

Appendix 1-A – Proposed Modified Zoning Text Amendment

PROPOSED
EAST MIDTOWN
TEXT AMENDMENT

A-text

July 17, 2013

Matter in underline is new, to be added;

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

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

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

Table of Contents - Special Midtown District

GENERAL PURPOSES 81-00

* * *

~~SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT81-60~~

~~General Provisions 81-61~~

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

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

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT81-60

General Provisions 81-61

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

Special Floor Area Provisions for All Other Sites.....81-63

Special Provisions for Retaining Non-Complying Floor Area.....81-64

Special Street Wall Requirements81-65

Special Height and Setback Requirements.....81-66

Special Mandatory District Plan Element Requirements.....81-67

Supplemental Provisions81-68

* * *

Chapter 1

Special Midtown District

81-00

GENERAL PURPOSES

The "Special Midtown District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;

- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to protect and strengthen the economic vitality and competitiveness of the East Midtown Subdistrict by facilitating the development of exceptional modern and sustainable office towers and enabling improvements to the above and below grade pedestrian network;
- (o) to protect and strengthen the role of iconic landmark buildings as important features of the East Midtown Subdistrict;
- ~~(p)(n)~~ to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City and in East Midtown, to expand and enhance the pedestrian circulation network connecting the Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- ~~(q)(o)~~ to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- ~~(r)(p)~~ to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and

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

81-01

Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 81-261 (Definitions), ~~or 81-271 (Definitions)~~ or Section 81-611 (Definitions) .

* * *

81-03

District Plan

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

The District Plan partly consists of the following four 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 East Midtown Subareas and Subarea Cores ~~Network of Pedestrian Circulation.~~
- Map 5 Applicability of special permit for superior development

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

81-04

Subdistricts and Subareas

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

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

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

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

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

Grand Central Subarea

Northern Subarea

These Subareas are shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A.

* * *

81-067**Modification of provisions for minimum base height and street wall location in Historic Districts**

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-65 (Special Street Wall Requirements) ~~81-621 (Special street wall requirements)~~ pertaining to the East Midtown Grand Central Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts).

* * *

81-20**BULK REGULATIONS****81-21****Floor Area Ratio Regulations**

The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of this Section or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) shall not apply in the East Midtown Subdistrict, where the special #floor area# provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) and 81-63 (Special Floor Area Provisions for All Other Sites) shall apply, as applicable.

81-211**Maximum floor area ratio for non-residential or mixed buildings**

- (a) For #non-residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.

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

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

Means for Achieving 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	C6-5	C6-4.5		C5-3		
		M1-6	C6-5.5		C6-6		C5-3
	C5P		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), #Public plaza# (Section 81-23)

--- 1.0^{1,2} 1.0^{1,3} --- 1.0² — —

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

8.0 11.0^{1,2,7,8} 13.0^{1,3} 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 ^{1.67}	2.4 ¹	---	3.0	2.4	3.0
E.	Maximum Total FAR with District-wide and As-of-Right Incentives						
	8.0	12.0	14.4	14.0	18.0	14.4	18.0
F.	Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)						
	---	2.0	---	---	3.0	---	---
G.	Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:						
	---	12.0	---	---	18.0	---	---
H.	Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:						
	Development rights (FAR) of a "granting site" (Section 81-744)						
	---	10.0	12.0	14.0	15.0	---	---
	Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))						
	---	2.0	2.4	2.8	3.0	---	---
	Inclusionary Housing (Sections 23-90 and 81-22)						
	---	2.0 ⁴	---	---	---	---	---
I.	Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict						
	---	12.0	14.4	16.8	18.0	---	---
J.	Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor						

(Section 81-744(b))

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

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

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

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

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

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

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

8.0 14.4 14.4 16.8 18.0 --- ---

N. Maximum FAR of Lots Involving Landmarks:

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

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

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

8.0 10.0 13.0⁵ 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)

1.6 2.0 2.4 No Limit No Limit ~~2.4~~ ~~No Limit~~

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

~~— — — — — 1.0 1.0~~

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

~~— — — — — 9.6 6.6~~

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

				No Limit	No		No ⁶
	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 Not available within 100 feet of a #wide street# in C5-2.5 Districts
 - ⁴ Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#
 - ⁵ 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
 - ~~⁶ Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict~~
 - ~~^{6,7} Not available on west side of Eighth Avenue within the Eighth Avenue Corridor~~
 - ~~^{7,8} 12.0 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)~~

81-212**Special provisions for transfer of development rights from landmark sites**

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

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

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

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

Within the East Midtown Subdistrict, ~~Grand Central Subdistrict~~, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79, or Section 81-633 (Transfer of development rights from landmarks) ~~Section 81-63 (Transfer of Development Rights from Landmark Sites)~~, but not both.

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

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

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

- (1) a loading berth permitted by Commission authorization, pursuant to Section 81-44, would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;
- (2) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and
- (3) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement. For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space, pursuant to Sections 37-50 and 81-45. In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.

