



CITY PLANNING COMMISSION

October 10, 2001 / Calendar No. 44

N 010653 ZRM

IN THE MATTER OF an application submitted by Vornado Development pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article VIII, Chapter 1 (Special Midtown District) concerning the establishment of the Penn Center Subdistrict, and use, bulk, and special signage regulations, Borough of Manhattan, Community District 5.

The application for an amendment of the Zoning Resolution was filed by Vornado Development on May 18, 2001, to expand the boundaries of the Special Midtown District, and to establish within it, a new subdistrict, the Penn Center Subdistrict. The purpose of the subdistrict would be to establish a regulatory framework that would foster a visually cohesive identity for the area along Seventh Avenue near Penn Station as a major destination and regional center of retail, entertainment, commercial, and transit activities. The core of the proposal is new signage regulations that significantly expand opportunities for advertising signage while requiring improved identification and wayfinding signs to transit services available in the area.

RELATED ACTIONS

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the proposal requires action by the City Planning Commission (CPC) on the following applications which are being considered concurrently with this application:

1. C 010652 ZMM **Zoning Map Amendment** to rezone the northwest corner of West 34th Street and Seventh Avenue from C6-4M to C6-4 and to extend the boundaries of the Special Midtown District.
2. N 010654 ZCM **Commission's Certification** pursuant to proposed Section 81-52(c) to allow a sign above a height of 60 feet and below a height of 120 feet at

435 Seventh Avenue, a new building located within the proposed Penn Center Subdistrict.

BACKGROUND

Area Description

The subject area is located along Seventh Avenue between West 31st and the midblock between West 34th and 35th Streets. The area lies at the southwestern edge of Midtown Manhattan's commercial core, a densely developed and active area of mainly office, retail, entertainment, transportation, and hotel uses. Neighboring the Penn Center area are Herald Square to the east, Madison Square Garden and the Farley Post Office Building to the west, the Jacob Javits Convention Center further west, the Chelsea District to the south, and the Garment Center and Times Square to the north.

The character of the subject area is largely defined by Penn Station, Madison Square Garden, and Macy's department store, and by the heavy pedestrian and vehicular traffic they generate. Despite the presence of these major destinations, this stretch of Seventh Avenue lacks visual cohesiveness. The area includes a wide variety of buildings constructed at different times, in different sizes and styles. Large commercial office buildings, One Penn Plaza and Two Penn Plaza, 57-stories and 30-stories respectively, are located on the west side of the Seventh Avenue. Both set back significantly from Seventh Avenue and do not maintain a strong streetline. A one story building, the "Greenpoint Bank" building, is located along Seventh Avenue between West 33rd and 34th Streets, in front of One Penn Plaza. The east side of the avenue includes the 20-story Pennsylvania Hotel, 26-story 11 Penn Plaza (former Montgomery Ward Building), and a variety of 2-, 3-, 4- story taxpayer buildings. The Macy's department store occupies the full block between West 34th Street, West 35th Street, Seventh and Broadway and is listed on the State and National Registers of Historic Places. A new 20-story as-of-right commercial building is currently under construction at the southeast corner of West 34th Street and Seventh Avenue.

Below grade in the subject area is the extensive transit facility network of Penn Station. Penn

Station is Manhattan's busiest transportation hub, serving half million commuters daily riding the IND and IRT lines of the New York City Subway, Amtrak, NJ Transit, and LIRR. The main entrance to Penn Station is located on the west side of Seventh Avenue, on the superblock between West 31st and 33rd Streets. There are altogether 11 entrances into the underground transit services available to pedestrians in the subject area.

The area of the proposed subdistrict is located in C6-6, C6-4, and C6-4M zoning districts. C6 districts are high density zones that allow for a wide range of high bulk commercial uses requiring central locations. Most C6 districts are in Manhattan and provide for corporate headquarters, large hotels, entertainment facilities, and large retail stores. The C6-6 district allows an FAR of 15.0 and the C6-4 and C6-4M allows an FAR of 10.0. The subject area is located partially within the Special Midtown District.

The Special Midtown District

The Special Midtown District was established in 1982 to strengthen the midtown core of Manhattan by stabilizing growth in already dense areas, encouraging development in appropriate areas, and preserving the area's pedestrian orientation and historic character. The special district is generally bounded by Eighth Avenue on its west side, and the midblock line between Third and Second Avenues on its east side. The northern and southern boundaries are more irregularly shaped, but reach Sixty-first Street and Thirty-first Street at its northern and southernmost points.

Regulations governing Midtown include bulk regulations that control the general envelope of developments, density differentials between midblock and avenue portions of blocks, and urban design requirements that encourage proper relationship of buildings to pedestrians. Such requirements include ground floor retail on certain streets, streetwalls built to property lines on certain streets, relocation of subway stairs from the sidewalk to within the property of a new development, pedestrian circulation space improvements, and curb cut prohibitions on certain streets.

In addition to the district-wide regulations, there are four subdistricts within Midtown, each with a special set of regulations. The subdistricts currently within Midtown are: the Theater Subdistrict, the Fifth Avenue Subdistrict, the Preservation Subdistrict, and the Grand Central Subdistrict. The Commission has established special zoning districts and subdistricts in order to achieve specific planning and urban design goals for neighborhoods with unique characteristics that cannot be properly addressed or protected by the underlying zoning. Regulations governing the Special Midtown District and subdistricts therein are provided in Article 8, Chapter 1 of the Zoning Resolution.

PROPOSAL

Establishment of the Penn Center Subdistrict

The proposed Penn Center Subdistrict would establish a new subdistrict within the Special Midtown District. The purpose of the subdistrict would be to expand the commercial, retail, and entertainment character of the area, and enhance its role as a major transportation hub in the city. This would be achieved primarily by providing unifying streetscape elements to an area known for its lack of visual cohesiveness. The core of the proposal is new signage regulations that would significantly expand opportunities for advertising signage while requiring improved identification and wayfinding signs for transit services.

The applicant, a major property owner in the area, has stated that the proposed coordinated regulations would allow it to define the district as the regional gateway to the City, to provide opportunities for national and regional retailer to advertise products and services in a heavily trafficked area, to attract new investment and broaden the mix of retail and entertainment activities, and to enhance the value of the area as an attractive commercial address. The applicant has stated that the proposal would improve pedestrian circulation and encourage commuters and visitors to remain in the district longer.

The proposed subdistrict would be mapped along Seventh Avenue between the north side of West 31st Street and the midblock line between West 34th and 35th Streets. The subdistrict would

extend 100 feet east and west from Seventh Avenue, except for the west side of Seventh Avenue between West 33rd and 34th Streets, where the subdistrict would extend 200 from the Avenue. The area currently includes C6-4, C6-6, and C6-4M zoning districts, and is partially within the Special Midtown District. The proposed subdistrict would be zoned C6-4 and C6-6 and located entirely within the Special Midtown District (see “Expansion of Special Midtown District”).

Regulations for the subdistrict would consist of three components: a) signage regulations, b) streetwall and retail continuity requirements, and c) floor area bonus provisions unique to the Penn Center area. Regulations for the subdistrict would be provided in a new Section 81-50, “Special Regulations for the Penn Center Subdistrict.”

A. Signage Current regulations for C6-4 and C6-6 districts prohibit advertising signs and do not allow any sign to be placed above a height of 40 feet or to project beyond 18 inches of the street line. Accessory business signs are currently allowed, but are limited to a height below 40 feet above curb level and are subject to certain size and illumination limitations.

The proposed subdistrict signage regulations would allow advertising, flashing, and illuminated signs to be located along street frontages within the subdistrict, subject to the proposed regulations. The overall effect of full build-out would be a sign corridor along Seventh Avenue with signs reaching a height 60 feet in the midblock, and sign “towers” reaching a height of 120 feet located at street corners. The sign towers would be allowed only where an entrance to the underground transit network is located and only if that entrance has been clearly identified with permanent transit signage, pursuant to standards set forth in the proposed text. These vertical elements, the sign “towers,” would serve to provide prominent locations for advertising signs in their upper portions and to announce the location of entrances into the transit system at their base. Unlike signage regulations for Times Square, commercial signs would be elective in Penn Center. However, the provision of transit signage is mandatory before any commercial sign can exceed the height of 40 feet above curb.

The proposed regulations would allow signs, including advertising, flashing, and illuminated, as follows:

- From curb level to 60 feet: Signs would be allowed, as-of-right, without size restriction, below a height of 60 feet. For zoning lots that contain an entrance to subway or rail mass transit facility or that front directly onto such an entrance on the sidewalk, signs would be allowed above a height of 40 feet only if informational signs identifying locations of such transit entrances are provided, pursuant to standards provided in the subdistrict regulations. Signs in the midblock may not extend 18 inches beyond the streetline.
- Between 60 and 120 feet above curb level (location of sign “towers”): At corners where a transit entrance has been identified, signs would be allowed between the height of 60 and 120 feet by Certification by the City Planning Commission. The Commission would certify that such signs or sign structure onto which signs are attached are within 40 feet of the intersection; such signs project no more than 8 feet beyond the street line; any such individual sign is no wider than 40 feet; special lighting effects are provided at the top of any sign structure; and that the requirements for transit informational signs are met.

