



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 2098

Resolution approving the decision of the City Planning Commission on Application No. N 010653 ZRM, an amendment to the text of the Zoning Resolution regarding Article VIII, Chapter 1 (Special Midtown District) for the establishment of the Penn Center Subdistrict, and use, bulk and special signage regulations (L.U. No. 1159).

By Council Members Eisland and McCaffrey

WHEREAS, the City Planning Commission filed with the Council on October 16, 2001 its decision dated October 10, 2001 (the "Decision"), on the application submitted by Vornado Development, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 010653 ZRM) (the "Application");

WHEREAS, the Application is related to ULURP Application C 010652 ZMM, an amendment of the Zoning Map;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2001;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 21, 2001 (CEQR No. 00DCP007M);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

NOTE: Matter in underlined graytone is new, to be added;
Matter in strikeout is to be deleted; and
*** represents text for which no change is proposed.

Article VIII - Special Purpose Districts

Chapter 1

Special Midtown District

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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 around north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the area's special character;
- (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;
- (o) 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
- (p) 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.

81-024
Integration clauses

(a) The underlying zoning districts shall be deemed to be integral parts of the #Special Midtown District#. If the underlying zoning district of any #zoning lot# shall be amended or shall be nullified by any court of competent jurisdiction, such amendment or adjudication shall be construed to amend the #Special Midtown District# to remove such #zoning lot# from the #Special Midtown District# whereupon the regulations of the prior underlying district shall apply.

(b) The #bulk# regulations contained in Sections 81-20 through 81-2829 shall be deemed to be an integral unit and no modification thereof shall be permitted, except in accordance with the provisions of Section 200 of the New York City Charter. If any sentence, clause, paragraph or part of Sections 81-20 through 81-2829 shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not be confined in its operation to the sentence, clause, paragraph or part thereof directly involved in the controversy in which such judgement shall have been rendered, but shall also be construed to invalidate and prohibit the application of the remainder of Sections 81-20 through 81-2829. However, any such judgement shall not act to invalidate any other sentence, paragraph, clause, section or chapter of the Zoning Resolution.

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 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 Network of Pedestrian Circulation

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

In order to carry out the purposes and provisions of this Chapter, four 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
Grand Central 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.

81-066

Special permit modifications of Section 81-40 and certain Sections of Article VII, Chapter 7

The City Planning Commission, by special permit, for #zoning lots# where the #lot area# is at least 60,000 square feet or that occupy an entire #block#, may permit modification of the mandatory district plan elements of Section 81-40 or the provisions of Article VII, Chapter 7, that determine the distribution of permitted #floor area# on such #zoning lots#, and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements. However, no exception to the #street wall# or retail continuity requirements shall be permitted on Fifth Avenue or within 50 feet of Fifth Avenue within the #Special Midtown District#.

The modifications shall be subject to the following findings:

- (a) that the modifications of mandatory plan elements, or #floor area# allocation, or #rear yard# and #court# regulations, result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;
- (b) that a substantial majority of the #zoning lot# is either vacant at the time of certification for review, pursuant to Section 197-c of the New York City Charter, or contains #buildings# that will be an integral part of the #development#, both physically and programmatically;
- (c) that the design, scale and location of the new #buildings# or #enlarged buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;
- (d) that such modifications will not unduly obstruct the access of light and air to surrounding properties;
- (e) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #development#;
- (f) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements.

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

81-20
BULK REGULATIONS

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 Permitted FAR Levels on a Zoning Lot#	Maximum Floor Area Ratio# (FAR)							
	Outside the Grand Central Subdistrict				Grand Central Subdistrict			
C5-2.5	C6-4	C6-4.5	C5-3	C5-3	C5-2.5	C6-6		
C6-5	C6-5.5	C6-6	C6-7T	C6-7	C5-2.5	C6-6		
C5P	M1-6	C6-6.5						
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), Urban plaza# (Section 81-23)								
	---	1.01,2	1.01	---	1.02	---	---	
C. Maximum Total FAR with As-of-Right Incentives								
	8.0	11.0	1,2,7	13.01	14.0	16.0	12.0	15.0
D. Maximum Special Permit Floor Area Allowances:(District-wide Incentives), Subway station improvement (Section 74-634)								
	3.0		---		2.01,6	2.41	---	3.0 2.4
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	---	---	
F. 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	2.42	2.8	3.0	---	---	