81-23

Floor Area Bonus for Public Plazas

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

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

- (a) on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);

- (c) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and
- (d) on #zoning lots#, any portion of which is within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, or on #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-611 (Definitions) on #zoning lots#, any portion of which is in the Grand Central Subdistrict.

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

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

* * *

81-253

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

The provisions of Sections 81-26 (Height and Setback Regulations) and 81-27 (Alternate Height and Setback Regulations) are supplemented and modified by special provisions applying in the Fifth Avenue Subdistrict, as set forth in Sections 81-81 (General Provisions) and 81-83 (Special Street Wall Requirements) or in the Theater Subdistrict as set forth in Sections 81-71 (General Provisions) and 81-75 (Special Street Wall and Setback Requirements) or in the East Midtown Grand Central Subdistrict as set forth in Sections 81-61 (General Provisions), 81-65 (Special Street Wall Requirements) ~~81-621 (Special street wall requirements)~~ and 81-66 (Special Height and Setback Requirements) ~~81-622 (Special height and setback requirements)~~.

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

81-254

Special permit for height and setback modifications

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

Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)

Section 74-79 (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277

Section 81-066 (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)

Section 81-625 (Special permit for superior developments)

Section 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea)

~~Section 81-635 (Transfer of development rights by special permit).~~

* * *

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

81-60

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

81-61**General Provisions**

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

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

81-611**Definitions**Adjacent lot

For the purposes of Section 81-60, inclusive, the term "adjacent lot" shall mean:

- (a) a lot that is contiguous to the lot occupied by the designated #landmark building or other structure# or one that is across a #street# and opposite to the lot occupied by such designated #landmark building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by such #landmark building or other structure#; and
- (b) it shall also mean, in the case of lots located in C5-3, or C6-6 Districts, a lot contiguous or one that is across a #street# and opposite to another lot or lots that except for the intervention of #streets# or #street# intersections, form a series extending to the lot

occupied by such designated #landmark building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS).

East Midtown District Improvement Fund

For the purposes of Section 81-60, inclusive, the “East Midtown District Improvement Fund” (the “Fund”) shall be a separate account established for the deposit and administration of contributions made when #developments# on sites in the East Midtown Subdistrict utilizing the provisions of either Sections 81-62 (Special Floor Area provisions for Qualifying Sites) or 81-64 (Special Provisions for Retaining Non-Complying Floor Area) are planned to exceed the basic maximum #floor area ratio#.

The “Fund” shall be utilized, subject to the provisions of 81-681 (The East Midtown District Improvement Fund Committee), to implement improvements to the East Midtown Subdistrict, as prioritized by the #East Midtown District Improvement Fund Committee#; and may be utilized to conduct studies as deemed necessary by the #Committee# in connection with its responsibilities for allocating “Fund” monies.

East Midtown District Improvement Fund Committee

For the purposes of Section 81-60, inclusive, the “East Midtown District Improvement Fund Committee” (the “Committee”) shall be established to administer the #East Midtown District Improvement Fund# (the #Fund#), pursuant to the provisions set forth in Section 81-681 (The East Midtown District Improvement Fund Committee). #The Committee# shall consist of five members, four of whom shall be appointed by and serve at the pleasure of the Mayor, and one of whom shall be the Director of the Department of City Planning.

East Midtown District Improvement Fund Contribution Rate

For the purposes of Section 81-60, inclusive, the “East Midtown District Improvement Fund Contribution Rate” or “Contribution Rate” shall be set at \$X per square foot of #residential floor area#, as determined by an appraisal study prior to (date of adoption), and \$250 per square foot of #non-residential floor area# as of (date of adoption). The #Contribution Rate# shall be adjusted only in accordance with the provisions of Section 81-682 (The East Midtown District Improvement Fund Contribution Rate). Any #residential floor area# within the #building#, up to the total amount of #floor area# in the #building# in excess of the basic maximum #floor area#

established in Row A in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), where applicable, shall be included in determining such #building's Contribution Rate#.

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

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

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

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

Illustrative Examples

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

Example 1:

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

Step 1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A in Table I of Section 81-62 is 65.45 percent (4.32 is 20 percent of the #building's floor area ratio#, and constitutes 65.45 percent of the 6.6 #floor area ratio# proposed above 15.0). Multiplying this percentage by the #residential Contribution Rate#, one obtains the product of \$Y per square foot (.6545 x \$X per square foot).

Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio# to

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

Step 3: The sum of products obtained in the calculations in Step 1 and 2 determine the adjusted #Contribution Rate# for the #mixed building#, at \$Z per square foot (\$Y per square foot + \$87 per square foot).

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

Example 2:

A #mixed building# being #developed# on a #qualifying site# has a #lot area# of 25,000 square feet, a basic maximum #floor area ratio# of 15.0 and a proposed #floor area ratio# of 24.0. Prior to #development#, a #non-complying building# with a #non-complying floor area ratio# of 18.0 was demolished. A #floor area ratio# of 3.0 is eligible to be reconstructed at a reduced #contribution rate# pursuant to Section 81-64 (Special Provisions for Retaining Non-complying Floor Area). Fifteen percent of the total #floor area ratio# is proposed to be comprised of #residential uses#.