Similarly, at the midblock of the west side of Seventh Avenue between West 31st and 33rd Streets, where the main entrance to Pennsylvania Station is located, signs would be allowed by Certification by the City Planning Commission. The Commission would certify that any such sign is within 30 of either side of the midblock point; any such individual sign is no wider than 40 feet; such sign or sign structure onto which signs are attached shall have a minimum clearance of 10 feet from the adjacent building; such signs or sign structure onto which the signs are attached shall not unduly obstruct or impede pedestrian in the open area between the building and the street line and shall allow visibility throughout the open area; special lighting effects are provided at the top of any sign structure; and that the requirements for transit informational signs are met.

- Between 150 to 180 feet above curb level: On the western block of Seventh Avenue, between West 31st and 33rd Streets, a sign is permitted only upon Authorization by the City Planning Commission authorizing that such signs are consistent with the goals of the Penn Center Subdistrict. This provision would permit a proposed zipper sign to be located at 2 Penn Plaza and which is not permitted by existing regulations.
- Above 40 feet on historic buildings: On any building that is listed on the State and/or National Register of Historic Places, or has been formally determined eligible for the Register, signs would be allowed only upon Authorization by the City Planning Commission. Such signs must be attached in a manner so that removal of the signs would not be disruptive to the historic fabric of the building. The only building for which this proposed provision is applicable is Macy's, located at northeast corner of Seventh Avenue and 34th Street.

Transit Signage: Informational and wayfinding signs to transit entrances are a prerequisite to the placement of any commercial sign exceeding a height of 40 feet. Two elements comprise the transit signage: an informational band that leads pedestrians to the transit entrance, and a marquee overhanging the actual location of the entrance. The informational signage band must be located between 12 to 25 feet above curb level; must be illuminated and contain the word "Subway" and/or other appropriate rail mass transit identification (in letters of at least 3 feet in height) and transit line symbols which adhere to New York City Transit Authority or other pertinent agency standards (of at least 2 feet in minimum dimension); and must extend 30 feet or further if necessary in order to include the entrance. The marquee located above the actual entrance must be located between 12 to 25 feet above curb level; be illuminated and contain the word "Subway" and/or other appropriate rail mass transit identification and transit line symbols; have a minimum length of 20 feet, or the full width of the entry, whichever is less; and must minimally project at least 5 feet beyond the informational band. These signs shall be required for the life of the development.

B. Streetwall and Retail Continuity Standard Midtown retail continuity requirement along designated streets would apply within the Penn Center Subdistrict. However, any informational sign or marquees identifying transit entrances would not be counted against ground floor transparency requirements of the special district. Streetwalls along Seventh Avenue would be required to reach a minimum height of 85 feet above curb level or the height of the building, whichever is less. This deviation from the standard Midtown streetwall requirement is driven by the Greenpoint Bank site, located in front of 1 Penn Plaza, which is only two stories tall.

C. Floor Area Bonus Current zoning allows, by special permit, floor area bonuses for improvements to certain subway stations. Neither the 34th Street/Eighth Avenue IND subway station, nor rail mass transit facilities (e.g: LIRR, NJTransit, Amtrak) are listed as stations for which bonus floor area may be granted. The applicant proposes to extend the availability of the bonus to include improvements made to the 34th Street/8th Avenue IND and rail mass transit facilities at Penn Station. The bonus would not be applicable for Grand Central Terminal. The Grand Central Subdistrict provides for incentives for floor area transfers from the terminal to developments within the subdistrict.

Additionally, the proposed text would allow 1 Penn Plaza, which would be located partially within the Penn Center Subdistrict, to retain a 2.0 FAR bonus generated by an existing plaza and arcade on a portion of the site, after that portion is included in the Special Midtown District which caps the maximum bonus at 1.0 FAR.

Expansion of Special Midtown District and Proposed Rezoning

The zoning map action involves the following: 1) rezoning the northwest corner of West 34th Street and Seventh Avenue from C6-4M to C6-4, 2) extending the boundaries of the Midtown Special District to include the west side of Seventh Avenue between West 31st and West 33rd Streets for a depth of 100 feet, the west of Seventh Avenue between West 34th Street and the midblock between West 34th and 35th Streets for a depth of 100 feet; the east side of Seventh Avenue between West 34th Street and the midblock between West 34th and 35th Streets for a

depth of 100 feet; and the portion of the block bounded by West 33rd Street, West 34th Street, Seventh and Eighth Avenues that is presently not included in the Special Midtown District. (The eastern portion of this block is located within the Special Midtown District for a depth of 200 feet from Seventh Avenue.)

The Penn Center Subdistrict is being created to include property generally fronting on Seventh Avenue between West 31st Street and West 34th Street and the northwest and northeast corners of West 34th Street and Seventh Avenue. The incorporation of the northwest corner of West 34th Street and Seventh Avenue into Midtown necessitates a change in zoning district from C6-4M to C6-4 since the Special Midtown District does not include any C6-4M districts. The area of rezoning is currently part of the existing C6-4M district mapped along the north side of West 34th Street between Seventh and Eighth Avenues, a vestige of the former mixed-use area defined as Garment Center East.

The C6-4M district imposes restrictions on conversion of non-residential floor area to residential use unless a certain amount of floor area appropriate for certain commercial or manufacturing uses is preserved either in the same building or elsewhere within the district. The area of rezoning extends 100 feet from the streetlines of West 34th Street and Seventh Avenue and contains 10,000 square feet of lot area. The properties affected by the proposed rezoning are the 3-story Citibank building and a portion of the neighboring 45-story office tower. The proposed rezoning would not change allowable FAR on the site, which would remain at 10.0.

Finally, the boundaries of the special district would be further extended to incorporate the remainder of the block bounded by West 33rd Street, 34th Street, Seventh Avenue and Eighth Avenue, which is not proposed to be part of the Penn Center Subdistrict. This block is occupied by the zoning lot of 1 Penn Plaza. While there would be no change to the underlying use and density regulations, the special bulk and mandatory district plan elements of the Special Midtown District would now apply. The inclusion of this block within the special district would allow it to seek a special permit, pursuant to Section 81-066, which allows modifications to bulk

regulations governing zoning lots located in more than one zoning district.

OTHER RELATED ACTION

Commission's Certification

Pending approval of the proposed zoning text and map amendments, the applicant is also requesting a Commission's certification, pursuant to proposed Section 81-52 (c) *Sign Regulations*, that would permit a sign above a height of 60 feet at 435 Seventh Avenue, a new commercial building currently under construction within the proposed Penn Center Subdistrict. (Three other large-scale signs are also proposed at this building, but are located below 60 feet and thereby would be allowed as-of-right.) The sign subject to certification measures 40 feet in width and 50 feet in height, and would be placed diagonally at the corner of West 34th Street and Seventh Avenue. The sign is located 55 feet above curb level and reaches 105 feet at its top. The sign would extend approximately 25 feet from the street intersection along both Seventh Avenue and 34th Street and would project 8 feet beyond the streetline. The sign would be attached to a sign structure that would be topped with a special lighting feature, as required by the certification. Transit signage which is pre-requisite to any sign exceeding a height of 40 feet will be provided in accordance with the proposed subdistrict regulations.

ENVIRONMENTAL REVIEW

This application (N 010653 ZRM), in conjunction with the application for the related actions (C 010652 ZMM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 01DCP063. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on May 21, 2001.

PUBLIC REVIEW

On May 21, 2001, this application was referred to Community Board 5 and the Manhattan Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board

Community Board 5 held a public hearing on this (N 010653 ZRM) and related applications (C 010654 ZMM, N 010654 ZCM) on June 14, 2001, and on that date, adopted a resolution disapproving the applications. The vote was 19 in favor of disapproval, 8 opposed, and 2 abstentions.

In its resolution for disapproval of the proposal, the Board agreed that the subject area lacks visual coherence and agreed with the concept of establishing consistent and unifying signage to help wayfarers identify the district and locate transit entrances, but stated that

“..the Board believes that there should be a broader proposal of solutions to its many concerns regarding this area, and that such proposal should also incorporate Eighth Avenue blockfronts from 31st Street to 34th Street; and ...the Board finds that the advertising signs proposed by the applicant are too big and too high and unrelated to the scale of the surrounding buildings, and that the proposed signage does not address many of the important problems in this area.”

Borough President Recommendation

This (N 010653 ZRM) and related applications (C 010652 ZMM, N 010654 ZCM) were considered by the Manhattan Borough President. On July 20, 2001, the Borough President issued a recommendation approving the applications with conditions. The recommendation states,

“[A] major concern of the community is the height and size of the signage. They feel it would be more aesthetically desirable to decrease the size of the signs by 20% to a maximum of 100 feet and, in addition, reduce the height....Whereas, the community feels that some effort was made to make signage consistent and helpful, there needs to be additional effort to alleviate congestion and improve pedestrian circulation. It is believed that some of these problems would be mitigated if there were more street-level directional signs to subway entrances, without adding additional visual clutter to the sidewalks.

The conditions of the Borough President's approval are "1) to limit the height of commercial signs to a maximum of 100 feet above curb level; and 2) investigate and add additional street level directional signs to subway entrances as an element of the streetscape improvement component."