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

--- 2.03 --- --- --- ---

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

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

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

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

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

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

J. 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 --- ---

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

--- --- --- 2.8 3.0 --- ---

Floor Area for New Legitimate Theater (Section 81-748)

--- --- --- 2.0 2.0 --- ---

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

8.0 14.4 14.4 21.6 21.6 14.4 18.0

L. 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 12.0 15.0

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

8.0 10.0 13.04 14.0 16.0 12.0 15.0

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

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

No Limit No No

1.6 2.0 2.4 Limit 2.4 Limit

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

--- --- --- --- --- 1.0 1.0

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

--- --- --- --- --- 9.6 6.6

M. 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 Limit No Limit No Limit No5

No5 Limit

[109]Not available for #zoning lots# located wholly within Theater Subdistrict Core.

[109]Not available within the Eighth Avenue Corridor.

[100]Applicable only within that portion of the Theater Subdistrict also located within the Special Clinton District.

[100]12.0 in portion of C6-5.5 District within the Theater Subdistrict Core.

[100]Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict.

6 Not available on west side of Eighth Avenue within the Eighth Avenue Corridor.

7 12.0 FAR for #zoning lots# with full block frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities).

81-253

Special provisions for 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 Section 81-81 (General Provisions) and Section 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 Grand Central Subdistrict as set forth in Sections 81-61 (General Provisions), 81-621 (Special street wall requirements) and 81-622 (Special height and setback requirements) or in the Penn Center Subdistrict as set forth in Section 81-532 (Special street wall requirements).

The provisions of Sections 81-26 and 81-27 are not applicable in the Preservation Subdistrict, where front wall heights and setbacks are regulated by the provisions of Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT).

[Note: this section 81-29 was formerly 81-50 which is now proposed for Special Regulations for the Penn Center Subdistrict.]

81-29

INCENTIVES BY SPECIAL PERMIT FOR PROVISIONS OF PUBLIC AMENITIES

81-291

General Provisions and Procedures

The City Planning Commission may grant special permits authorizing, for non-#residential# or #mixed buildings#, #floor area# bonuses in accordance with the provisions of this Section.

81-292

Subway station improvements

Except in the Preservation Subdistrict and except for #zoning lots# located wholly within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), the City Planning Commission may grant special permits for #floor area# bonuses for non-#residential# or #mixed buildings#, in accordance with the provisions of Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan).

The subway stations where such improvements are permitted are listed in the following table and shown on Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A.

MIDTOWN SUBWAY STATIONS

Station		Line
34th St-Penn Station	Broadway-7th Ave.IRT	
34th St-Penn Station	8th Ave.IND	
34th St-Herald Square		6th Ave.IND/Broadway BMT
42nd St.	8th Ave.IND	
42nd St-Times Square BMT	Broadway-7th Ave.IRT/ Broadway	
42nd St.		6th Ave.IND
42nd St-Grand Central		Lexington Ave.IRT
47th-50th St/Rockefeller Center		6th Ave.IND
49th St. Broadway BMT		
50th St.		8th Ave. IND
50th St. Broadway-7th Ave. IRT		
51st St. Lexington Ave. IRT		
7th Ave (53rd St)		6th Ave. IND
Fifth Ave (53rd St)		Queens IND
Lexington Ave-3rd Ave (53rd St)		Queens IND
57th St Broadway BMT		
57th St		6th Ave.IND
59th St-Columbus Circle		7th Ave.IRT/8th Ave.IND

81-40

MANDATORY DISTRICT PLAN ELEMENTS

81-41

General Provisions

The provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify mandatory planning and urban design features to be provided in connection with new #developments# or #enlargements#. Requirements which apply generally or with minor specified exceptions throughout the #Special Midtown District# are fully set forth in the provisions of Section 81-40. For requirements which are not generally applicable but tied to specific locations within the District, the locations where these requirements apply are shown on Map 2 (Retail and Street Wall Continuity) or Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A.

The provisions of Section 81-40 are all primarily oriented toward the accommodation and well-being of pedestrians. The requirements pertain to a number of elements which are interrelated and complement one another but are set forth in different sections because they can be treated separately. Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity along Designated Streets) and 81-44 (Curb Cut Restrictions) are a group of sections with closely related purposes concerned with amenity and the well-being and safety of pedestrians. Sections 81-45 to 81-48, inclusive, are all concerned primarily with pedestrian traffic circulation. Major building entrances are focal points of heavy pedestrian traffic, so that controls on the locations of these entrances as set forth in Section 81-48 are closely related to the pedestrian circulation space requirements.