Step 1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A in Table I of Section 81-62 is 40 percent (3.6 is 15 percent of the #building's floor area ratio#, and constitutes 40 percent of the 9.0 #floor area ratio# proposed above 15.0). Multiplying this percentage by the #residential Contribution Rate#, one obtains the product of \$Y per square foot (.4 x \$X per square foot).

Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio# to obtain a #floor area ratio# of 5.4 (9.0 #floor area ratio# - 3.6 #residential floor area ratio#). The percentage that such difference constitutes of the amount of #floor area# in the #building# in excess of such basic maximum #floor area ratio# is 60 percent (5.4 is

60 percent of 9.0). Such percentage is multiplied by the #non-residential Contribution Rate# to obtain the product of \$150 per square foot (.6 x \$250 per square foot).

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

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

If the #building# achieved 6.0 of the #floor area ratio# in excess of the basic maximum #floor area ratio# through contributions to the #East Midtown District Improvement Fund#, pursuant to Section 81-621, and of such 6.0, a #floor area ratio# of 3.0 was achieved utilizing the reduced #Contribution Rate# for #non-complying floor area#, pursuant to Section 81-64, the contribution amount for such #building# would be \$XX (3.0 x 25,000 square feet x \$Z per square foot + 3.0 x 25,000 square feet x \$ZZ per square foot)

Granting lot

For the purposes of Section 81-60, inclusive, a “granting lot” shall mean a #zoning lot# which contains a #landmark building or other structure#. Such “granting lot” may transfer development rights pursuant to Sections 81-622 (Transfer of development rights from landmarks to qualifying sites), 81-625 (Special permit for superior developments) or 81-633 (Transfer of development rights from landmarks), and subsequent Sections 81-634 (Transfer of development rights from landmarks by certification in the Grand Central Subarea) or 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea), 81-636 (Transfer of development rights from landmarks by authorization in the Northern Subarea) and 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

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

Landmark #building or other structure#

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

portions of #zoning lots# used for cemetery purposes, or any structures within historic districts, statues, monuments or bridges.

Qualifying Site

For the purposes of Section 81-60, inclusive, a “qualifying site” shall refer to a #zoning lot# which, at the time of #development#:

- (a) will have a minimum #lot area# of:
 - (1) 25,000 square feet for #buildings developed# with a #floor area ratio# beyond the basic maximum #floor area ratio# set forth in Row A of Table I in of Section 81-62 (Special Floor Area Provisions); or
 - (2) 40,000 square feet for #buildings# in the Grand Central Subarea Core of the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, #developed# pursuant to the special permit provisions of Section 81-625 (Special permit for superior developments);
- (b) will have a #lot width# which extends along the entire #wide street block# frontage, or continuously for at least 200 feet of #wide street block# frontage, whichever is less; and such #lot width# will extend continuously to a depth of at least 100 feet, as measured perpendicular to the #street line#
- (c) will have no existing #buildings or other structures# to remain within the minimum site geometry described in paragraphs (a) and (b) of this definition, except that any #building or other structure# devoted exclusively to subway or rail mass transit-related #uses#, including, but not limited to, ventilation facilities and other facilities or services used or required in connection with the operation of a subway or rail mass transit facility, may remain;
- (d) has made a district improvement contribution to the #East Midtown District Improvement Fund# or has obtained approval of a contribution in-kind, pursuant to the applicable regulations set forth in Sections 81-621 (District improvement bonus for qualifying sites) or 81-64 (Special Provisions for Retaining Non-complying Floor Area); and
- (e) will have, within the minimum site geometry described in paragraphs (a) and (b) of this definition, a single #building#, where a minimum of 80 percent of such #building’s floor area# is allocated to office #uses#, as listed in Use Group 6B, or #uses# listed in Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A, or 12B, subject to the underlying zoning

district regulations. The remaining percentage, not to exceed 20 percent of such #building's floor area#, or the portion of the #building's floor area# exceeding the basic maximum #floor area ratio# set forth in Row A of Table I of Section 81-62, whichever is less, may be allocated to residential or hotel #uses#, as listed in Use Groups 2 and 5 respectively. However, where hotel #uses# occupied floor space in a #building# on a #qualifying site# prior to the demolition of such #building#, and such #use# existed on (date of adoption), the aggregate amount of #floor area# used by such hotel #uses# may exceed such 20 percent maximum, up to the amount of #floor area# previously used by such hotel #use#. The #use# regulations of this paragraph (e) may only be modified where permitted by the City Planning Commission, in accordance with the provisions of Section 81-626 (Special permit for use modifications); and

- (f) such proposed #building# complies with the performance standards set forth in Section 81-623 (Special building performance requirements for all qualifying sites)