City Planning Commission Public Hearing

On July 11, 2001, (Calendar No. 6) the City Planning Commission scheduled July 25, 2001, for a public hearing on this applications. The hearing was duly held on July 25, 2001 (Calendar No. 16), in conjunction with the public hearing on the application for the related action (C 010652 ZMM). There were six speakers in favor of the applications and no speakers in opposition.

The speakers in favor of the applications included two representatives of the applicant and representatives from the 34th Street BID, the New York City Partnership/Chamber of Commerce, Macy's department store, and the Municipal Art Society of New York.

A representative of the applicant discussed the requested zoning actions. The representative described the existing character of the subject area as lacking coherent visual character and noted that various entrances to the underground transit services are underused due to their of visibility to pedestrians at street level. He then explained that the applicant's objective for establishing the subdistrict is to provide an identity to an area that serves as a regional center for retail and entertainment and to expand the accessibility of the extensive transit system of Penn Station located below street level. He also stated that visual cohesiveness of the proposed signs and sign "towers" could be delivered since virtually all of the property located within the proposed subdistrict is controlled by the applicant. Finally, the representative stated that the pedestrians would benefit from this proposal since highly visible signs to transit entrances would be required should the applicant or other building owner seek to place commercial signs above a certain height.

The second representative of the applicant, the project architect/urban designer, spoke at length about the character of the neighborhood, the opportunity to restore a sense of “avenue” to the subject area, and the urban design rationale of signage as unifying streetscape elements. The architect referred to the existing Long Island Railroad entrance “tower” located near the southwest corner of West 34th Street and Seventh Avenue as the precedent for vertical elements providing unifying streetscape elements. In discussing the transit signage, the architect referred to the successful transit signage located in Times Square. The architect explained further the specifics of the proposed signage regulations.

The next speaker, the vice-president of retail services for the 34th Street Business Improvement District (BID), offered the BID’s enthusiastic support for the subdistrict proposal, stating that the improved streetscape could improve the aesthetic character of the area and attract national retailers to the area.

The senior vice-president of the New York City Partnership/Chamber of Commerce offered support of the proposal stating that the proposal could help distinguish an area that features several major destinations for tourists and residents of the city.

The vice-president of consumer and governmental affairs for Macy’s Department Store. The speaker stated that Macy’s welcomes the proposed signage plan as envisioned by the applicant as it expects to benefit from what it believes to be continued streetscape improvements such as those undertaken by the 34th Street BID and also by the City at Herald and Greeley Squares.

The last speaker, the director of the Municipal Art Society (MAS), offered support for the proposed subdistrict provided that certain modifications be made to the proposal. The MAS agreed with the applicant and previous speakers that this area is a major destination neighborhood that could benefit from streetscape and wayfinding improvements. However, the MAS questioned the reliance of large scale advertising signs as the primary answer to urban design issues in this area. The representative further questioned the appropriateness of the

proposed size of the sign “towers” and suggested that their maximum height be reduced from 120 feet to 90 feet.

There were no other speakers and the hearing was closed.

EXTENSION OF CITY PLANNING COMMISSION LAND USE REVIEW PERIOD

On September 21, 2001, the City Council adopted a local law to extend review periods under the Uniform Land Use Review Procedure for applications pending as of September 11, 2001, the date of the World Trade Center tragedy. Under section 3 of the Local Law no. 2001, signed into law by the Mayor on October 10, 2001, the sixty day period for review and action by the City Planning Commission on ULURP applications (NYC Charter §197-c(f)) was extended for forty-five days for applications pending before the Commission as of September 11, 2001. Section 5 of the Local Law no. 58 of 2001 provides that, notwithstanding the provisions of NYC Charter §197-c(j), the failure of the Commission to act on a ULURP application within the sixty day period shall not result in disapproval of the application. Pursuant to these provisions, the vote on these applications, originally scheduled for September 12, 2001, was rescheduled for September 25, 2001, and subsequently rescheduled for October 10, 2001.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 010653 ZRM) as modified herein, in conjunction with the related zoning map amendment (C 010652 ZMM), is appropriate.

These applications would expand the Special Midtown District and establish within it the new Penn Center Subdistrict. The proposed subdistrict is home to Penn Station, the city’s busiest transportation hub; Madison Square Garden, one of the city’s premiere sports and entertainment venues; and Macy’s flagship department store which occupies a full city block and anchors the surrounding concentration of retailers. Despite the presence of these major destinations, this stretch of Seventh Avenue lacks a cohesive visual identity that distinguishes the area as one of

the most dynamic and vital districts in the city. The purpose of the subdistrict is to provide a regulatory framework that will foster a cohesive visual identity in order to enhance and expand its role as major destination for retail, commercial, and entertainment activities, and to improve its role as a major transportation center in the city. The Commission supports this effort to create a visual identity for this area that acts as a major gateway to the City through improvements to the streetscape and overall pedestrian experience.

While the Commission believes that this area would greatly benefit from significant streetscape and urban design improvements, it does not wholly agree with the proposal as originally submitted. During its review of these applications, the Commission and other parties raised questions regarding certain aspects of the proposal including the scale of advertising signs that could be allowed pursuant to the subdistrict regulations and the sufficiency of the public benefit of this proposal. These issues were carefully considered by the Commission and are discussed below.

Zoning Text Amendment

The core of the proposed subdistrict regulations is significantly liberalized commercial signage regulations for the area along Seventh Avenue between West 31st Street and the midblock line between West 34th and 35th Streets. The proposed regulations would allow signs that would not otherwise be allowed by underlying zoning, but there would be no change to the underlying use and density regulations. The proposal would facilitate a sign corridor along this portion of Seventh Avenue with signs reaching a height of 60 feet above curb level in the midblock and sign "towers" reaching a height of 120 feet at street corners that contain an entrance to the underground transit network. Signs would also be allowed between 150 and 180 feet at the western block of Seventh Avenue between West 31st and 33rd Streets (at 2 Penn Plaza). As proposed, for any zoning lot that contains or is adjacent to a transit entrance, identification and wayfinding signs to the underground pedestrian network would be required before any commercial sign may be located above a height of 40 feet above curb level.

The Commission believes that this area, a non-residential, heavily trafficked transit, entertainment, and retail district is an appropriate location for large-scale commercial signage. However, the Commission is making certain modifications to the signage component of the proposed subdistrict regulations to ensure a more appropriate scale of commercial and advertising signage and that appropriate measures are taken to ensure compliance with the subdistrict regulations.

As proposed, all types of signs -- flashing, illuminated, and advertising -- would be allowed as-of-right up to a height of 60 feet. Above the height of 60 feet, signs would be allowed only by City Planning Commission certification or authorization. Transit signs would be mandatory for sites with or adjacent to transit entrances prior to any commercial sign exceeding the height of 40 feet. While the Commission considers commercial signs to be appropriate in this area, it believes that signs should be allowed as-of-right only up to a height of 40 feet. Signs above 40 feet should be allowed only by CPC certification (or by CPC authorization in the case of buildings listed on the State and/or National Register of Historic Places or any building formally determined eligible for inclusion on the Register). This modification by the Commission would make consistent the trigger height for mandatory transit signage and the requirement for certification or authorization. Furthermore, the reduction in the maximum height of as-of-right signage is more consistent with existing signage regulations for C6-4 and C6-6 districts, which prohibits advertising signs altogether, but allows business accessory signs up to a height of 40 feet.

Transit Signage and Public Benefit

The applicant has stated that several of the existing entrances are not readily visible to pedestrians and thus are underutilized. The applicant has stated further that public benefit of the proposal, beyond the overall aesthetic improvement to the area, would be the provision of prominent identification and wayfinding transit signage throughout the subdistrict. The Commission agrees that increased visibility and identification of transit entrances provided in a consistent and attractive manner would be beneficial to the public. However, given the extent of

the commercial signage that would be allowed in the proposed subdistrict, the Commission has raised several questions regarding the transit informational signs.

First, the Commission was concerned about the permanency of the transit signage and whether the transit signs could be eliminated in the case of change of ownership or the removal of commercial signs that triggered the transit-sign requirement in the first place. The applicant has stated that the intent of the proposed text was that the subway informational signs would be permanently installed. To assure that the permanency of the transit signage, the proposed regulations regarding the transit signs have been modified to state that "[s]uch 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 proposed development." The Commission believes that this added language adequately assures the permanency and continued maintenance of the transit signage regardless of building ownership or removal of commercial signs.

Secondly, the Commission expressed concern regarding the aesthetic compatibility of the proposed transit signage with other pedestrian-oriented signs that already exist in the area. In particular, the Commission questioned whether the environmental graphics (lettering, color, lighting, overall "look") of the proposed transit signs would be compatible with standard NYC Transit graphics and the wayfinding signs installed by the 34th Street BID which have been praised for their attractiveness. The Commission has modified the text so that all proposed transit signage required by commercial signs above 40 feet will be subject to certification and therefore subject to the Commission's determination that the transit signage meets certain standards of lettering, symbols, dimensions, illumination, and projection standards set forth in the subdistrict regulations, including that the graphic standards adhere to New York City Transit or other pertinent transit agency regulations. The Commission notes that this modification will allow it to review for compliance all proposed transit signage on a case-by-case basis.

