design and other critical path considerations; and

(iv) the anticipated benefits of such improvement to the immediate area.

(b) Adoption and Modification of the Priority Improvements List

(1) The Department shall submit to the “Committee” for its review and consideration a proposed Priority Improvements List, prepared in consultation with the MTA and relevant City agencies, which shall be prepared based on consideration of the list of improvements included in the appendix to Commission Report (130247(A) ZRM), taking into account the current status and feasibility of the improvements identified in such appendix, and which may also include alternative, modified or additional improvements which have been identified through consultation with relevant City and State agencies. The proposed Priority Improvement List shall be accompanied by a report including a description of each improvement and its



consistency with one or more of the goals set forth in paragraph (a)(2), an explanation of the order of priority reflected in such proposed Priority Improvements List and the consistency of such order of priority with the provisions of paragraph (a)(3), and all information required under paragraph (a)(4) of this Section. The Department shall publish the proposed Priority Improvements List and associated report on the Department website upon transmittal to the “Committee”.

- (2) Within thirty days following receipt of the proposed Priority Improvements List, the “Committee” shall hold a public hearing upon public notice to receive public comment regarding the proposed Priority Improvement List. The “Committee” shall meet thereafter as necessary to review the proposed Priority Improvements List and to consider public comments received. No later than one hundred twenty days following the public hearing, the “Committee” shall vote to approve, approve with modifications, or to disapprove the proposed Priority Improvements List. Such modifications may include the addition, deletion or a change in scope of an improvement set forth in the proposed Priority Improvements List, provided that additions may not be made unless the “Committee” shall have afforded the public an opportunity to comment, either in person or in writing, with respect to a proposed addition upon no less than thirty days notice. In order to adopt the Priority Improvements List, with or without modifications, the “Committee” shall find that the requirements of paragraph (a)(2), (a)(3) and (a)(4) of this Section are met with respect thereto. The approved Priority Improvements List shall be published on the Department website immediately following adoption. In the event that the “Committee” fails to act with respect to the proposed Priority Improvements List within one hundred twenty days following the public hearing, the proposed Priority Improvements List shall be deemed adopted as the Priority Improvements List.
- (3) The Priority Improvements List adopted pursuant to paragraph (b)(2) may be amended from time to time upon submission of a modification proposal by the Department, which shall be accompanied by a report including a description of the modification and its purpose and need, an explanation of how the Priority Improvements List, as so modified, would continue to be consistent with the provisions of paragraph (a)(2) and (a)(3), and all information required under paragraph (a)(4) of this Section with respect to the improvement which is the subject of the modification. The Department shall consult with the MTA and other relevant City agencies in the preparation of such report, and shall publish the

modification proposal on the Department website upon submittal to the “Committee”. The “Committee” shall review and consider the modification proposal in accordance with the provisions of paragraph (b)(2) of this Section, provided that the “Committee” shall vote to approve, approve with modifications, or to disapprove such modification proposal no later than sixty days following the public hearing. In the event the “Committee” fails to act within such sixty day period, the modification proposal shall be deemed adopted. The modification shall be published on the Department website immediately following adoption.

(c) “Committee” Procedures

The “Committee” shall adopt procedures for the conduct of its activities. Such procedures shall be consistent in all respects with the provisions of this Section and shall provide that:

- (1) the “Committee” shall meet at least once a year;
- (2) all meetings of the “Committee” shall be open to the public with advance notice of all meetings and public hearings provided; and
- (3) all minutes of “Committee” meetings and records of its decisions shall be published on the Department website.

(d) Annual and Long-term Allocation Plan Procedures for Priority Improvements

The “Committee” shall allocate funds from the “Fund” for improvements consistent with their prioritization on the Priority Improvements List, in accordance with the following procedures:

- (1) The Department shall, prior to the commencement of a fiscal year, and in consultation with the Office of Management and Budget (OMB), the MTA and other relevant public agencies, propose to the “Committee” for adoption a proposed annual and long-term allocation plan from the “Fund” for improvements on the Priority Improvements List, taking into account available and expected funds. The “Committee” shall approve, approve with modifications or disapprove such allocation plan within sixty days following submission. The allocation plan shall be published on the Department website immediately upon adoption. In the event the “Committee” fails to act within such sixty day period,

the proposed annual and long-term allocation plan shall be deemed adopted as the annual and long-term budget for the fiscal year;

- (2) Prior to the first allocation of funds for an improvement on the Priority Improvements List, whether in whole or in part, the “Committee” shall be presented with a report from the Department, prepared after consultation with the OMB, the MTA and other relevant public agencies, certifying that:
  - (i) cost estimates for the full scope of the improvement, as shown on conceptual plans prepared or approved by the project sponsor with responsibility for the construction of the improvement, demonstrate that current and expected funds available from the “Fund” and any other available sources of funding are sufficient to fund the improvement; and
  - (ii) that the estimated construction timeline for the improvement demonstrates that it can be constructed in a reasonable timeframe.
- (3) The allocation plan adopted pursuant to paragraph (d)(1) of this Section may provide for allocation of funds for phases of more than one priority improvement project at a time, such as funding the construction phase of one project and the design phase for another project, in order to facilitate the timely development of improvement projects.
- (4) Allocations from the “Fund” may be used to reimburse the cost of work performed by sponsor agencies to advance priority improvement projects, in accordance with agreements entered into for such purpose.
- (5) Allocations from the “Fund” for the purposes set forth in paragraph (a)(3)(ii) shall be made in accordance with the provisions of this paragraph (d).
- (6) The expenditure of funds allocated from the “Fund” for improvements in accordance with the allocation plan shall be subject to City budgetary procedures for grant-restricted funding. For such purpose, capital budget appropriations supported by grant-restricted funding from the “Fund” shall be restricted to use for the identified improvement on the Priority Improvements List; and
- (7) No allocation of “Fund” revenues may be made except in accordance with this paragraph (d), other than with respect to revenues assigned to the East Midtown

Infrastructure Corporation in accordance with the provisions in the definition in Section 81-612.