Receiving lot

For the purposes of Section 81-60, inclusive, a "receiving lot" shall mean a #zoning lot# to which development rights of a "granting lot" are transferred. Such "receiving lot" may receive a transfer of development rights pursuant to Sections 81-622 (Transfer of development rights from landmarks to qualifying sites), 81-625 (Special permit for superior developments) or 81-633 (Transfer of development rights from landmarks), and subsequent Sections 81-634 (Transfer of development rights from landmarks by certification in the Grand Central Subarea) or 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea), 81-636 (Transfer of development rights from landmarks by authorization in the Northern Subarea) and 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

81-612

Applicability of regulations

All #developments# in the East Midtown Subdistrict on #qualifying sites# shall utilize the #floor area# provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or where applicable, the #floor area# provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area). No foundation permit for a #building# on a #qualifying site# shall be issued by the Department of Buildings prior to July 1, 2017. In the Northern Subarea, provisions allowing the transfer of development rights from #landmark buildings or other structures# to #receiving lots# as set forth in Section 81-622 (Transfer of development rights from landmarks

to qualifying sites) and Section 81-625 (Special permit for superior developments), shall not be effective until January 1, 2019.

All #developments# and #enlargements# on #zoning lots# other than #qualifying sites# shall utilize the #floor area# provisions of Section 81-63 (Special Floor Area Provisions for All Other Sites) or where applicable, the #floor area# provisions of Section 81-64. However, no foundation permit for a #building# utilizing the #floor area# provisions of Section 81-64 shall be issued by the Department of Buildings prior to July 1, 2017.

#Zoning lots# existing on (date of adoption) with more than 50 percent of their #lot area# within the boundaries of the East Midtown Subdistrict shall be deemed to be entirely within the Subdistrict. In addition, #zoning lots# with #landmark buildings or other structures# in the Special Midtown District with less than 50 percent of their #lot area# within the boundaries, or which #abut# the East Midtown Subdistrict boundary, may be considered as part of the Subdistrict, and the associated Subarea therein, for the purposes of transferring development rights pursuant to the applicable provisions of Sections 81-62 or 81-63. For #zoning lots# divided by zoning district, or Subarea boundaries, the applicable provisions of Article 7, Chapter 7 shall apply.

81-613

Provisions for existing buildings

Existing #buildings#, including existing #non-complying buildings# with #non-complying floor area#, may remain on a #qualifying site developed# pursuant to the provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or any other #zoning lot developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area), provided that any such #buildings# to remain are not located within the minimum site geometry required in paragraphs (a) and (b) of the definition of #qualifying site#, or paragraph (a)(2) of Section 81-64, as applicable. Any #non-complying floor area# on the #zoning lot# generated from the provision of a #publicly accessible open area# may only be retained if such #publicly accessible open area# is retained on the #qualifying site# without diminution, pursuant to provisions of Section 81-231 (Existing plazas or other public amenities).

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

constructed prior to December 15, 1961, such #non-complying building# may be reconstructed to the extent of its prior #non-compliance# pursuant to the provisions of Section 81-64.

81-614

Location of uses in mixed buildings

For #mixed buildings developed# on #qualifying sites#, or #buildings developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area), the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above #residential uses#, provided that no access exists between such #uses# at any level above the ground floor:

open or enclosed observation decks;

open or enclosed publicly-accessible spaces;

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

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

theaters, as listed in Use Group 8A;

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

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

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

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

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

The #use# regulations of this Section may only be modified where permitted by the City Planning Commission, in accordance with the provisions of Section 81-626 (Special permit for use modifications).

81-615

Conversion in buildings on certain sites

Where the #Contribution Rate# for #residential uses# exceeds that for #non-residential uses#, no #conversion# of #non-residential floor area# to #residential floor area# within a #building# on a #qualifying site developed# pursuant to the provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or any other #zoning lot developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area), shall be permitted unless additional contributions to the #East Midtown District Improvement Fund# are made, in accordance with the provisions of Section 81-621 (District improvement bonus for qualifying sites). For the purposes of determining the contribution amount pursuant to paragraph (b) of such Section, the amount of #floor area# being #converted# to #residential use# shall be multiplied by the difference between the #East Midtown District Improvement Fund Contribution Rate# for #residential uses# and the #Contribution Rate# for #non-residential uses# in effect at the time of application. No #conversion# shall result in a percentage of #residential floor area# within such #building# in excess of that permitted pursuant to paragraph (e) of the definition of #qualifying site# in Section 81-611 (Definitions) or Section 81-626 (Special Permit for use modifications), as applicable.