Thirdly, and most significantly, while the Commission believes that improved signage to transit services is a critical element to the improvement plan for this area, it seriously questioned

whether the provision of these signs alone would be sufficient a public benefit under this major zoning proposal. At the Commission's request, the Department and the applicant have developed a provision for making financial contributions to a fund, the Penn Center Improvement Fund, devoted to streetscape and pedestrian circulation improvements in the Penn Center Subdistrict. The proposed text has been modified so that a contribution will be required for any sign exceeding a height of 40 feet and will be equal to thirty dollars per square foot of sign surface area, until otherwise modified. These contributions will be deposited into an account 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 in consultation with the MTA, for streetscape and pedestrian circulation improvements in the Penn Center Subdistrict. Any desired future increase in the size of the sign will require a new certification and the deposit of an additional contribution reflecting the incremental increase of the surface area of the sign. The Commission notes that this contribution requirement in the modified text applies to the authorization as well.

The modified text also provides an alternative to building owners that would allow them make the financial contribution to the Penn Center Improvement Fund at a rate of twenty dollars per square foot of sign for all the eligible properties in their holdings at the time of the first certification. The Commission believes that this alternative reduces administrative burden and has a certain advantage in that a greater amount of funds could be readily available for immediate use on improvements to streetscape and/or pedestrian circulation.

In short, the Commission believes that the establishment of the Penn Center Improvement Fund, in conjunction with changes to the commercial signage regulations discussed below, strengthens the benefit to the public of this zoning text change and is appropriate.

Commercial Signage

Of particular concern to the Commission and others was the proposed maximum height of the sign "towers." These sign towers would only be allowed to be located at street corners that have

entrances to the transit services and at the western midblock of Seventh Avenue between West 31st and 33rd Streets where the main entrance to Penn Station is located (Block 783). The proposed subdistrict regulations would allow these sign towers to reach a height of 120 feet above the street.

The Commission considered the recommendations of Community Board 5 and the Borough President. In its resolution for disapproval of the applications, the Community Board stated that while it fundamentally agreed with the applicant's concept of establishing consistent and unifying signage to help pedestrians identify the district and locate transit entrances, it found the advertising signs proposed by the applicant to be "too big and too high." The Borough President, in her approval, also agreed that the proposal would aid tourists and residents and help create visual unity to the area, but conditioned the approval on reduction of the height of the commercial signs to a maximum of 100 feet. Additionally, at the public hearing, the Commission heard testimony from the Municipal Art Society that supported the applications provided that the scale of the commercial signs be reduced and that the applicant consider implementing alternative streetscape improvements in this area.

The Commission agrees with the Borough President's recommendation that the maximum height of the commercial signs within these sign towers should be reduced to 100 feet above curb level. In addition, it believes that the special light features which would top sign towers should be limited to a maximum height of ten feet. Under this approach, the uppermost height of the sign structure, including light feature and signs, would not exceed 110 feet above curb level. The Commission has modified the text accordingly and believes that this modest ten feet reduction in height would still allow the sign towers to achieve the quality of "verticality" that the applicant has stated to be central to the concept of these structures which will serve both as markers of the gateway corridor and to the entrances to the underground transit pedestrian network.

Another concern of the Commission was the extent the signs on the sign towers would be allowed to project beyond the street line. Current zoning regulations restrict the projection of

signs to 12 inches beyond the streetline for single-faced signs and 18 inches for multi-faced signs. The proposed subdistrict regulations for signs located within 40 feet of the street intersection and at the western midblock of the Seventh Avenue frontage of Block 783 would allow signs to project up to eight feet beyond the streetline. The applicant has stated that eight feet projection is necessary to accommodate angled signs. The Commission believes that projections up to eight feet beyond the streetline may unduly obstruct light and air to pedestrians on the street and has therefore reduced the maximum projection of the signs at these locations from eight feet to three feet beyond the streetline. Additionally, the text has been modified so that no such projection may be lower than 25 feet above curb level. This would reduce the visual conflict between the transit entrance signs and competing advertising signs at these busy corner locations.

The Commission is pleased that additional criteria for certification have been included in the proposed subdistrict regulations for a sign tower at the western midblock of the Seventh Avenue frontage between West 31st and 32nd Streets, where the primary entrance to Penn Station is located. The Commission believes that this location, the middle of the superblock, warrants additional requirements since it serves as the main entrance to Penn Station, Madison Square Garden, and the office tower of 2 Penn Plaza. Additionally, this location is the terminus of the view corridor from the Herald and Greeley Square areas and points further east. Certification of a sign tower at this location would require, among other things, the placement of the tower within 30 feet of the midblock point, assuring proper alignment with the 32nd Street and that the sign structure not unduly obstruct physical and visual access to the transit entrance.

Lastly, the Commission believes that the proposed text that would allow signage between 150 feet and 180 feet at 2 Penn Plaza is not appropriate. Signage at this location would have been allowed only by CPC Authorization provided that such sign is consistent with the goals of the Penn Center Subdistrict. The applicant has stated that this provision was intended to accommodate an electronic zipper sign along a windowless horizontal band on the building. The Commission believes that the type and form of this sign would be inconsistent with the goals and

urban design rationale of the proposed Center Subdistrict which features vertical sign tower elements to mark the gateway corridor. Accordingly, the Commission has eliminated the provision that would have allowed such signs.

Other Subdistrict Regulations

The proposed subdistrict regulations also include regulations on streetwall and retail continuity requirements and provisions on floor area bonuses. The Commission is confident that subdistrict regulations on streetwall and retail continuity, in addition to applicable underlying Special Midtown District regulations, will encourage higher quality urban design in future developments and enlargements. The Commission is pleased to see that the floor area bonus allowed by special permit for improvements to subway station that currently exists will be extended to included improvements to the subway or other rail mass transit facilities of Penn Station. The Commission notes that sites with existing bonused privately owned public spaces, such as plazas and arcades, may retain the amount of bonus generated prior to the site's inclusion within Midtown, provided that these public spaces continue to comply with applicable regulations.

Zoning Map Amendment

The Commission believes that the proposed map amendment, in conjunction with the related text amendment, is appropriate. The map amendment would extend the boundaries of the Special Midtown District and rezone the northwest corner of West 34th Street and Seventh Avenue from a C6-M to a C6-4 zoning district.

Expansion of the Special Midtown District

The boundaries of Midtown would be expanded to include all of the Penn Center Subdistrict, the limits of which are described in the background, and to include the portion of the block bounded by West 33rd Street, 34th Street, Seventh Avenue and Eighth Avenue (Block 783) that is not proposed to be located within the Subdistrict.

The Commission notes that the proposed expansion of the Special Midtown District would

provide a uniform set of regulations for both sides of this area of Seventh Avenue. This stretch of Seventh Avenue, between West 31st Street and the midblock line of West 34th and 35th Streets, is currently governed by different zoning controls on the east and west sides of the street. The east side of the street is located within the Special Midtown District, whereas the west side of the street, except for the block between West 33rd and 34th Streets, is located outside the special district. In addition to the special use and bulk regulations of Midtown, the special district regulations requires that certain mandatory district plan elements be incorporated into new developments and enlargements including mandatory streetwall and retail continuity, required pedestrian circulation space, and off-street relocation of subway stairs for new developments and certain enlargements, which the Commission believes will contribute to higher quality urban design for the Penn Center area in the future.

The expansion of the Special Midtown District would also allow zoning lots located in more than one zoning district to be eligible for a special permit, pursuant to Section 81-066, to shift bulk across zoning district boundaries provided that certain prerequisite criteria are met. The Commission notes that there would be limited applicability of this special permit within the area of expansion.

Rezoning from C6-4M to C6-4

The inclusion of the northwest corner of West 34th Street and Seventh Avenue into the Special Midtown District necessitates a change in zoning designation. The Commission notes that the C6-4M district restricts conversion of non-residential floor area to residential use unless a certain amount of floor area for certain commercial or manufacturing uses is preserved either in the same building or elsewhere in the district. There are no "M"-suffix districts within the Special Midtown District. The map amendment would replace the existing C6-4M district on the northwest corner of Seventh Avenue and West 34th Street with a C6-4 designation.