(e) Other Procedures

- (1) The Department, after consultation with the OMB, the MTA and other relevant public agencies, shall provide the “Committee” with periodic progress reports regarding the design, construction and completion of improvements.
- (2) The Department, after consultation with the OMB, the MTA and other relevant public agencies, shall produce an annual report, to be published on the Department and , regarding “Fund” balances, the allocation plan adopted pursuant to paragraph (d) of this Section, and the status of previously initiated priority improvements.
- (3) The Department shall maintain and update a dedicated portion of its website for purposes of publications under this Section.

**81-692**

**The East Midtown District Improvement Fund Contribution Rate**

The #East Midtown District Improvement Fund Contribution Rate# shall be adjusted in accordance with the provisions of this Section.

The “Contribution Rate” for non-#residential uses# shall be adjusted, by the Chairperson of the City Planning Commission, annually on August 1 of each calendar year, beginning August 1, 2014, based on the percentage change in the twelve month average, from July of the previous calendar year to June of the current calendar year, of the “Midtown Asking Rent”, published by the Office of Management and Budget (OMB). However, the first such adjustment shall account for the percentage change in such “Midtown Asking Rent” from December 2012 to June 2014. In no event shall the adjusted “Contribution Rate” be set below \$250. In the event that OMB ceases publication of the “Midtown Asking Rent”, the City Planning Commission may, by rule, select an alternative index of adjustment that the Commission determines reflects an appropriate rate of change in real estate values for such non-#residential uses# in the East Midtown area.

The “Contribution Rate” for #residential uses# shall be adjusted, by the Chairperson of the City Planning Commission, annually on August 1 of each calendar year, beginning August 1, 2014, based on the percentage change in the four-quarter average, from July of the previous calendar year to June of the current calendar year, of the “Manhattan Condo Average Price Per Square Foot”, published by OMB. However, the first such adjustment shall account for the percentage change in such “Manhattan Condo Average Price Per Square Foot” from September 2013 to June 2014. In no event shall the adjusted “Contribution Rate” be set below \$360. In the event that OMB ceases publication of the “Manhattan Condo Average Price Per Square Foot”, the City Planning Commission may, by rule, select an alternative index of adjustment that the Commission determines reflects an appropriate rate of change in real estate values for such #residential uses# in the East Midtown area.

Not more frequently than every three years nor less frequently than every five years, beginning (date of adoption), the City shall conduct a re-appraisal study by qualified professionals utilizing industry best practices to determine the appropriate valuation for the #residential# and non-#residential Contribution Rate#. Such re-appraisal shall take into account changes in market conditions in the East Midtown Subdistrict and the overall Midtown area, as well as changes in the valuation of transferrable development rights in relation to land sale prices. No later than ninety days prior to commissioning a re-appraisal, the Department of City Planning (DCP) shall publish notice in the City Record of proposed instructions to an appraiser consistent with the provisions of this Section. Within the sixty day period following publication, DCP shall receive and consider written comments from the public regarding the proposed instructions. Following the expiration of such sixty day period, DCP shall publish notice of final instructions in the City Record, which may include modifications based on public comments received, together with an explanation of the nature and purpose of any such modifications. Following receipt of an appraisal conducted pursuant to such final instructions, DCP shall publish a copy of such appraisal upon the DCP website and the “Contribution Rate” set forth in such appraisal shall take effect thirty days following such publication. Notwithstanding the foregoing, the “Contribution Rate” set forth in such appraisal shall not take effect if, following receipt thereof, DCP determines that the appraisal was not performed in accordance with the final instructions or contains material errors which require correction. In that event, DCP shall re-commission an appraisal or direct the appraiser to correct the material error, as appropriate, and shall follow the procedures set forth herein regarding publication of an appraisal with regard to the re-commissioned or corrected appraisal, as applicable, and the “Contribution Rate” set forth in such re-commissioned or corrected appraisal shall take effect within thirty days following such publication.

## **81-60**

### **~~SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT~~**

## **81-61**

### **General Provisions**

~~In order to preserve and protect the character of the Grand Central Subdistrict, as well as to expand and enhance the Subdistrict's extensive pedestrian network, special regulations are set forth governing urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network.~~

~~The regulations of Sections 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT) are applicable only in the Grand Central Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.~~

~~As stated in Section 81-212, transfer of development rights from landmark sites may be allowed pursuant to Section 81-63.~~

~~The provisions of Section 81-23 (Floor Area Bonus for Public Plazas) are inapplicable to any #zoning lot#, any portion of which is located within the Grand Central Subdistrict.~~

## **81-62**

### **Special Bulk and Urban Design Requirements**

~~In addition to the requirements set forth in Sections 81-25 (General Provisions Relating to Height and Setback of Buildings) and 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of this Section shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the Grand Central Subdistrict. For the purposes of this Section, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 81-25, 81-40 and 81-62 are in conflict, the regulations of this Section shall govern.~~

## **81-621**

## **Special street wall requirements**

The requirements of Section 81-43 (Street Wall Continuity Along Designated Streets) shall be applicable within the Subdistrict, except as modified in this Section.