81-62

Special Floor Area Provisions for Qualifying Sites

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

Table I of this Section shall apply only to #qualifying sites#. The basic maximum #floor area ratio# for #qualifying sites# shall be as specified in Row A. Such #floor area ratio#, shall be increased, up to the amount specified in Row B, only pursuant to Section 81-621 (District improvement bonus for qualifying sites). For #qualifying sites# that have maximized such increased #floor area# permitted in Row B, additional #floor area# shall be permitted, up to the amount specified in Row C, through further contributions pursuant to Section 81-621, or through the transfer of development rights pursuant to Section 81-622 (Transfer of development rights from landmarks to qualifying sites). For #qualifying sites# that have achieved the #floor area ratio# specified in Row D, such #floor area ratio# may be further increased up to the amount specified in Row E pursuant to Section 81-625 (Special permit for superior developments).

#Zoning lots# with #landmark buildings or other structures# may transfer development rights pursuant to Section 81-622 or 81-625, as applicable, only to the Subarea of the East Midtown

Subdistrict within which such #landmark building or other structure# is located, or, where applicable, to the Subarea which it #abuts#.

TABLE I										
<u>MAXIMUM FLOOR AREA ALLOWANCES FOR QUALIFYING SITES IN THE EAST MIDTOWN SUBDISTRICT</u>										
<u>Row</u>	<u>Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#</u>	<u>Grand Central Subarea</u>				<u>Northern Subarea</u>			<u>Any other Areas</u>	
		<u>Grand Central Subarea Core</u>	<u>Non-Core</u>		<u>Along Park Ave. north of Grand Central Terminal</u>	<u>Northern Subarea Core</u>	<u>Non-Core</u>			
		<u>C5-3</u>	<u>C5-2.5 C6-4.5</u>	<u>C5-3 C6-6</u>	<u>C5-3</u>	<u>C5-3</u>	<u>C5-2.5 C6-4.5</u>	<u>C5-3 C6-6</u>	<u>C5-2.5 C6-4.5</u>	<u>C5-3 C6-6</u>
<u>A</u>	<u>Basic Maximum FAR</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>12</u>	<u>15</u>
<u>B</u>	<u>Additional FAR through District Improvement Bonus (DIB) (Section 81-621)</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>1.2</u>	<u>1.5</u>	<u>2.4</u>	<u>3</u>
<u>C</u>	<u>Additional FAR for further contributions to DIB (Section 81-621) or transfer of development rights from landmark buildings (Sections 81-622)</u>	<u>6</u>	<u>6.6</u>	<u>3.6</u>	<u>3.6</u>	<u>3.6</u>	<u>1.2</u>	<u>1.5</u>	=	=
<u>D</u>	<u>Total as-of-right FAR</u>	<u>24</u>	<u>21.6</u>	<u>21.6</u>	<u>21.6</u>	<u>21.6</u>	<u>14.4</u>	<u>18</u>	<u>14.4</u>	<u>18</u>
<u>E</u>	<u>Additional FAR through special permit (Section 81-625)</u>	<u>6</u>	<u>NA</u>	<u>NA</u>	<u>2.4</u>	<u>2.4</u>	=	=	=	=
<u>F</u>	<u>Maximum FAR</u>	<u>30</u>	<u>21.6</u>	<u>21.6</u>	<u>24</u>	<u>24</u>	<u>14.4</u>	<u>18</u>	<u>14.4</u>	<u>18</u>

<u>permitted for</u>										
<u>#qualifying Sites#</u>										

81-621

District improvement bonus for qualifying sites

The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# for a #qualifying site# to be increased up to the maximum amount specified in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), as applicable, provided that the requirements for applications in paragraph (a) of this Section have been completed, and that, thereafter, a contribution has been deposited in the #East Midtown District Improvement Fund#, in the amount set forth in paragraph (b) of this Section, or a contribution in-kind has been made in accordance with the provisions of paragraph (c) of this Section. All #floor area# certified pursuant to this Section shall be utilized within site geometry of the #qualifying site# as it existed at the time of application. Upon approval, legal instruments and notices of restrictions shall be executed by the applicant in accordance with the provisions of paragraph (d) of this Section.

(a) Requirements for applications

The following requirements for applications shall be completed and submitted, as applicable, prior to, or as part of an application:

- (1) an affidavit shall be submitted to the Chairperson attesting that, at the time of #development#, no #buildings# will remain within the minimum site geometry described in paragraphs (a) and (b) of the definition of #qualifying site# set forth in Section 81-611 (Definitions);
- (2) a site plan demonstrating compliance with the minimum site geometry described in paragraphs (a) and (b) of the definition of #qualifying site# set forth in Section 81-611 and zoning calculations for the proposed #development# on the #qualifying site# shall be submitted to the Chairperson;
- (3) for #qualifying sites# replacing the amount of #floor area# allocated to a hotel #use# pursuant to paragraph (e) of the definition of #qualifying site# set forth in Section 81-611, the permitted amount of hotel #floor area# shall be that amount shown on either the previous #building's# construction documents submitted for

approval to the Department of Building's at the time of such #building's# construction, #enlargement# or subsequent alteration, as applicable; or on an as-built drawing set completed by a licensed architect prior to such #building's# demolition; and

- (4) for #qualifying sites# meeting the criteria of paragraph (a) of the definition of #adjacent lot# with regard to such #zoning lot's# adjacency to Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship between the proposed #development# on such #qualifying site# and Grand Central Terminal has been submitted to the Chairperson.