The Commission notes that this change in district designation does not affect the density or allowable floor area on the subject property, which would remain at 10.0 FAR. The existing C6-

4M district that is mapped along the north side of West 34th Street between Seventh and Eighth Avenues is the only remaining remnant of the former mixed-use area of Garment Center East. The Commission notes that this change in zoning would match the northeast corner of the Seventh Avenue and West 34th Street.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action describes herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, 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)~~
- ~~(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
- ~~(p)~~
- (r) 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
<u>Penn Center Subdistrict</u>	<u>81-50</u>
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		
		C6-5	C6-5.5		C6-6		C5-3
	C5P	M1-6	C6-6.5	C6-7T	C6-7	C5-2.5	C6-6
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)							
	---	1.0 ^{1,2}	1.0 ¹	---	1.0 ²	---	---

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)

--- 2.0^{1,6} 2.4¹ --- 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 --- ---

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 2.4 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	13.0 ⁴	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

			No Limit	No		No ⁵
9.6	14.4	14.4		Limit	21.6	Limit

-
- ¹ Not available for #zoning lots# located wholly within Theater Subdistrict Core.
 - ² Not available within the Eighth Avenue Corridor.
 - ³ Applicable only within that portion of the Theater Subdistrict also located within the Special Clinton District.
 - ⁴ 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core.
 - ⁵ 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

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

Lexington Ave-3rd Ave

Queens IND

(53rd St)

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:

Length of #Zoning Lot# Frontage	Minimum Height of a #Street Wall# 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
<u>34th St-Penn Station</u>	<u>8th Ave.IND</u>
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

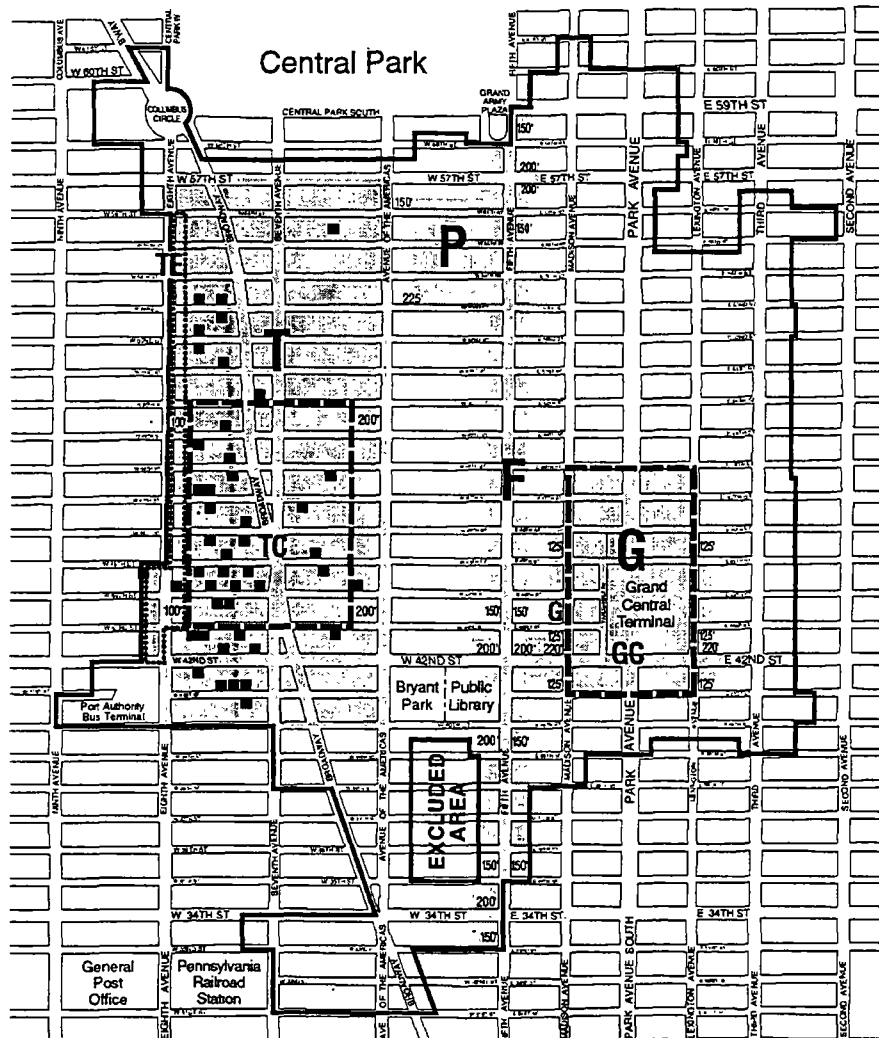
Retention of floor area bonus for plazas or other public spaces

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#.

Appendix A

Midtown District Plan Maps

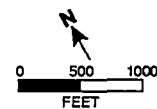
Map 1: Special Midtown District and subdistricts EXISTING

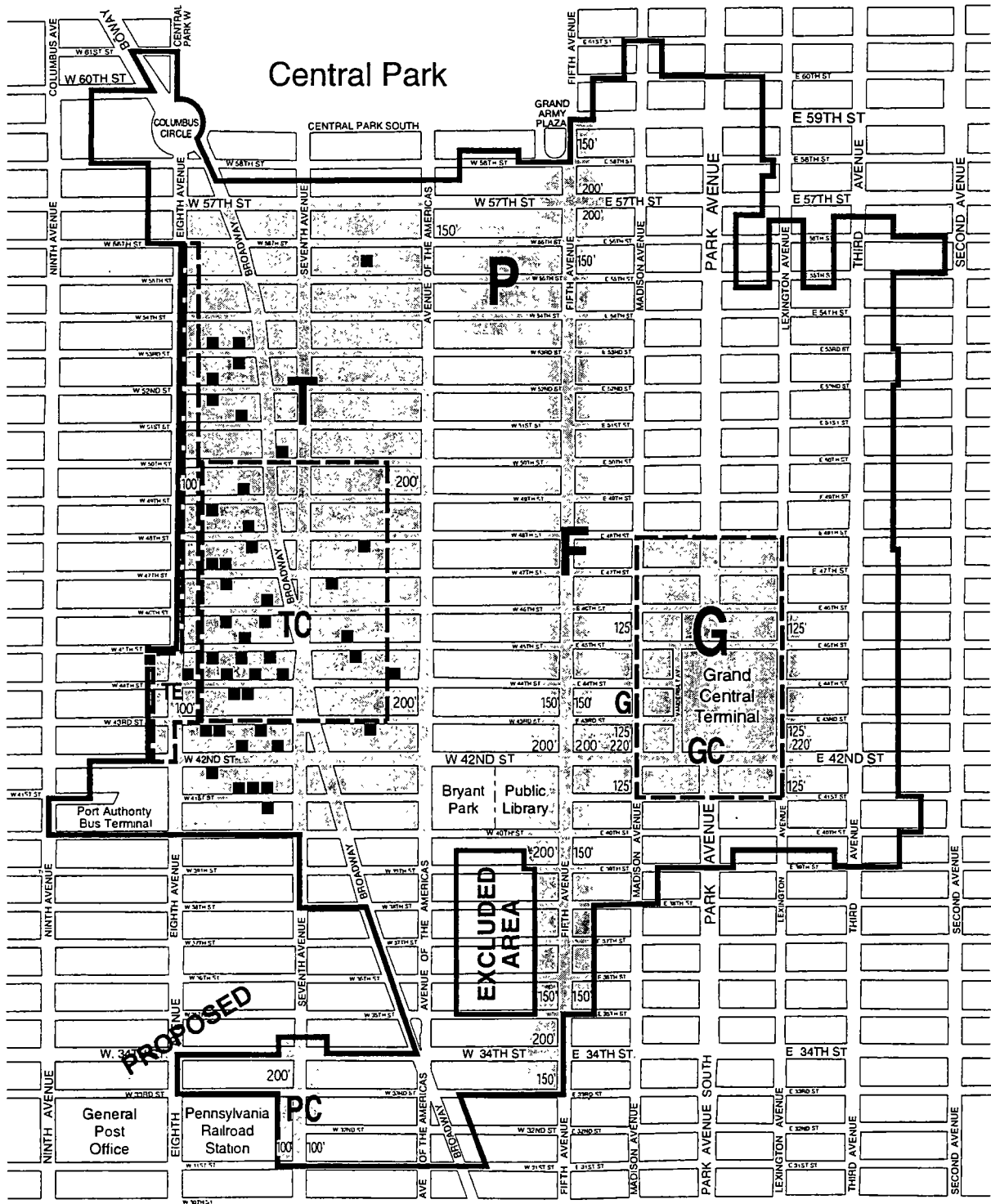


MIDTOWN DISTRICT PLAN

MAP 1 - SPECIAL MIDTOWN DISTRICT AND SUB DISTRICTS

- | | |
|--|--|
| F Fifth Avenue Subdistrict | TC Theater Subdistrict Core |
| G Grand Central Subdistrict | TE Theater Subdistrict Eighth Avenue Corridor |
| P Preservation Subdistrict | ■ Listed Theaters |
| T Theater Subdistrict | — Special Midtown District |
| GC Grand Central Subdistrict Core | |