~~#Buildings# with frontage on Park, Lexington, Madison and Vanderbilt Avenues, or Depew Place, shall have a #street wall# within 10 feet of the #street line# of such #streets#.~~

~~On 42nd Street, the #street wall# shall be at the #street line#. The width of the required #street wall# shall be at least 80 percent of the length of the #front lot line#. The minimum height of such #street walls# without any setback shall be 120 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet above #curb level#. Where a #zoning lot# is bounded by the intersection of Park, Lexington, Madison and Vanderbilt Avenues, 42nd Street or Depew Place and any other #street#, these #street wall# height regulations shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.~~

~~Beyond 125 feet from the intersection, the maximum height of the #street wall# above #curb level# shall not exceed 120 feet. For such #building#, the provisions of Section 81-262 (Maximum height of front wall at the street line) shall not be applicable.~~

~~However, the ten foot setback requirement of Section 81-263, paragraph (a), shall apply only to those portions of the #building# above this height.~~

## **81-622**

### **Special height and setback requirements**

~~Within the Subdistrict, the provisions of Sections 81-26 (Height and Setback Regulations-Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) shall apply to all #buildings# on a #zoning lot#, except that:~~

- ~~(a) — where such #buildings# are governed by Section 81-26, no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below 150 feet above #curb level#; or~~
- ~~(b) — where such #buildings# are governed by Section 81-27, the computation of daylight evaluation shall not include any daylight blockage, daylight credit, profile daylight blockage or available daylight for that portion of the #building# below 150 feet above~~

~~#curb level#. However, the passing score required pursuant to paragraph (i) of Section 81-274 shall apply.~~

### **81-623**

#### **Building lobby entrance requirements**

~~For #buildings developed# or #enlarged# on the ground floor after August 26, 1992, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby. #Buildings developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).~~

~~Required #building# entrances on opposite #street# frontages shall be connected directly to the #building# lobby by providing a through #block# connection in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.~~

~~Each required #building# entrance shall include a #building# entrance recess area, as defined in paragraph (b) of Section 37-53, except that for #developments# or #enlargements# with frontage on Madison or Lexington Avenues or 42nd Street, the width of a #building# entrance recess area shall not be greater than 40 feet parallel to the #street line# and there may be only one #building# entrance recess area on each such #street# frontage.~~

### **81-624**

#### **Curb cut restrictions and loading berth requirements**

~~In addition to the provisions of Section 81-44 (Curb Cut Restrictions), for a #through lot#, the required loading berth shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.~~



The maximum width of any curb cut (including splays) shall be 15 feet for one-way traffic and 25 feet for two-way traffic. Curb cuts shall not be permitted on 47th Street between Park and Madison Avenues or on 45th Street between Depew Place and Madison Avenue.

## **81-625**

### **Pedestrian circulation space requirements**

Any #development# or #enlargement# within the Grand Central Subdistrict shall be subject to the provisions of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off Street Relocation or Renovation of a Subway Stair) and 81-48 (Off Street Improvement of Access to Rail Mass Transit Facility), except that:

- (a) — no arcade shall be allowed within the Subdistrict; and
- (b) — within the Subdistrict, a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front.

## **81-63**

### **Transfer of Development Rights from Landmark Sites**

For the purposes of the Grand Central Subdistrict:

A "landmark #building or other structure#" shall include any structure designated as a landmark pursuant to the New York City Charter, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, or any structures within historic districts, statues, monuments or bridges.

A "granting lot" shall mean a #zoning lot# which contains a landmark #building or other structure#. Such "granting lot" may transfer development rights pursuant to Sections 81-634 or 81-635 provided that 50 percent or more of the "granting lot" is within the boundaries of the Grand Central Subdistrict.

A "receiving lot" shall mean a #zoning lot# to which development rights of a "granting lot" are transferred. Such "receiving lot" may receive a transfer of development rights pursuant to Sections 81-634 or 81-635 provided that 50 percent or more of the "receiving lot" is within the boundaries of the Grand Central Subdistrict and provided that the "receiving lot" occupies frontage on Madison or Lexington Avenues or 42nd Street, if such "receiving lot" is west of Madison Avenue or east of Lexington Avenue.

### **81-631**

#### **Requirements for application**

In addition to the land use review application requirements, an application filed with the City Planning Commission for certification pursuant to Section 81-634 (Transfer of development rights by certification) or special permit pursuant to Section 81-635 (Transfer of development rights by special permit) shall be made jointly by the owners of the "granting lot" and "receiving lot" and shall include:

- (a) — site plan and zoning calculations for the "granting lot" and "receiving lot";
- (b) — a program for the continuing maintenance of the landmark;
- (c) — a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the landmark and, for those "receiving" sites in the immediate vicinity of the landmark, a report concerning the harmonious relationship of the #development# or #enlargement# to the landmark;
- (d) — for #developments# or #enlargements# pursuant to Section 81-635, a plan of the required pedestrian network improvement; and
- (e) — any such other information as may be required by the Commission.

A separate application shall be filed for each transfer of development rights to an independent "receiving lot" pursuant to Section 81-63 (Transfer of Development Rights from Landmark Sites).

## **81-632**

### **Conditions and limitations**

The transfer of development rights from a “granting lot” to a “receiving lot,” pursuant to Section 81-63, shall be subject to the following conditions and limitations:

- (a) — the maximum amount of #floor area# that may be transferred from a “granting lot” shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on such landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
- (b) — for each “receiving lot,” the #floor area# allowed by the transfer of development rights under Section 81-63 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the “receiving lot,” as shown in Section 81-211; and
- (c) — each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the “granting lot” by the amount of #floor area# transferred. If the landmark designation is removed, the landmark #building# is destroyed or #enlarged#, or the “landmark lot” is redeveloped, the “granting lot” may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

## **81-633**

### **Transfer instruments and notice of restrictions**

The owners of the “granting lot” and the “receiving lot” shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the “granting lot” and the “receiving lot” shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York), a certified copy of which shall be submitted to the City Planning Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

## **81-634**

### **Transfer of development rights by certification**

~~Within the Grand Central Subdistrict, the City Planning Commission may allow by certification:~~

- ~~(a) — a transfer of development rights from a “granting lot” to a “receiving lot” in an amount not to exceed a #floor area ratio# of 1.0 above the basic maximum #floor area ratio# allowed by the applicable district regulations on the “receiving lot,” provided that a program for the continuing maintenance of the landmark approved by the Landmarks Preservation Commission has been established; and~~
- ~~(b) — in conjunction with such transfer of development rights, modification of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows:~~