(b) Contribution to the #East Midtown District Improvement Fund#

Monies shall be contributed to the #East Midtown District Improvement Fund# at the #East Midtown District Improvement Fund Contribution Rate#, except that such contribution amount for #non-complying floor area# reconstructed pursuant to the provisions of Section 81-64 (Special Provisions Regarding Non-Complying Floor Area) shall be 50 percent of the #East Midtown District Contribution Rate#.

(c) Contribution in-kind

District improvements may be made directly by the applicant, provided that:

- (1) the applicant has entered into an agreement, in a form satisfactory to the #East Midtown District Improvement Fund Committee#, with regard to:
- (i) the selection of a district improvement project by the applicant which has been identified as a priority project by the #Committee# pursuant to 81-681 (The East Midtown District Improvement Fund Committee);
 - (ii) the design of such district improvement project to a standard acceptable to the #Committee#. To arrive at such a determination, the #Committee# shall consult with applicable agencies, as necessary; and
 - (iii) a detailed schedule for the construction of such district improvement project;
- (2) the #Committee#, with the assistance of relevant agencies, as necessary, has determined that the reasonable anticipated cost of such priority improvement

project, is equivalent to the monetary contribution the #development# would be required to make if utilizing the provisions of paragraph (b) of this Section; and

- (3) any #development# on a #qualifying site# utilizing bonused #floor area# pursuant to this paragraph shall not receive a temporary certificate of occupancy from the Department of Buildings for such bonused portion of the #building# until the Chairperson has certified that the improvements are substantially complete and usable by the public.

(d) Legal instruments and notice of restrictions

Upon certification, legal instruments shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments and the payment of such non-refundable contribution or approval of such contribution in-kind shall be a precondition to the filing for or issuing of any foundation permit by the Department of Buildings allowing a #development# on a #qualifying site#.

Notice of the restrictions upon further #development# or #enlargement# on the #qualifying site# shall be filed by the owners in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the City Planning Commission, in a form acceptable to the Commission.

The notice of restrictions shall specify the amount of bonus #floor area# certified pursuant to this Section, and the total amount of #floor area# utilized on the #qualifying site#.

81-622

Transfer of development rights from landmarks to qualifying sites

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

(a) Requirements for applications

An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and #receiving lot#. The following requirements for applications shall be completed and submitted, as applicable, prior to, or as part of an application:

- (1) prior to, or concurrently with the application, the applicant shall comply with the certification provisions of Section 81-621 (District improvement bonus for qualifying sites), including the contribution to district improvements required pursuant to paragraphs (b) or (c) of such Section, as applicable. The proposed #development# shall utilize the #floor area# bonus of such Section to the full extent set forth in Row B in Table I of Section 81-62;
- (2) site plans and zoning calculations for the #granting lot# and #receiving lot# shall be submitted to the Chairperson;
- (3) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#; and
- (4) a report from the Landmarks Preservation Commission shall be submitted to the Chairperson concerning the continuing maintenance program of the #landmark building or other structure#;

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

(b) Conditions and limitations

The transfer of development rights, shall be subject to the following conditions and limitations:

- (1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the basic maximum #floor area# set forth in Row A in Table I of Section 81-62, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to Section 81-621;

- (2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the applicable amount set forth in Table I of Section 81-62; and
- (3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

(c) Transfer instruments and notice of restrictions

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

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

81-623

Special building performance requirements for all qualifying sites

In order to ensure that #developments# on #qualifying sites# are designed to achieve a level of energy performance that substantially exceeds code requirements while remaining reasonably achievable for high-rise commercial construction based on contemporary best practices for such buildings, no building permit shall be issued for a #development# on a #qualifying site# unless such #building# has been designed to reduce energy cost by a minimum of 15 percent, as determined by the methodology prescribed in the 2011 New York City Energy Conservation Code (NYCECC). Compliance with this paragraph shall be demonstrated to the Department of Buildings at the time of issuance of the building permit. The Commission may, by rule, modify the minimum percentage set forth in this Section, as necessary, to ensure that the performance standard required by this Section is maintained, taking into account changes in the methodologies or standards of the New York City Energy Conservation Code.

81-624

Authorization for zoning lots with limited wide street block frontage

In the East Midtown Subdistrict, the City Planning Commission may allow, by authorization, the utilization of the #floor area# provisions set forth in Section 81-62 (Special Floor Area Provisions for Qualifying Sites) for #zoning lots# which do not meet the #wide street block# frontage criteria established in paragraph (b) of the definition of #qualifying sites#, as set forth in Section 81-611 (Definitions), provided that the conditions of paragraph (a) and the findings of paragraph (b) of this Section are met. For the purpose of Section 81-60, inclusive, any #zoning lot# authorized pursuant to this Section shall be considered a #qualifying site#.