Special district plan requirements for the Penn Center Subdistrict are set forth in Section 81-50 (SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT), special district plan requirements for the Grand Central Subdistrict are set forth in Section 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT), special district plan requirements for the Theater Subdistrict are set forth in Section 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT), special district plan requirements for the Fifth Avenue Subdistrict are set forth in Section 81-80 (SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT) and special district plan requirements for the Preservation Subdistrict are set forth in Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT).

81-42

Retail Continuity along Designated Streets

On designated retail #streets# (see Appendix A, Map 2), for any #developments# or #enlargements# fronting on such #streets#, #uses# located on the ground floor level or within five feet of #curb level# 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. Museums and libraries shall be permitted. A building's #street# frontage shall be allocated exclusively to such #uses#, except for:

- (a) lobby space or entrance space;
- (b) entrance areas to subway station improvements for which bonus #floor area# is granted and #street wall# continuity restrictions waived pursuant to Sections 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) and 81-511292 (Subway station improvements);
- (c) one or more of the following pedestrian circulation spaces subject to the #street wall# continuity requirements of Section 81-43 (Street Wall Continuity Along Designated Streets):
 - (1) relocated subway stairs provided in accordance with Sections 37-03 and 81-46 (Off-Street Relocation or Renovation of a Subway Stair);
 - (2) through #block# connections provided in accordance with paragraph (h) of Section 37-073 (Design standards for pedestrian circulation spaces); and
 - (3) off-street improvements of access to rail mass transit facilities provided in accordance with Section 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility).

Except as provided in the following sentence, in no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a building entrance recess exceed in total 40 feet or 25 percent of the building's total #street# frontage exclusive of any frontage occupied by a relocated subway stair, a through #block# connection, an off-street improvement of access to rail mass transit facility or the entrance area to a bonused subway station improvement. However, the total length of #street# frontage occupied by lobby space and/or entrance space need not be less than 20 feet.

Storefronts for the permitted ground floor #uses# shall be not more than 10 feet from the #street line# or, where an arcade is provided with supporting columns at the #street line#, not more than 10 feet from the supporting columns.

Access to each retail, personal service or amusement establishment required under this Section shall be provided directly from the designated retail #street#. Where more than one entrance is provided to the establishment, direct access from the designated retail #street# shall be provided via the entrance with the greatest aggregate clear opening width. At least 50 percent of the #street wall# surface of each required establishment shall be glazed with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#. 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 less.

#Developments# or #enlargements# on designated retail #streets# located within the boundaries of the Penn Center Subdistrict, the Theater Subdistrict, or the Fifth Avenue Subdistrict shall be subject to the respective Subdistrict retail requirements (Sections 81-531, 81-72 and 81-82).

All #street# frontages of #developments# or #enlargements# on #zoning lots# located within the Theater Subdistrict Core as defined in Section 81-71 (General Provisions) shall meet the ground level and entertainment-related #use# requirements of Section 81-72 (Use Regulations Modified).

81-43

Street Wall Continuity Along Designated Streets

On designated #streets# where #street wall# continuity is required (see Appendix A, Map 2) and, between 43rd and 50th Streets, on the #narrow street# frontages of #zoning lots# with #street# frontage on Seventh Avenue and/or Broadway, the surface of the #street wall# of a new #development# or #enlargement#, for the minimum length and height set forth in this Section, shall be within 10 feet of the #street line# or within 10 feet of a permitted arcade's supporting columns at the #street line#, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, no #street wall# setback below a height of 85 feet is permitted. The length of the #street wall# subject to setback restrictions shall be at least 80 percent of the length of the #front lot line# along the specified #street#, measured at the specific heights or anywhere above the specific heights indicated on the following table. At those specific heights or anywhere above those specific heights, the #street wall# must extend continuously within 10 feet of the #street line# for all of its required length, except that: on 57th Street, 42nd Street, 34th Street, and Fifth Avenue, at a height of 85 feet or above, the #street wall# must extend continuously without setback for at least 75 percent of its required length and no portion of its required length shall be set back more than 10 feet from the #street line#; and, for #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, any portion of the required length of a #street wall# which lies behind a #sign# required under the provisions of Section 81-732 (Special Times Square signage requirements) may be set back up to 15 feet from the #street line#.