~~For any “receiving lot,” whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations which allow a greater #floor area ratio# may be located on a portion of such “receiving lot” within a district which allows a lesser #floor area ratio#, provided that the amount of such #floor area#, #dwelling units# or #rooming units# to be located on the side of the district boundary permitting the lesser #floor area ratio# shall not exceed 20 percent of the basic maximum #floor area ratio# or number of #dwelling units# or #rooming units# of the district in which such #bulk# is to be located.~~

## **81-635**

### **Transfer of development rights by special permit**

~~Within the portion of the Subdistrict bounded by East 41st Street, East 48th Street, Lexington and Madison Avenues (the Grand Central Subdistrict Core Area as shown on Map 1 in Appendix A), the City Planning Commission may permit:~~

- ~~(a) — a transfer of development rights from a “granting lot” to a “receiving lot” provided that the resultant #floor area ratio# on the “receiving lot” does not exceed 21.6;~~

- (b) — ~~modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;~~
  
- (c) — ~~the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify the provisions of Sections 81-621 (Special street wall requirements), 81-622 (Special height and setback requirements), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations—Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations—Daylight Evaluation) in order to accommodate existing structures and conditions; and~~
  
- (d) — ~~notwithstanding the provisions of paragraph (c) of this Section, for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations.~~

A special permit for the transfer of development rights to a “receiving lot” shall be subject to the following findings:

- (1) — ~~that a program for the continuing maintenance of the landmark has been established;~~
  
- (2) — ~~that the improvement to the surface and subsurface pedestrian circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal, pursuant to the following requirements:~~
  - (i) — ~~that the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the Subdistrict and minimize congestion on surrounding #streets#, and that a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the Subdistrict;~~

- (ii) — that the modification of #bulk# regulations, regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the “receiving lot,” density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;
- (iii) — that, for #enlargements# to existing #buildings#, the modifications of height and setback requirements and the requirements of Section 81-62 are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and
- (iv) — that, for #developments# or #enlargements# on #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the surface and/or subsurface pedestrian circulation network in the Subdistrict (as shown on Map 4 in Appendix A of this Chapter). The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

The special permit application to the Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement. As part of the special permit application, the applicant shall

~~submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to ULURP certification of the special permit application, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.~~

~~Prior to the grant of a special permit, the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond for completion of the improvement.~~

~~The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City Planning Commission.~~

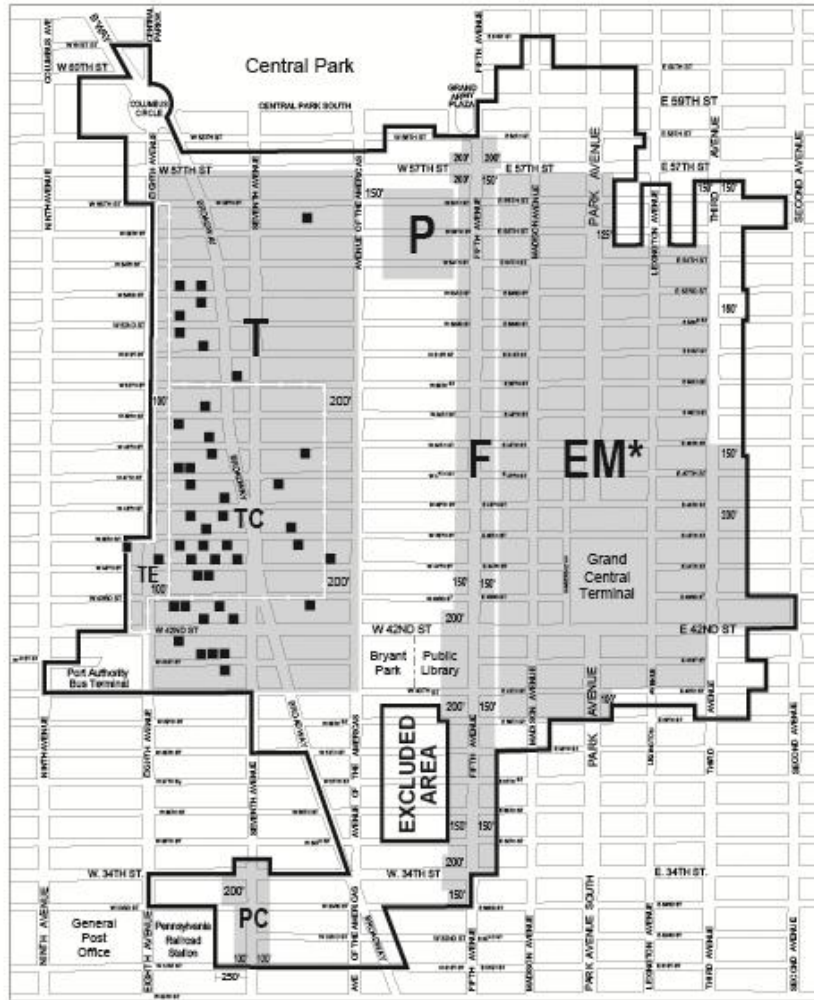
~~No temporary certification of occupancy for any #floor area# of the #development# or #enlargement# on a "receiving lot" shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission and the area is usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development# or #enlargement#, all improvements shall be 100 percent complete in accordance with the approved plans and such completion shall have been certified by letter from the Metropolitan Transportation Authority.~~

**Appendix A**  
**Midtown District Plan Maps**

Map 1: Special Midtown District and Subdistricts

[REPLACE EXISTING MAP]