- (a) Any application for such authorization shall contain information sufficient to allow the Commission to determine that the following conditions are met:
- (1) At the time of #development#, the #zoning lot# will have a #lot width# which extends across a minimum of 75 percent of the #wide street block# frontage, or for at least 150 feet of #wide street# frontage, whichever is less; and such #lot width# will extend continuously to a depth of 100 feet, as measured perpendicular to the #wide street line#;
 - (2) Other than the #wide street block# frontage criteria established in paragraph (b) of the definition of #qualifying site#, as set forth in Section 81-611, the #zoning lot# shall comply with all other criteria established in such definition, including the minimum #lot area# required by paragraph (a) of such definition. At the time of #development#, no existing #buildings or other structures# shall remain within the modified minimum site geometry;
 - (3) the #floor area ratio# of the proposed #building# does not exceed the amount set forth in Row D in Table I of Section 81-62, as applicable, and the #development# complies with the applicable certification provisions of Sections 81-621 (District improvement bonus for qualifying sites) and Section 81-622 (Transfer of development rights from landmarks to qualifying sites) prior to, or concurrently with such authorization application; and
 - (4) the proposed #building# complies with all the applicable height and setback regulations of the Special Midtown District.
- (b) In order to grant such authorization, the Commission shall find that:
- (1) the #building# footprint, including the size and configuration thereof, will be sufficient to accommodate a substantial #non-residential# or #mixed building#;

- (2) the percentage of #block# frontage the proposed #building# occupies, and the proposed distribution of #bulk# for such #building# can accommodate the proportional amount of #floor area# being granted pursuant to this Section in a manner which ensures the surrounding #streets# and public spaces will have ample access to light and air;
- (3) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate movement between the #building# and adjoining public spaces;;
- (4) where applicable, due consideration has been demonstrated for the relationship between the proposed #building# and any existing #building# on the #wide street block# frontage, especially with regard to streetscape and the distribution of #bulk#.

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

81-625

Special permit for superior developments

For #qualifying sites# in the areas designated on Map 5 (Applicability of special permit for superior developments) in Appendix A of this Chapter, in order to facilitate the #development# of exceptional #buildings# that substantially contribute to the East Midtown Subdistrict through urban design excellence and architectural distinctiveness, outstanding energy performance, the provision of high-quality public space and streetscape amenities and significant enhancements to the pedestrian circulation network, the City Planning Commission may allow, by special permit, additional #floor area#, and in conjunction with such additional #floor area#, modifications to #street wall#, height and setback and mandatory district plan element regulations, as set forth in paragraph (a) of this Section. In order to grant such increases in #floor area# or modifications to #street wall#, height and setback, or mandatory district plan element regulations, applications shall comply with the conditions of paragraph (b), as applicable, the findings of paragraph (c), as applicable and requirements of paragraph (d) of this Section.

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

- (1) Additional #floor area#, beyond the applicable #floor area ratio# permitted by Row D in Table I of Section 81-62 (Special Floor Area Provisions For Qualifying Sites) up to the applicable amount set forth in Row E in such Table; and
- (2) In conjunction with such additional #floor area#:
- (i) modifications to the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-65 (Special Street Wall Requirements), inclusive;
 - (ii) modifications to the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, and 81-66 (Special Height and Setback Requirements), inclusive;
 - (iii) modifications to the mandatory district plan element regulations of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-Street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility), 81-67 (Special Mandatory District Plan Element Requirements), inclusive, or 37-50 (REQUIRMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37- 51 (Amount of Pedestrian Circulation Space) or the curb cut and loading berth provisions of Section 81-676 (Curb cut restrictions and loading berth requirements) shall be permitted; and
 - (iv) modification of the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements)
- (b) Any application for such special permit shall contain information sufficient to allow the Commission to determine that the following conditions are met:
- (1) The proposed #development# complies with the applicable certification provisions of Sections 81-621 (District improvement bonus for qualifying sites) and Section 81-622 (Transfer of development rights from landmarks to qualifying

sites) prior to, or concurrently with such special permit application. Compliance with such certifications shall include demonstration that:

- (i) all proposed #floor area# for such #development# up to, and in excess of, the amount permitted by Row D in Table I of Section 81-62, will be achieved through the applicable contribution to district improvements in accordance with the provisions of Section 81-621 or a transfer of development rights from landmarks in accordance with the provisions of Section 81-622; and
 - (ii) any district improvement contribution in-kind provided pursuant to paragraph (c) of Section 81-621 is for an improvement that is separate and distinct from the additional above and below-grade site improvements required pursuant to conditions (b)(2) and (b)(3) of this Section;
- (2) the proposed #development# provides a major at-grade improvement to the above-grade pedestrian network, consisting of open or enclosed space or spaces, which are open to the public for public use and enjoyment. The improvement shall substantially increase the general accessibility of the network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous connections to Grand Central Terminal. A site plan shall be submitted of sufficient scope and detail to enable the Commission to determine that such publicly-accessible space:
- (i) to the greatest extent feasible, includes amenities required for #public plazas#, as set forth in Section 37-70 (PUBLIC PLAZAS), including but not limited to a variety of seating types, planting beds and trees, paving, lighting, litter receptacles, and public space signage. Such publicly accessible space shall apply the applicable minimum and maximum dimensional criteria for such amenities set forth in Section 37-70;
 - (ii) fronts upon a #street# or a pedestrian circulation space in close proximity to and full view of an adjoining sidewalk; and
 - (iii) to the greatest extent feasible, is wrapped by ground floor #uses# and transparent materials in accordance with the provisions of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses);
- (3) where located within the Grand Central Subarea Core, the proposed #development# provides a major improvement to the below-grade pedestrian network. Such below-grade improvement shall be in addition to the at-grade open