The minimum height of a #street wall# subject to the setback restrictions shall be as follows:

	Minimum Height of a #Street Wall#
Length of #Zoning Lot# Frontage	Subject to the Setback Restrictions
For #zoning lots# with frontages of 50 feet or less on the designated #street#	Four #stories# or 50 feet above #curb level# whichever is less
For #zoning lots# with frontages of more than 50 feet on the designated #street#	Six #stories# or 85 feet above #curb level# whichever is less

#Developments# which are in their entirety no more than two #stories# in height shall be exempt from the minimum #street wall# height requirements.

Pedestrian circulation spaces may be provided to meet the requirements of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) or 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility) subject to the setback restrictions of this Section and to the minimum length of the #street wall# subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station or a rail mass transit facility improvement for which bonus #floor area# is granted, in accordance with the provisions of Sections 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) and, 81-511292 (Subway station improvements), and 81-542 (Rail mass transit facility improvement), or an off-street improvement of access to a rail mass transit facility that has been certified in accordance with Section 81-48 .

Except on 57th Street, 42nd Street, 34th Street and Fifth Avenue, below the minimum height of a #street wall# subject to the setback restriction, recesses (whose depth shall be measured in all cases from the #street line#) shall be permitted only as follows: no recesses greater than 15 feet deep shall be permitted, recesses up to 15 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the #street wall# below the minimum required #street wall# height; in addition, recesses up to 12 feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height, and recesses up to 10 feet deep shall not be limited in their aggregate area.

On 57th Street, 42nd Street, 34th Street and Fifth Avenue, below the minimum height of a #street wall# subject to the setback restriction, recesses (whose depth shall be measured in all cases from the #street line#) shall be permitted only as follows: no recesses greater than 10 feet deep shall be permitted, recesses up to 10 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the #street wall# below the minimum required #street wall# height; in addition, recesses up to two feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height and recesses up to one foot deep shall not be limited in their aggregate area.

The restrictions on recesses shall not apply to arcades, corner arcades, subway stairs relocated within the #building#, through #block# connections within the #building# or building entrance recess areas within the #building#, where such spaces are provided in accordance with the requirements and design standards of Sections 81-45 or 81-46 and provided that such spaces shall be subject to a maximum height limit of 30 feet. Any recesses in the #residential# portion of a #building# shall comply with the #outer court# regulations of Section 23-84.

No arcades, sidewalk widenings or #urban plazas# shall be permitted on Fifth Avenue, 34th Street, 42nd Street or 57th Street frontages. Between 42nd and 56th Street, no arcades or #urban plazas# shall be permitted on Eighth Avenue. Between 43rd and 50th Streets, no arcades or #urban plazas# shall be permitted on Seventh Avenue or Broadway and, with the exception of marquees and #signs#, any area between the

Seventh Avenue or Broadway #street line# and any required #street wall# below the height of the first required setback, including permitted recesses, shall be open from #curb level# to the sky in its entirety. Any such area shall be at the same elevation as the adjoining sidewalk, directly accessible to the public at all times and free of all obstructions at ground level, including #street# trees. On the remaining #streets# designated for #street wall# continuity, arcades, if provided, shall be not less than 10 feet in depth and not more than 30 feet high. Arcades shall not be counted toward the recess allowances.

For #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway the minimum and maximum heights of #street walls# subject to the setback restrictions on all #street# frontages shall be in accordance with Section 81-75 (Special Street Wall and Setback Requirements).

For #zoning lots# located wholly or partially within the Eighth Avenue Corridor, the minimum and maximum heights of #street walls# subject to the setback restrictions on all #street# frontages shall be in accordance with Section 81-75.

On Fifth Avenue, the minimum required #street wall# height without setback shall be 85 feet and the maximum allowable #street wall# height without setback shall be 125 feet. Above the maximum #street wall# height, a setback of at least 10 feet shall be required.(See Section 81-83).

Existing #buildings# on a #zoning lot# shall be included in measurements of the #street wall#. No existing #building# shall be altered such that a #non-compliance# with the provisions of this Section is created, nor shall an existing degree of #non-compliance# with these provisions be increased.

81-46

Off-Street Relocation or Renovation of a Subway Stair

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

The subway stations where such improvements are required are listed in the following table and shown on Map 3 (Subway Station Improvement Areas) in Appendix A.