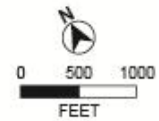




**MIDTOWN DISTRICT PLAN**  
**MAP 1 - Special Midtown District and Subdistricts**

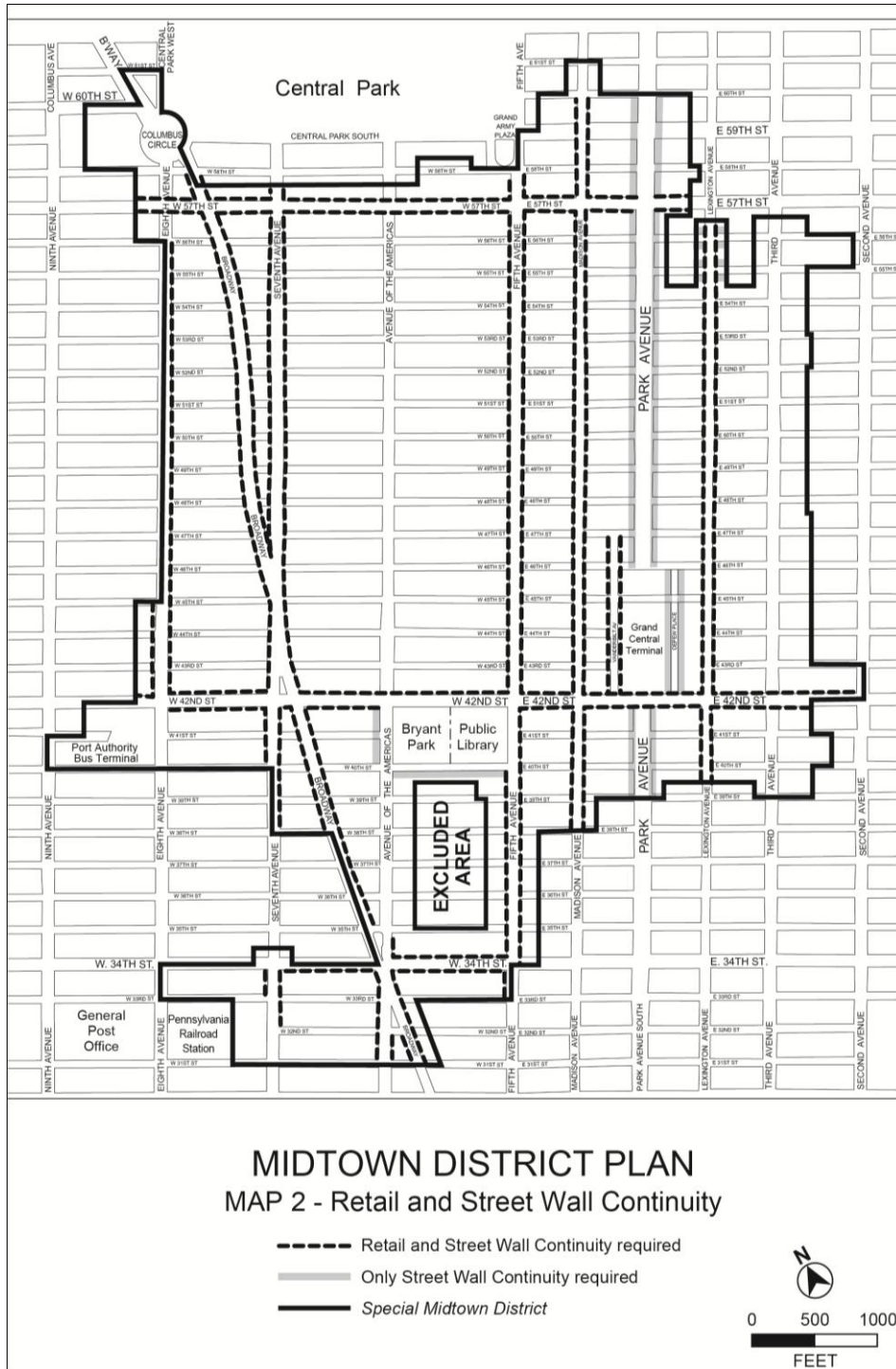
- |                                    |  |
|------------------------------------|--|
| <b>F</b> Fifth Avenue Subdistrict  | <b>TC</b> Theater Subdistrict Core                   |
| <b>EM</b> East Midtown Subdistrict | <b>TE</b> Theater Subdistrict Eighth Avenue Corridor |
| <b>PC</b> Penn Center Subdistrict  | ■ Listed Theaters                                    |
| <b>P</b> Preservation Subdistrict  | — Special Midtown District                           |
| <b>T</b> Theater Subdistrict       |  |