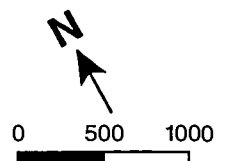


MIDTOWN DISTRICT PLAN

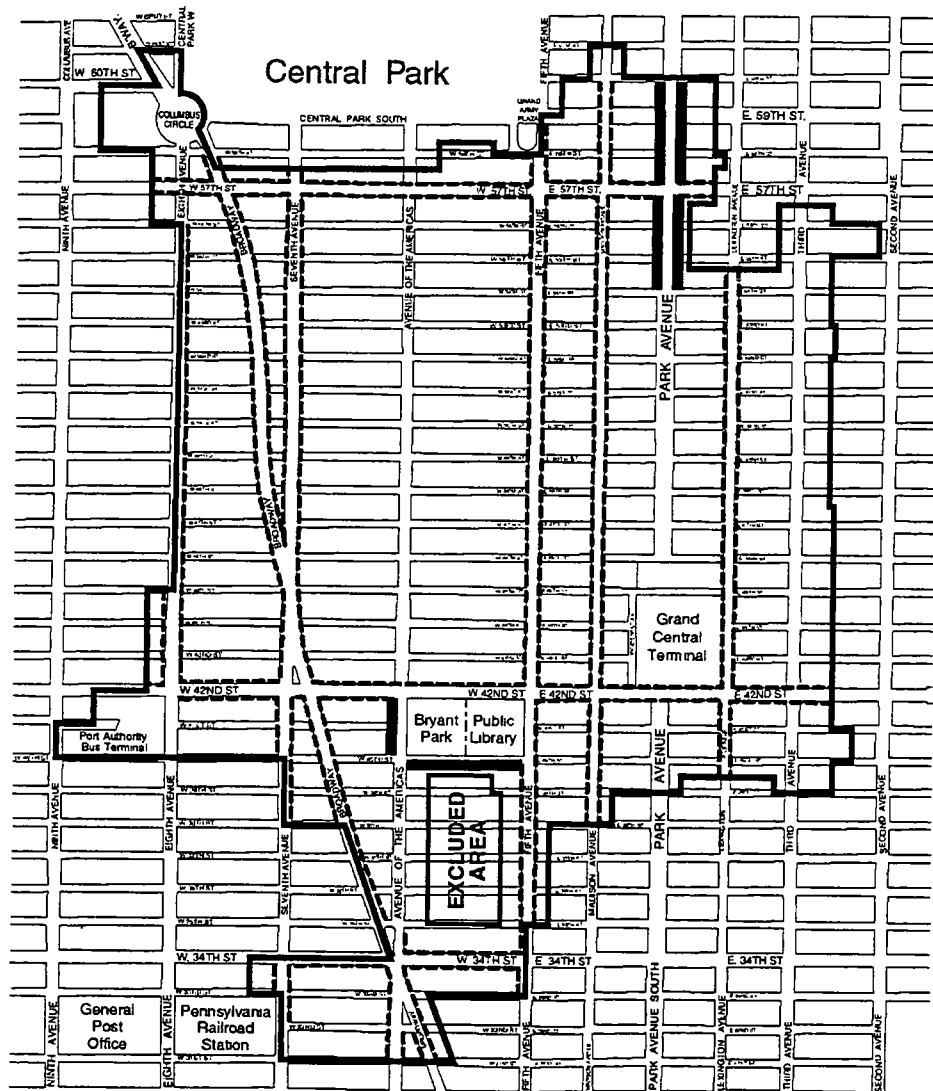
MAP 1 - SPECIAL MIDTOWN DISTRICT AND SUBDISTRICTS

- F** Fifth Avenue Subdistrict
- G** Grand Central Subdistrict
- P** Preservation Subdistrict
- PC** Penn Center Subdistrict
- T** Theater Subdistrict

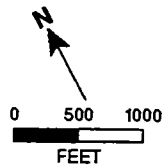
- GC** Grand Central Subdistrict Core
- TC** Theater Subdistrict Core
- TE** Theater Subdistrict Eighth Avenue Corridor
- Listed Theaters
- Special Midtown District



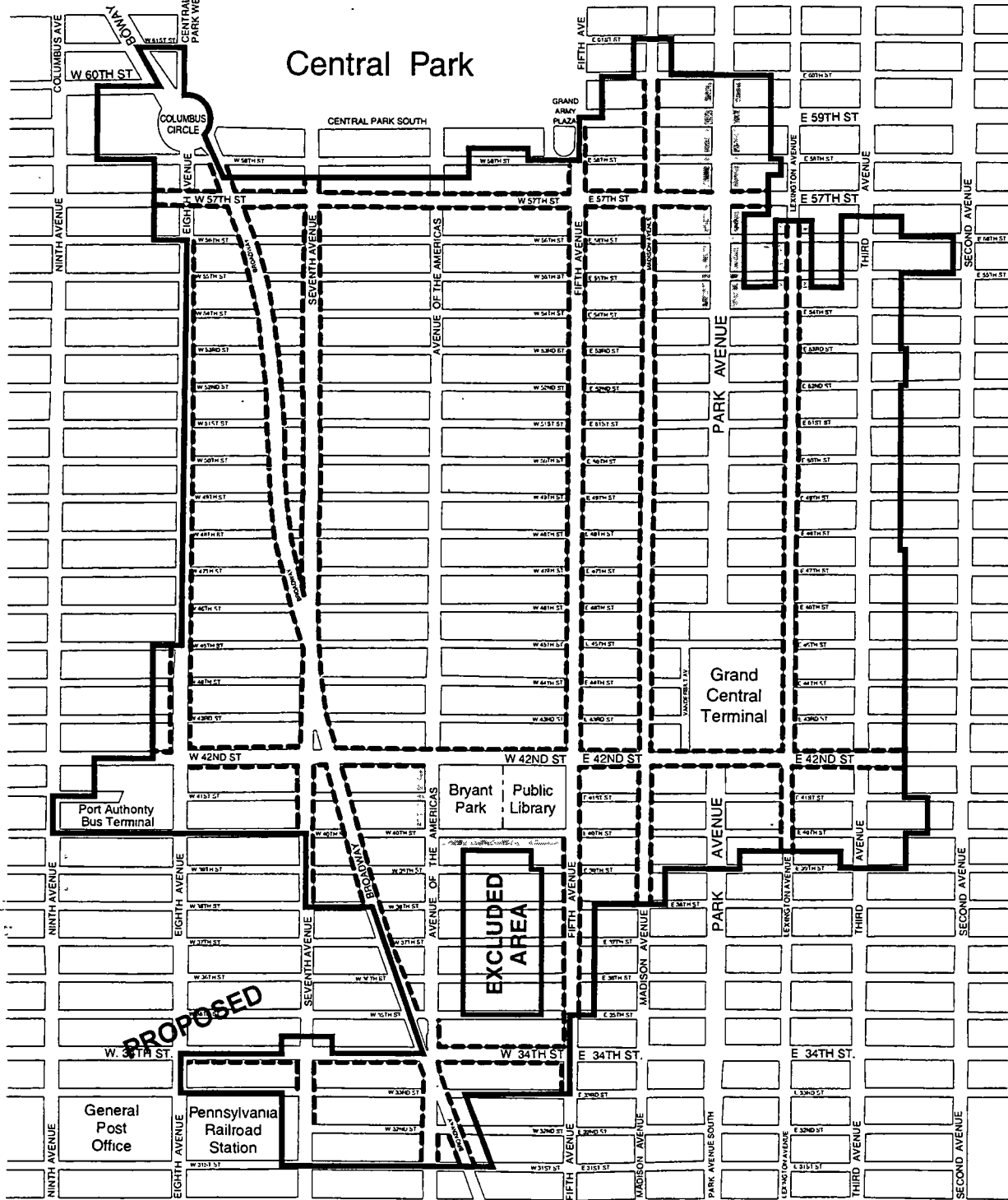
Map 2: Retail and street wall continuity EXISTING



MIDTOWN DISTRICT PLAN
MAP 2 - RETAIL AND STREET WALL CONTINUITY

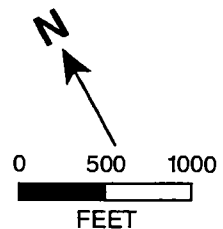


- Retail and Street Wall Continuity required
- Only Street Wall Continuity required
- Special Midtown District