Station	Line
34th St-Penn Station	Broadway-7th Ave.IRT
34th St-Penn Station	8th Ave.IND
34th St-Herald Square	6th Ave.IND/Broadway BMT
42nd St.	8th Ave.IND
42nd St-Times Square	Broadway-7th Ave.IRT/Broadway BMT
42nd St.	6th Ave.IND
42nd St-Grand Central	Lexington Ave.IRT
47th-50th St/Rockefeller Center	6th Ave.IND
49th St. Broadway BMT	
50th St.	8th Ave. IND
50th St. Broadway-7th Ave. IRT	
51st St.	Lexington Ave. IRT
7th Ave (53rd St)	6th Ave. IND
Fifth Ave (53rd St)	Queens IND
Lexington Ave-3rd Ave (53rd St)	Queens IND
57th St	Broadway BMT
57th St	6th Ave.IND
59th St-Columbus Circle	7th Ave.IRT/8th Ave.IND

81-50

INCENTIVES BY SPECIAL PERMIT FOR PROVISIONS OF PUBLIC AMENITIES

81-51

General Provisions and Procedures

The City Planning Commission may grant special permits authorizing, for non-#residential# or #mixed buildings#, #floor area# bonuses in accordance with the provisions of this Section.

81-511

Subway station improvements

Except in the Preservation Subdistrict and except for #zoning lots# wholly within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), the City Planning Commission may grant special permits authorizing, for non-#residential# or #mixed buildings#, #floor

area# bonuses in accordance with the provisions of Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan).

The subway stations where such improvements are permitted are listed in the following table and shown on Map 3 (Subway Station Improvement Areas) in Appendix A.

MIDTOWN SUBWAY STATIONS

Station		Line
34th St-Penn Station	Broadway-7th Ave.IRT	
34th St-Herald Square		6th Ave.IND/Broadway BMT
42nd St. 8th Ave.IND		
42nd St-Times Square	Broadway-7th Ave.IRT/ Broadway BMT	
42nd St.		6th Ave.IND
42nd St-Grand Central		Lexington Ave.IRT
47th-50th St/Rockefeller Center		6th Ave.IND
49th St. Broadway BMT		
50th St.		8th Ave. IND
50th St. Broadway-7th Ave. IRT		
51st St.		Lexington Ave. IRT
7th Ave (53rd St)		6th Ave. IND
Fifth Ave (53rd St)		Queens IND
Lexington Ave-3rd Ave (53rd St)		Queens IND
57th St Broadway BMT		
57th St		6th Ave.IND
59th St-Columbus Circle		7th Ave.IRT/8th Ave.IND

81-50
SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT

81-51
General Provisions

In order to establish the Penn Center Subdistrict as a destination and enhance its retail, entertainment and commercial character and expand accessibility to its transportation network, special regulations are set forth governing the location and type of #signs#, urban design and streetscape relationships, and the improvement of pedestrian circulation to and from public transit facilities.

The regulations of Section 81-50 (SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT), are applicable only in the Penn Center 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.

81-52
Sign Regulations

The provisions of this section shall apply to all #zoning lots# with frontage along Seventh Avenue. The height of all #signs# shall be measured from the #curb level#.

(a) #Signs#, including #advertising signs#, #flashing signs# and #illuminated signs#, unlimited in area, shall be permitted to a height of 40 feet. Below a height of 14 feet, such #signs# shall not occupy more than 50 percent of the glazed #street wall# surface required pursuant to Section 81-42, nor shall such #signs# be located within ten feet of an entrance to a rail mass transit facility or subway station.

(b) #Signs#, including #advertising signs#, #flashing signs# and #illuminated signs#, except as otherwise provided in Section 81-52(c), may be permitted above a height of 40 feet by the City Planning Commission upon certification that:

(1) such #signs# and #sign# structures to which #signs# are attached shall not exceed a height of 60 feet; except that #signs# and #sign# structures onto which #signs# are attached within 40 feet of the intersection of two #streets# or within 30 feet of the centerline of the westerly prolongation of West 32nd Street along the west blockfront of Seventh Avenue between West 31st and West 33rd Streets, shall not exceed a height of 100 feet;

(2) such #signs# above a height of 60 feet are located on #zoning lots# that contain an entrance to or are adjacent to an entrance to a rail mass transit facility and or subway station;

(3) such #signs# shall not project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for other signs, except that #signs# within 40 feet of the intersection of two #streets# may project up to three feet across a #street line# above a height of 25 feet;

(4) such #signs# that exceed a height of 60 feet, shall be no wider than 40 feet each;

(5) such #signs# or #sign# structures that exceed a height of 60 feet, may include lighting effects at the top of such #sign# structure and such lighting effects shall not exceed a height of 10 feet above such #sign# or #sign# structure.