\* East Midtown Subareas and Subarea Cores are shown on Map 4

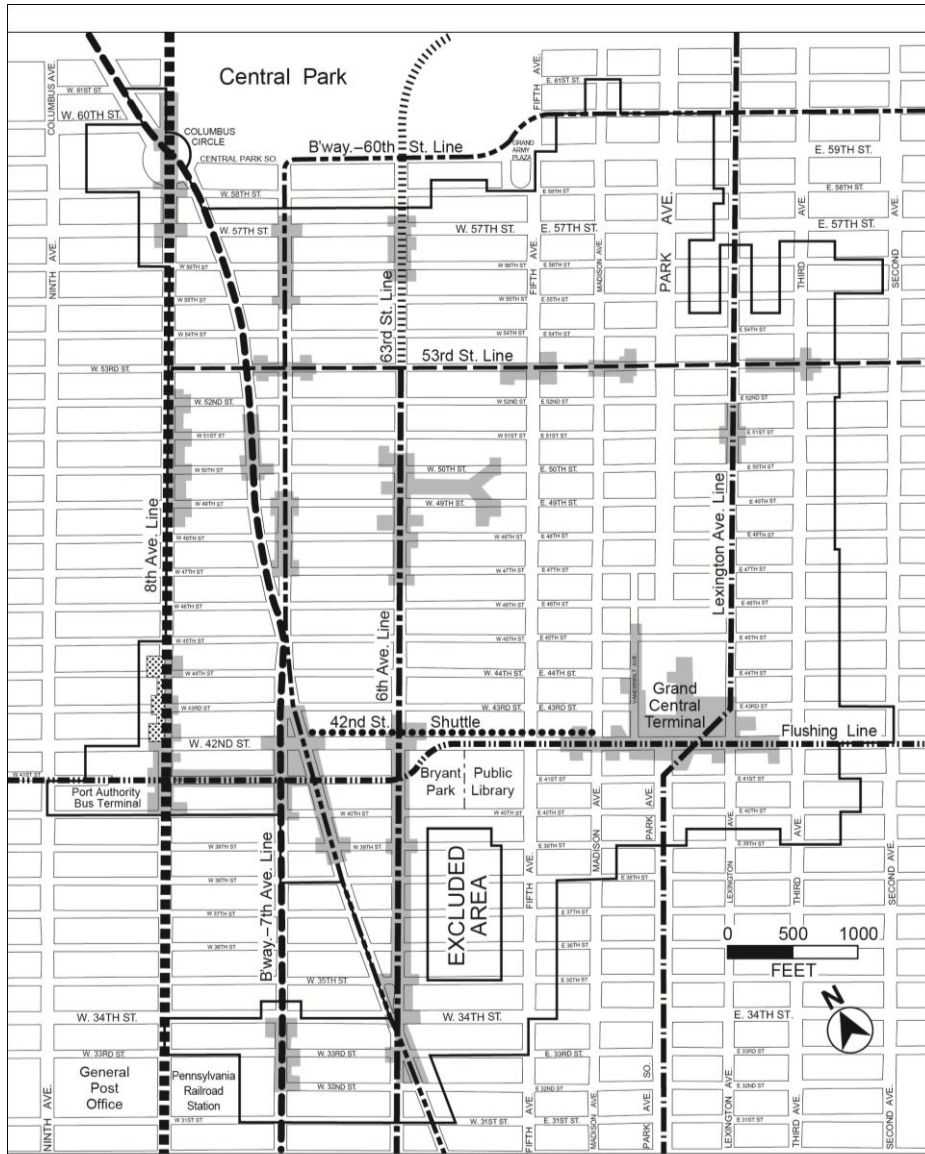


Map 2: Retail and Street Wall Continuity

[REPLACE EXISTING MAP]



Map 3: Subway Station and Rail Mass Transit Facility Improvement Areas  
 [REPLACE EXISTING MAP]



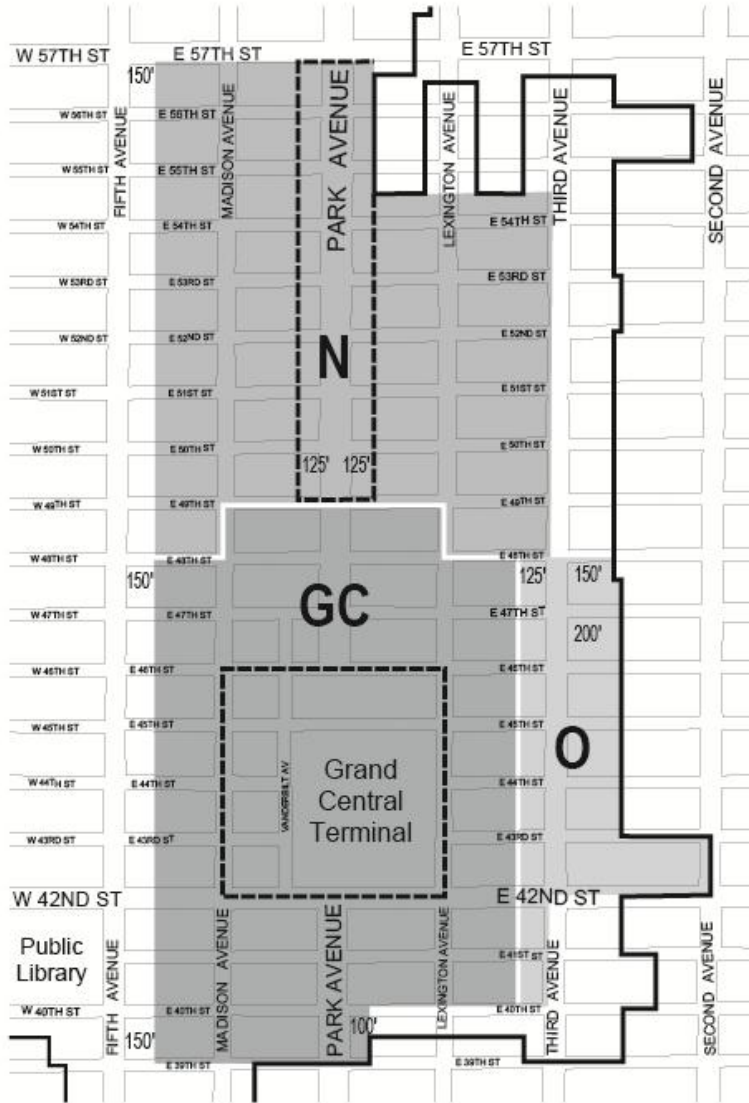
### MIDTOWN DISTRICT PLAN

MAP 3 - Subway Station and Rail Mass Transit Facility Improvement Areas

- |   |                          |
|---|--------------------------|
| — Special Midtown District  | — Broadway-60th St. Line |
| ■ Improvement Area  | — 6th Ave. Line          |
| ▨ Improvement Area (Subway station improvement bonus pursuant to Section 81-292 not applicable) | — Lexington Ave. Line    |
| ■ 8th Ave. Line   | — 63rd St. Line          |
| — Broadway-7th Ave. Line  | — 53rd St. Line          |
|   | ●●●●● 42nd St. Shuttle   |
|   | — Flushing Line          |

Map 4: East Midtown Subareas and Subarea Cores Network of Pedestrian Circulation

[DELETE EXISTING MAP, REPLACE WITH THIS]