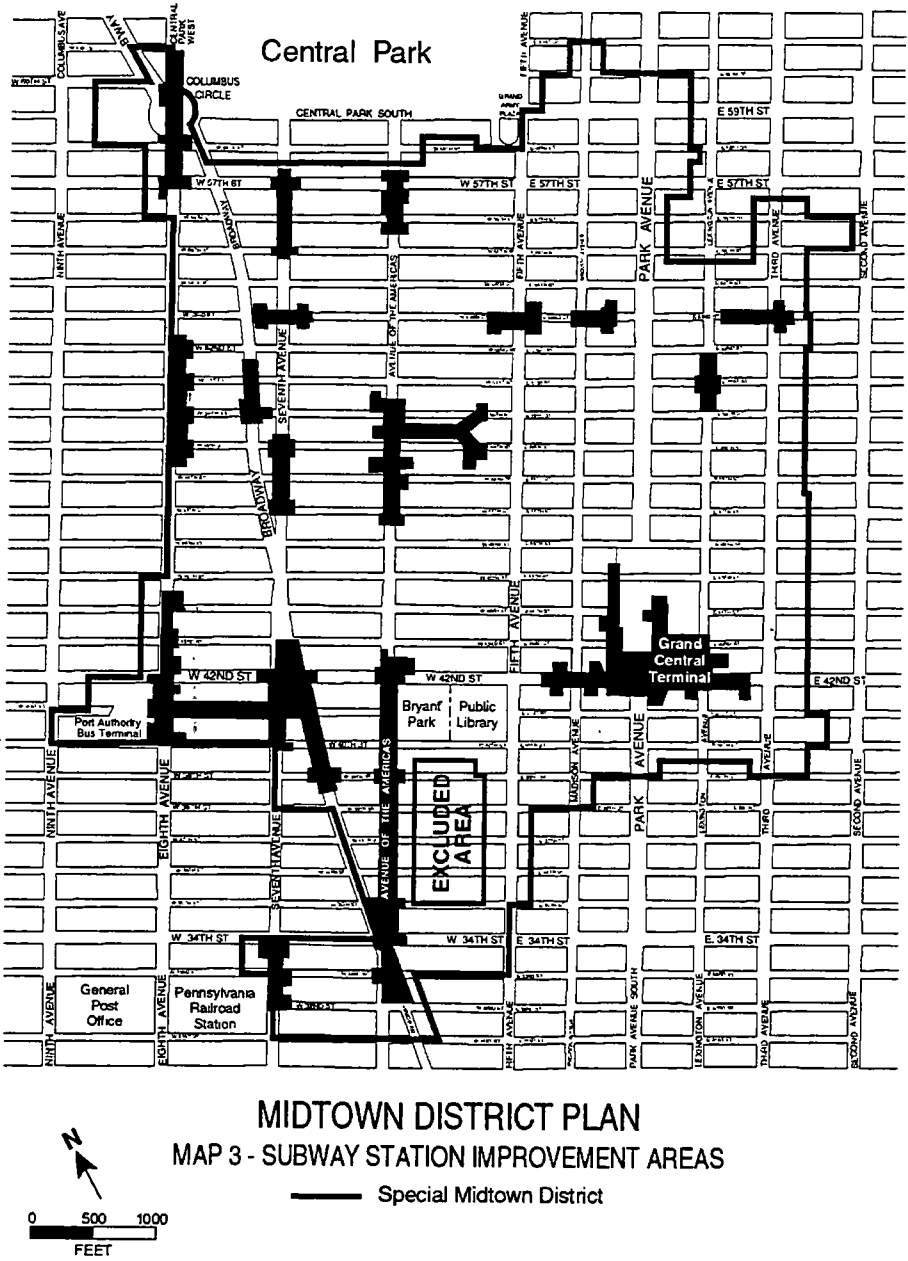


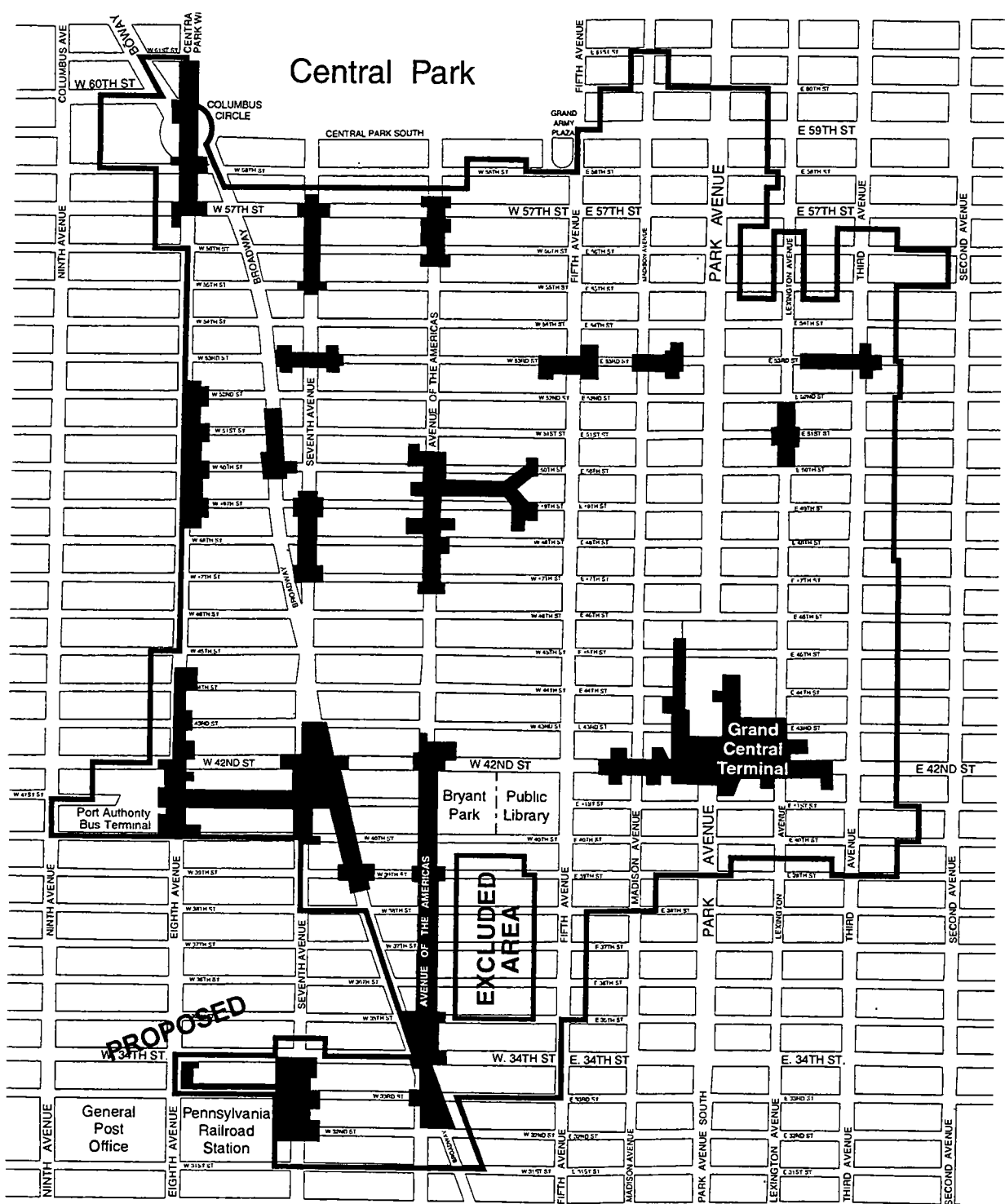
MIDTOWN DISTRICT PLAN MAP 2 - RETAIL AND STREET WALL CONTINUITY

- Retail and Street Wall Continuity required
- Only Street Wall Continuity required
- Special Midtown District



Map 3: Subway Station Improvement Areas EXISTING

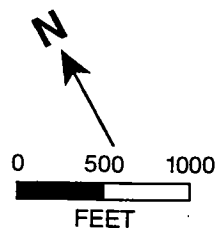




MIDTOWN DISTRICT PLAN

MAP 3 SUBWAY STATION AND RAIL MASS TRANSIT FACILITY IMPROVEMENT AREAS

- Special Midtown District
- Improvement Areas



The above resolution (N 010653 ZRM), duly adopted by the City Planning Commission on October 10, 2001, (Calendar No. 44), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

JOSEPH B. ROSE, Chairman

ALBERT ABNEY, IRWIN G. CANTOR, P.E., KATHY HIRATA CHIN, Esq.,

ALEXANDER GARVIN, MARILYN GELBER, WILLIAM J. GRINKER, KENNETH J.

KNUCKLES, Esq., JOHN MEROLO, Commissioners

AMANDA M. BURDEN, A.I.C.P., Commissioner, voted No

ANGELA R. CAVALUZZI, R.A., Commissioner, recused

**MANHATTAN COMMUNITY BOARD FIVE**

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*Kyle Merker, Chair**Kathy Kinsella, District*

June 18, 2001

Hon. Joseph B. Rose
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

**RE: PENN CENTER SUB-DISTRICT - ZONING MAP AMENDMENT (ULURP # C 010652 ZMM),
ZONING TEXT AMENDMENT (N 010653 ZRM) AND CERTIFICATION # (N 010654 ZCM)**

Dear Chair Rose:

At the regularly scheduled monthly meeting of Community Board Five on Thursday, June 14, 2001, the Board passed the following resolution with a vote of 19 in favor, 8 opposed, 2 abstentions, 1 present not entitled to vote:

WHEREAS, The Applicant, Vernado Realty, owns most of the buildings located on both sides of Seventh Avenue from the south side of 34th Street to the north side of 31st Street, and

WHEREAS, The Applicant seeks to incorporate these three blockfronts on both sides of Seventh Avenue into the Special Midtown District, to create a Special Penn Center Subdistrict for this area, and to amend the zoning resolution to allow the erection of large advertising signs on the Avenue that exceed currently permitted sizes and heights, conditioned upon each large advertising sign being located above new signage that the applicant would install at street level which would clearly and with consistent graphics identify the location of a transit station entrance, and

WHEREAS, Pursuant to its proposed map and zoning text changes, the applicant requests certification for a large sign that it seeks to install at its building under construction at 435 Seventh Avenue; and

WHEREAS, The Applicant believes that the new transit signage would assist pedestrians in locating transit entrances, and that the new transit and advertising signage together would create a visual coherence and identity for an area that is now an incoherent jumble of unrelated structures, particularly on the west side of Seventh Avenue; and

WHEREAS, The Board agrees that this area lacks visual coherence and agrees with the concept of establishing consistent and unifying signage to help wayfarers identify the district and locate transit entrances; and

WHEREAS, The Board has numerous concerns regarding this area, in addition to the lack of visual coherence, including pedestrian congestion, sidewalk clutter, and traffic congestion relating to buses, cabs and private cars; and

WHEREAS, In response to the broader issues raised by the Land Use & Zoning Committee the applicant has outlined plans for working with the 34th Street Partnership and with area property owners to implement a series of street-scape improvements that would reduce the clutter of street furniture, improve pedestrian circulation and provide supplemental lighting, both to improve the appearance of the District and to enhance public safety; and

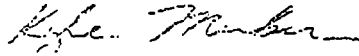
WHEREAS, The Board believes that there should be a broader proposal of solutions to its many concerns regarding this area, and that such proposal should also incorporate Eighth Avenue blockfronts from 31st Street to 34th Street; and

WHEREAS, The Board finds that the advertising signs proposed by the applicant are too big and too high and unrelated to the scale of the surrounding buildings, and that the proposed signage does not address many of the important problems in this area; therefore, be it

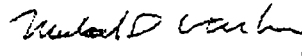
RESOLVED, That Community Board Five **does not approve** the proposed creation of a Penn Center Subdistrict, nor the proposed zoning text changes, nor the requested certification of the proposed sign at 435 Seventh Avenue.