(6) such #signs# and #sign# structures onto which #signs# are attached within 30 feet of the centerline of the westerly prolongation of West 32nd Street shall have a minimum clearance of 10 feet from the adjacent #building#, and such #sign# structure shall have a minimum clearance of 20 feet from the #street line# in order not to obstruct visibility of the transit entrance from the #street#;

(7) on #zoning lots# that contain an entrance to or are adjacent to an entrance to a rail mass transit facility and or subway station, the requirements for rail mass transit or subway entrance informational #signs# of Section 81-521 are met; and

(8) monies will be deposited into an escrow account or similar fund established by the City, to be used at the direction of the Chairman of the City Planning Commission and the Commissioner of the Department of Transportation acting in consultation with the Metropolitan Transit Authority, as necessary, for street scape and for above- and below-grade pedestrian circulation improvements within the Penn Center Subdistrict. For the period through January 1, 2003, and thereafter, until adjusted by rule of the City Planning Commission pursuant to the City Administrative Procedure Act, such #sign# contribution shall be equal to \$30 per square foot of #sign# permitted above a height of 40 feet. Any net increase in the "surface area" of a previously approved #sign# shall require a new certification and the deposit of a supplemental #sign# contribution in an amount reflective of such increase.

Alternatively, an applicant may, at the time of the first certification for a #sign# at a location under its control, deposit a #sign# contribution in an amount equal to \$20 per square foot of #sign# above a height of 40 feet for the total amount of square footage of all #signs# eligible for certification at locations under the applicant's control. The deposit of monies under this alternative procedure shall not relieve the applicant of the requirement to seek and obtain a certification for each such #sign# pursuant to this subsection prior to installation.

For purposes of this subsection, the square footage of the #sign# shall mean the "surface area" of a #sign# as defined in Section 12-10 , except that it shall also include the area of any structural frame or similar enclosure in which the #sign# is located or to which it is attached. No #sign# for which a certification has been received shall be installed prior to deposit of the #sign# contribution in accordance with this subsection.

(c) #Signs# above a height of 40 feet on any #building# listed on the State and/or National Register of Historic Places, or any #building# formally determined eligible for inclusion on the Register, may be permitted upon authorization by the City Planning Commission that

(1) the proposed method of attachment of such #signs# shall be reversible;

(2) such #signs# shall not be disruptive to the historic fabric of the #building#; and

(3) such #signs# shall comply with all other requirements of Section 81-52(b); and

(4) the requirements for rail mass transit or subway entrance informational #signs# of Section 81-521 are met.

(5) monies will be deposited into an escrow account or similar fund established by the City, to be used at the direction of the Chairman of the City Planning Commission and the Commissioner of the Department of Transportation acting in consultation with the Metropolitan Transit Authority, as necessary, for street scape and for above- and below-grade pedestrian circulation improvements within the Penn Center Subdistrict. For the period through January 1, 2003, and thereafter, until adjusted by rule of the City Planning Commission pursuant to the City Administrative Procedure Act, such #sign# contribution shall be equal to \$30 per square foot of #sign# permitted above a height of 40 feet. For purposes of this subsection, the square footage of the #sign# shall mean the "surface area" of a #sign# as defined in Section 12-10 , except that it shall also include the area of any structural frame or similar enclosure in which the #sign# is located or to which it is attached. No #sign# for which an authorization has been approved shall be installed prior to deposit of the #sign# contribution in accordance with this subsection or the alternative #sign# contribution provided in Section 81-52(b)(8).

Any net increase in the "surface area" of a previously approved #sign# shall require a new authorization and the deposit of a supplemental #sign# contribution in an amount reflective of such increase.

81-521

Rail mass transit and subway entrance informational signs

For a #zoning lot# that contains or is adjacent to an entrance or entrances to a rail mass transit facility or subway station, no permit shall be issued for any #signs# that extend or are located above a height of 40 feet, unless the City Planning Commission certifies that each such entrance is clearly identified with rail mass transit or subway entrance informational #signs# and marquees in accordance with the following paragraphs (a) and (b). Such rail mass transit or subway entrance informational #sign# or marquee shall remain, or be upgraded or replaced by a similar #sign# or marquee, for the life of the related development.