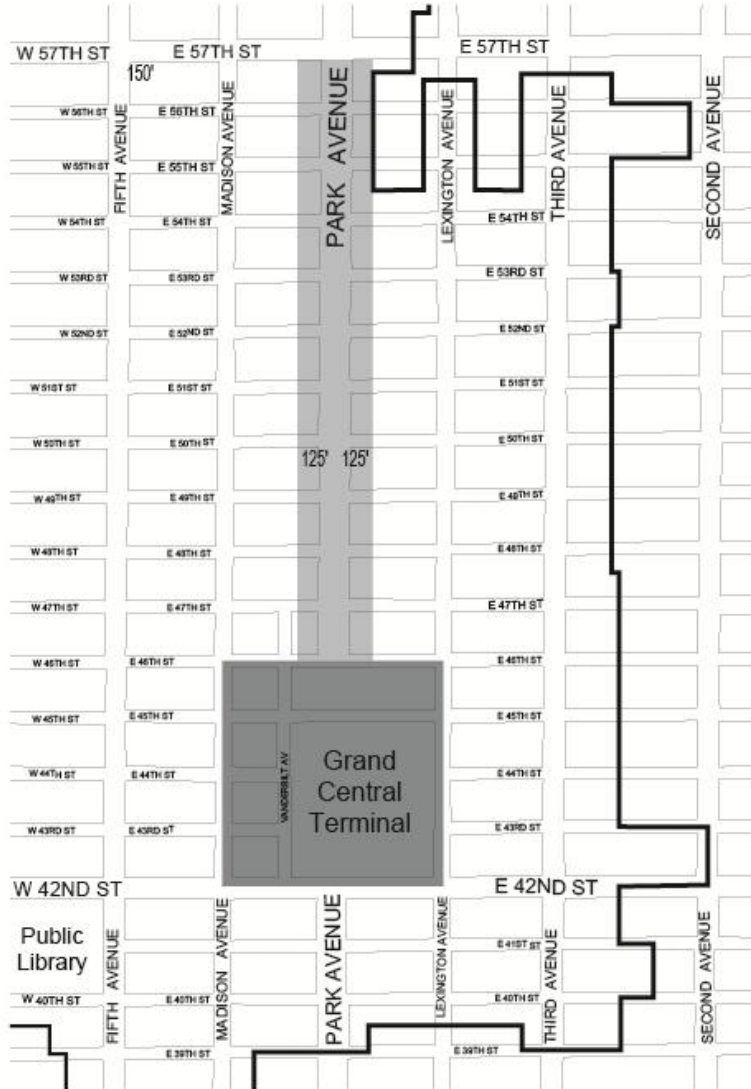
MIDTOWN DISTRICT PLAN  
 MAP 4 - East Midtown Subareas and Subarea Cores

- |                                 |                                      |
|---------------------------------|--------------------------------------|
| <b>GC</b> Grand Central Subarea | <b>GC</b> Grand Central Subarea Core |
| <b>N</b> Northern Subarea       | <b>N</b> Northern Subarea Core       |
| <b>O</b> Other Areas            | <b>—</b> Special Midtown District    |



Map 5: Applicability of special permit for superior developments

[NEW MAP]



MIDTOWN DISTRICT PLAN

MAP 5 - Applicability of special permit for superior developments

- Up to 30.0 FAR permitted for #qualifying sites#, pursuant to Section 81-833
- Up to 24.0 FAR permitted for #qualifying sites#, pursuant to Section 81-833



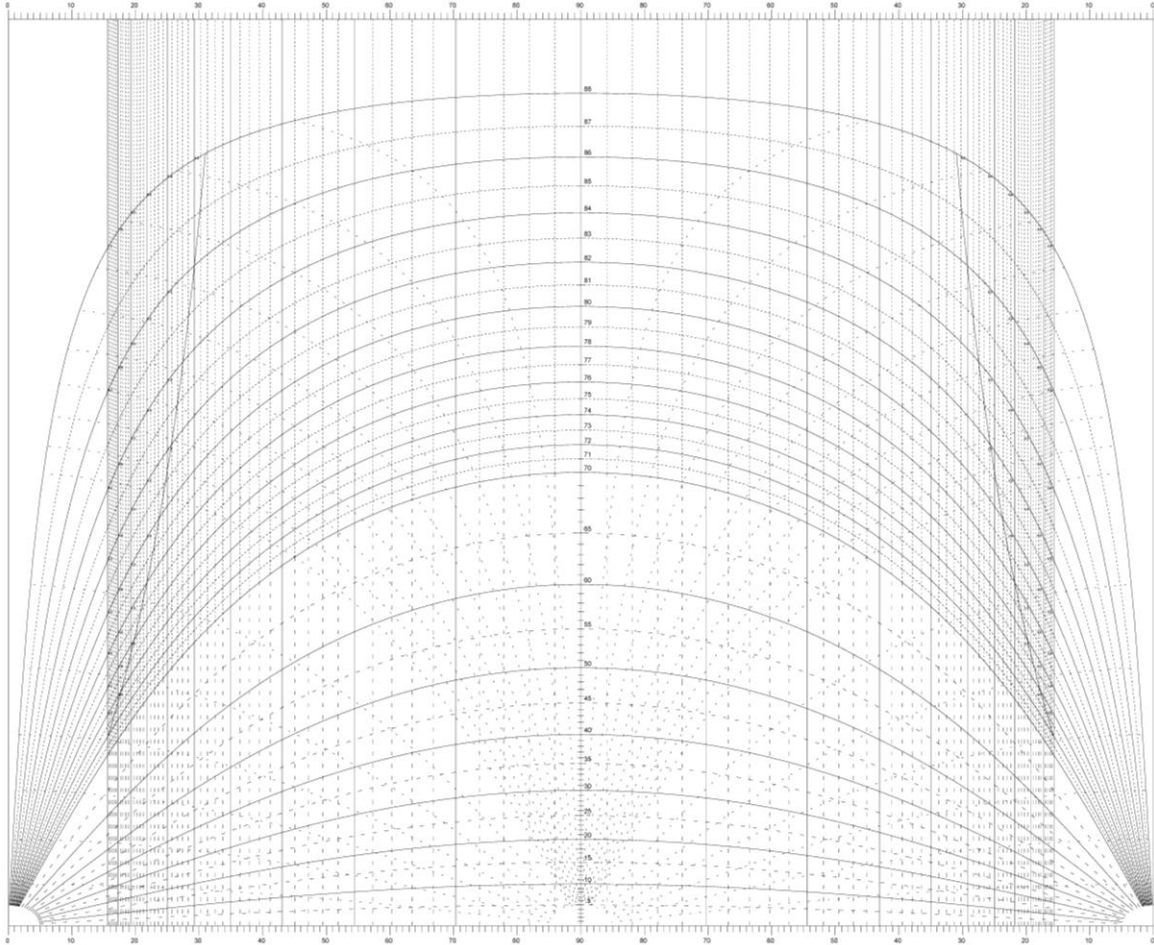
\* \* \*



Chart 4. Daylight Evaluation Diagram – Park Avenue

[New Chart]