Thank you for your attention to this matter.

Sincerely,



Kyle Merker
Chair



Michael Utevesky
Chair, Land Use & Zoning

cc: Hon. C. Virginia Fields
Hon. Thomas Duane
Hon. Richard Gottfried
Hon. Christine Quinn
Robert Flahive, Rosenman & Colin, LLP
Hon. Margarita Lopez
Hon. Eva Moskowitz
Kenneth J. Bergin, City Planner
Richard Barth, Dept. of City Planning

Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX# (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # C010652 ZMM N010653 ZRM N010654 ZCM

DOCKET DESCRIPTION

Pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d:

- 1) changing from a C6-4M District to a C6-4 District property bounded by a line midway between West 34th Street and West 35th Street, Seventh Avenue, West 34th Street, and a line 100 feet westerly of Seventh Avenue; and
- 2) establishing a Special Midtown District bounded by:
 - a) a line midway between West 34th Street and West 35th Street, a line 100 feet easterly of Seventh Avenue,
 - b) West 34th Street, a line 200 feet westerly of Seventh Avenue, West 33rd Street, and Eighth Avenue; and
 - c) West 33rd Street, Seventh Avenue, West 31st Street, and a line 100 feet westerly of Seventh Avenue.

Borough of Manhattan, Community District 5, as shown on a diagram (for illustrative purposes only) dated May 21, 2001.

COMMUNITY BOARD NO. Five

BOROUGH Manhattan

RECOMMENDATION

- ☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
☐ DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

- 1) limit the height of the commercial signs to a maximum of 100 feet above curb level; and
- 2) investigate and add additional street level directional signs to subway entrances as a component of the streetscape improvement component.

01 JUL 20 PM 4:27

William J. Fields
BOROUGH PRESIDENT

DATE 7/20/01

THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

C. VIRGINIA FIELDS
BOROUGH PRESIDENT

July 20, 2001

ULURP NO:

C010652 ZMM
N010653 ZRM
N010654 ZCM

APPLICANT:

Vornado Development
888 Seventh Avenue
New York, New York 10019

REQUEST:

Pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d:

- 1) changing from a C6-4M District to a C6-4 District property bounded by a line midway between West 34th Street and West 35th Street, Seventh Avenue, West 34th Street, and a line 100 feet westerly of Seventh Avenue; and
- 2) establishing a Special Midtown District bounded by;
 - a) a line midway between West 34th Street and West 35th Street, a line 100 feet easterly of Seventh Avenue;
 - b) West 34th Street, a line 200 feet westerly of Seventh Avenue, West 33rd Street, and Eighth Avenue; and
 - c) C) West 33rd Street, Seventh Avenue, West 31st Street, and a line 100 feet westerly of Seventh Avenue,

Borough of Manhattan, Community District 5, as shown on a diagram (for illustrative purposes only) dated May 21, 2001.

CITY PLANNING DEPT
01 JUL 20 PM 4:26
DEPT OF CITY PLANNING

This is an application for a zoning map amendment, text amendment, and special permit to establish a Penn Center Subdistrict within the Special Midtown District. This involves extending the boundaries of the current Special Midtown District, and to create special regulations relating to commercial signage, retail frontage and street wall continuity, and rail mass transit facility improvements in the subdistrict. The proposed subdistrict would facilitate the erection of advertising signs in the affected area. The special regulations would establish three sign zones governing the size, location and type of signs that can be displayed in the area, including: projection across street lines, location above mass transit entrances, mass transit informational signs, and signs to be erected on historic buildings. The special regulations would also establish retail frontage and street wall requirements related to proposed signs and include provisions for granting special permits authorizing floor area bonuses for mass transit improvements. The text amendment would also allow the continuation of floor area bonus achieved by existing plazas and arcades prior to inclusion in the Special Midtown District. In addition to new regulations for the Subdistrict, the zoning text amendment will also make cross-references and technical changes throughout Section 81-00 to accommodate the proposed Subdistrict.

Additionally, there is application to rezone the northwest corner of Seventh Avenue and West 34th Street from C6-4M to C6-4. This action would not increase the allowable floor area, but rather remove restrictions on residential conversions of non-residential uses. Lastly, there is a request for certification, pursuant to the proposed subdistrict regulations, for signs proposed for a new commercial building to be constructed at 435 Seventh Avenue, at the southeast corner of Seventh Avenue and West 34th Street (Block 809, Lots 75,79,80).

The proposed Penn Center Subdistrict is located primarily within the Special Midtown District on the westside of Manhattan, in Community District 5. The proposed project area would encompass both sides of Seventh Avenue from the north side of West 31st Street to the midblock line between West 34th and West 35th Streets. The proposed subdistrict would extend 100 feet east and west of the Seventh Avenue streetline except along the western blockfront of Seventh Avenue between West 33rd and West 34th Streets, where the proposed subdistrict would extend 200 feet west of the streetline.

The project area and surrounding area contain a wide variety of land uses including residential, hotels, commercial /office, entertainment, recreational (Madison Square Garden), utilities, parking, and transportation (Pennsylvania Station).

The Environmental Review Assessment had determined that the proposed action (ULURP Nos. C010652ZMM, N010653ZRM and N010654ZCM) would have no significant effect on the quality of the environment.

At the regularly scheduled monthly meeting of Community Board Five on Thursday June 14, 2001 the Board did not approve ULURP Nos. C010652ZMM, N010653ZRM and N010654ZCM with a vote of 19 opposed, 8 in favor, 2 abstentions and 1 in attendance but not allowed to vote.

The Board believes that the new transit signage would assist pedestrians in locating transit entrances and the advertising signage would create a visual coherence and identity for the area. They, however, have concerns regarding pedestrian congestion, sidewalk clutter and traffic congestion relating to buses, cabs and private cars. They also believe there should be a broader proposal of solutions, which would incorporate Eighth Avenue blockfronts from 31 St to 34th St. They believe the proposed advertising signs are too big, too high and not related to the scale of the surrounding buildings. The important problems of the area are not addressed. They therefore did not approve the Penn Center Subdistrict, the zoning changes nor the sign at 435 Seventh Ave.

BOROUGH PRESIDENT ACTION:

- ☐ The Manhattan Borough President recommends approval.
- ☐ The Manhattan Borough President recommends disapproval.
- ☒ The Manhattan Borough President recommends approval, subject to the conditions detailed below.
- ☐ The Manhattan Borough President recommends disapproval, unless the conditions detailed below are addressed as described.

COMMENTS:

This area contains a wide variety of land uses including residential, hotels, commercial/office, entertainment, recreational, utilities, parking and transportation. As such there is no consistent visual or identifying ambiance to the area.

The zoning map amendment, text amendment and special permit would create new and consistent signage. The new signage would aid tourists and residents in locating transit entrances. It would help identify the area as Penn Center, distinct from neighboring districts, and by creating a visual unity to the area.

The 34th Street BID feels that this proposal will give a unified and exciting look to the district through the new signage. In general it is felt that that this design would give the area the vitality it needs and is looking for, the razzle-dazzle of the illuminated signs would be appropriate to this area.

The Environmental Review Assessment has determined that the project would have no significant effect on the quality of the environment.

pedestrian congestion, sidewalk clutter and traffic congestion relating to buses, cabs, and private cars. A major concern of the community is the height and size of the signage. They feel it would be more aesthetically desirable to decrease the size of the signs by 20% to a maximum of 100 feet and, in addition, reduce the height. This would help to alleviate the concerns of the community. Whereas the community feels that some effort was made to make signage consistent and helpful, there needs to be additional effort to alleviate congestion and improve pedestrian circulation. It is believed that some of these problems would be mitigated if there were more street-level directional signs to subway entrances, without adding additional visual clutter to the sidewalks.

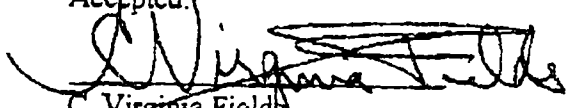
The applicant has agreed to:

- 1) limit the height of the commercial signs to a maximum of 100 feet above curb level; and
- 2) investigate and add additional street level directional signs to subway entrances as an element of the streetscape improvement component.

The Manhattan Borough President therefore recommends approval of this application, subject to the conditions detailed above.

Report and Recommendation

Accepted:



C. Virginia Fields

Manhattan Borough President