(a) Rail mass transit or subway entrance informational #signs# shall prominently identify the entrance on both #streets# of a #corner lot#. Where rail mass transit or subway entrance informational #signs# are provided at the western blockfront of Seventh Avenue between West 31st and West 33rd Streets, such #signs# shall prominently identify the entrance to Pennsylvania Station to pedestrians on both Seventh Avenue and West 32nd Street. All such informational #signs# shall comply with the following requirements:

- (1) such #signs# shall contain only transit information;
 - (2) such #signs# shall be illuminated and located no less than 12 feet above and no more than 25 feet above #curb level#;
 - (3) such #signs# shall contain the word "Subway" and/or appropriate other rail mass transit identification and transit line symbols. The graphic standards shall adhere to New York City Transit or other pertinent transit agency standards with all letters no less than 3 feet and transit symbols no less than 2 feet in dimension;
 - (4) such #signs# shall be no less than 30 feet in length on each #street# and shall extend farther than 30 feet in order to include the actual entrance; and
 - (5) such #signs# may project up to 5 feet beyond the #street line#.
- (b) At the rail mass transit or subway entrance, a marquee shall be provided to further identify the entrance and shall comply with the following requirements:
- (1) such marquee shall contain only transit sign information;
 - (2) such marquee shall be illuminated and located no less than 12 feet above and no more than 25 feet above #curb# level#;
 - (3) such marquee shall have a minimum length of 20 feet or the full width of the entrance whichever is less;
 - (4) such marquee shall project no less than 5 feet beyond the transit or subway informational #sign#; and
 - (5) such marquee shall include illuminated mass transit identification and transit line symbols that meet the New York City Transit or other pertinent transit agency standards.

81-53

Special Bulk and Urban Design Requirements

In addition to the requirements set forth in Section 81-25 (General Provisions Relating to Height and Setback of Buildings) and Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of this Section shall apply to a #development# or #enlargement# having 50 percent or more of its #zoning lot area# within the Penn Center 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 81-53 are in conflict, the regulations of this Section shall govern.

81-531

Special retail frontage requirements

The provisions of Section 81-42 (Retail Continuity along Designated Streets) shall apply within the Penn Center Subdistrict. However, the requirements that at least 50 percent of the #street wall# surface of each ground floor establishment be glazed with clear, untinted, transparent material, and not more than 50 percent of such transparent surface be painted or obstructed with #signs# shall not apply to any informational signs or marquees provided to identify rail mass transit or subway entrances in accordance with Section 81-52 (Sign Regulations).

81-532

Special street wall requirements

The provisions of Section 81-43 (Street Wall Continuity along Designated Streets) shall be modified to require that the front building wall of all #developments# and #enlargements# along the Seventh Avenue frontage of #zoning lots# shall be a minimum of 85 feet above #curb level# or the full height of the #building#, whichever is less.

In addition, the restrictions on permitted recesses contained in Section 81-43 shall not apply to pedestrian circulation spaces provided in accordance with Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair) or Section 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility) nor to interstitial spaces between #signs# or between building walls and #signs#.

81-54

Floor Area Bonus in the Penn Center Subdistrict

81-541

Rail mass transit facility improvement

In addition to the provisions of Section 81-29 (Incentives by Special Permit for Provisions of Public Amenities), the City Planning Commission may grant #floor area# bonuses for subway station and rail mass transit facility improvements for non-#residential# or #mixed buildings#, in accordance with Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) and may modify or waive the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) in accordance with the provisions of Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) provided that such improvement is approved by the entities which own and/or operate the rail mass transit facility.

For the purposes of this Section, improvements to any rail mass transit facility within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section 74-634, as modified herein.

81-542

Retention of floor area bonus for plazas or other public spaces

For the #zoning lot# bounded by West 34th Street, Seventh Avenue, West 33rd Street, and Eighth Avenue, which contains at least 7,000 square feet of existing #plaza# or other bonused public amenity in the Penn Center Subdistrict, the maximum allowed #floor area# bonus for all existing #plaza# or other public amenities on the #zoning lot# may be retained at the amount allowed prior to [date of the amendment], subject to all other provisions of this Resolution, notwithstanding inclusion of such #zoning lot# within the #Special Midtown District#.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on October 31, 2001, on file in this office.

.....
City Clerk, Clerk of Council

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