(A full size, 30" by 36", copy of this chart is available for purchase and inspection at the Department of City Planning's Bookstore.)



Daylight Evaluation Diagram, Park Avenue

**Appendix B**  
**Special Environmental Requirements**

Special Environmental Requirement List 1

<b><u>Building Name and Address</u></b>	<b><u>Tax Block</u></b>	<b><u>Tax Lot</u></b>
<u>22-24 East 41<sup>st</sup> Street</u>	<u>1275</u>	<u>60</u>
<u>18-20 East 41<sup>st</sup> Street</u>	<u>1275</u>	<u>61</u>
<u>American Encaustic Tiling Co, 16 East 41<sup>st</sup> Street</u>	<u>1275</u>	<u>63</u>
<u>346 Madison Avenue</u>	<u>1279</u>	<u>17</u>
<u>Yale Club, 50 Vanderbilt Avenue</u>	<u>1279</u>	<u>28</u>
<u>Vanderbilt Concourse, 52 Vanderbilt Building</u>	<u>1279</u>	<u>45</u>
<u>Title Guarantee and Trust, 6 East 45<sup>th</sup> Street</u>	<u>1279</u>	<u>65</u>
<u>Roosevelt Hotel, 45 East 45<sup>th</sup> Street</u>	<u>1281</u>	<u>20</u>
<u>Postum Building, 250 Park Avenue</u>	<u>1282</u>	<u>34</u>
<u>Pershing Square Building, 100 East 42<sup>nd</sup> Street</u>	<u>1296</u>	<u>1</u>
<u>Lexington Hotel, 509-511 Lexington Avenue</u>	<u>1302</u>	<u>51</u>
<u>Barclay/Inter-Continental Hotel, 111 East 48<sup>th</sup></u>	<u>1303</u>	<u>14</u>
<u>Shelton Club Hotel, 525 Lexington Avenue</u>	<u>1303</u>	<u>53</u>
<u>Girl Scout Building, 830 Third Avenue</u>	<u>1305</u>	<u>40</u>

## Special Environmental Requirement List 2

<u>Building Name and Address</u>	<u>Tax Block</u>	<u>Tax Lot</u>
<u>Chemist Club, 50-52 East 41<sup>st</sup> Street</u>	<u>1275</u>	<u>44</u>
<u>Lefcourt Colonial Building, 295 Madison Avenue</u>	<u>1275</u>	<u>50</u>
<u>22-24 East 41<sup>st</sup> Street</u>	<u>1275</u>	<u>60</u>
<u>18-20 East 41<sup>st</sup> Street</u>	<u>1275</u>	<u>61</u>
<u>American Encaustic Tiling Co, 16 East 41<sup>st</sup> Street</u>	<u>1275</u>	<u>63</u>
<u>299 Madison Avenue</u>	<u>1276</u>	<u>23</u>
<u>Vanderbilt Avenue Building , 51 East 42<sup>nd</sup> Street</u>	<u>1277</u>	<u>27</u>
<u>Yale Club, 50 Vanderbilt Avenue</u>	<u>1279</u>	<u>28</u>
<u>346 Madison Avenue</u>	<u>1279</u>	<u>17</u>
<u>Vanderbilt Concourse, 52 Vanderbilt Building</u>	<u>1279</u>	<u>45</u>
<u>Title Guarantee and Trust, 6 East 45<sup>th</sup> Street</u>	<u>1279</u>	<u>65</u>
<u>Pan Am/Met Life Building, 200 Park Avenue</u>	<u>1280</u>	<u>9010</u>
<u>Roosevelt Hotel, 45 East 45<sup>th</sup> Street</u>	<u>1281</u>	<u>20</u>
<u>Postum Building, 250 Park Avenue</u>	<u>1282</u>	<u>34</u>
<u>Mercantile Library, 17 East 47<sup>th</sup> Street</u>	<u>1283</u>	<u>13</u>
<u>Union Carbide Building, 270 Park Avenue</u>	<u>1283</u>	<u>21</u>
<u>Bankers Trust Building, 280 Park Avenue</u>	<u>1284</u>	<u>33</u>
<u>ITT-American Building, 437 Madison Avenue</u>	<u>1285</u>	<u>21</u>
<u>39 East 51<sup>st</sup> Street</u>	<u>1287</u>	<u>27</u>
<u>59 East 54<sup>th</sup> Street</u>	<u>1290</u>	<u>28</u>
<u>Pershing Square Building, 100 East 42<sup>nd</sup> Street</u>	<u>1296</u>	<u>1</u>
<u>Lexington Hotel, 509-511 Lexington Avenue</u>	<u>1302</u>	<u>51</u>
<u>Barclay/Inter-Continental Hotel, 111 East 48<sup>th</sup></u>	<u>1303</u>	<u>14</u>
<u>Shelton Club Hotel, 525 Lexington Avenue</u>	<u>1303</u>	<u>53</u>
<u>Girl Scout Building, 830 Third Avenue</u>	<u>1305</u>	<u>40</u>
<u>Citicorp Center, 601 Lexington Avenue</u>	<u>1308</u>	<u>7501</u>