or enclosed space required pursuant to paragraph (2) of this Section, and shall increase the general accessibility of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not be limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the proposed #development# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

Schematic or concept plans of the proposed improvement to the below-grade pedestrian circulation network, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement shall be provided at the time of filing of the application and shall be a prerequisite to the certification thereof. In addition, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall at the time of filing of the application each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement, and such letters shall be a prerequisite to the certification of the application;

- (4) any proposed modifications to height and setback regulations within the proposed #development# are demonstrated through materials submitted to the Commission, including but not limited to:
- (i) drawings, including but not limited to plan views and axonometric views, that illustrate how the proposed #building# will not comply with the provisions of Sections 81-26 or 81-27, or as such provisions are modified pursuant to Section 81-66;
 - (ii) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-66; and
 - (iii) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66;

- (5) the proposed #development# exceeds the #building# performance standards set forth in Section 81-623 (Special building performance requirements for all qualifying sites). Information regarding the proposed #development's# energy performance shall be submitted to the Commission; and
- (6) the applicant has submitted drawings sufficient to demonstrate to the Commission the building design of the proposed #development#, and to enable the Commission to evaluate such #building# in the context of adjacent #buildings# and the Manhattan skyline. Such drawings shall include, but shall not be limited to, measured elevation drawings, axonometric views, and renderings showing such proposed #building# within the Manhattan skyline.
- (c) To grant such special permit, the Commission shall find that:
- (1) the public benefit derived from the proposed #development# merits the proportional amount of additional #floor area# being granted pursuant to this Section;
- (2) the pedestrian circulation space provided by the #development#, including but not limited to the at-grade, open or enclosed public space required pursuant to condition (b)(2) of this Section shall:
- (i) be a prominent space of generous proportions and quality design that is inviting to the public, provides considerable amounts of light and air for occupants, and is highly visible and accessible from the adjoining sidewalk. Such space shall contain elements to ensure its contribution to a lively streetscape and offer amenities for the comfort and convenience of the public, including, but not limited to, abundant greenery through a combination of planting beds and trees, and generous amounts of seating in a variety of different types. The applicant shall demonstrate particular consideration for the choice, amount and quality of such proposed elements and amenities;
- (ii) significantly contribute to the pedestrian circulation network by providing generous pedestrian accessibility through and around the site, and fluid connections to pedestrian circulation spaces in the immediate vicinity thereof; and
- (iii) significantly contribute to the overall improvement of pedestrian circulation and reduction of congestion on surrounding #streets# within the Subdistrict through the provision of a vibrant streetscape, and a well-

designed site plan, which demonstrates the strategic locations of pedestrian circulation space, #building# entrances, and, where applicable, the provision of more direct pedestrian access to Grand Central Terminal;

- (2) any below-grade improvements required as part of the proposed #development# pursuant to condition (b)(3) of this Section shall:
- (i) provide significant and generous connections to the below-grade pedestrian circulation network and surrounding #streets#. Where #street# level entryways from the proposed #development# into the below-grade pedestrian circulation network or subway stations or other rail transit facilities are provided, such entryways shall be well-integrated with the proposed at-grade improvements to the pedestrian network required by condition (2) of this Section;
 - (ii) where applicable, provide major improvements to public accessibility to and from subway stations and other rail transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing connections, including the provision of escalators or elevators; and
 - (iii) where applicable, provide significant improvements to the environment of subway stations and other rail transit facilities through the provision of direct daylight access, or through improvements to noise control, air quality, lighting or rider orientation;
- (3) with regard to the #building bulk# of the proposed #development#:
- (i) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces. Above the ground floor level, access to light and air to the surrounding #streets# and public spaces is ensured through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;
 - (ii) all components of the #building# are well-integrated and demonstrate a well-designed combination of articulation, choice of materials and

amounts of fenestration, which contribute to create a prominent and distinctive #building# which also complements the character of the surrounding area;

(iii) with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District’s height and setback regulations, any modifications thereto will result in a compelling distribution of #bulk# on the #zoning lot#;

(4) the proposed #development# comprehensively integrates ‘green’ building systems into the #building# and site design, and exhibits innovations in ‘green’ building technology which will place the #development# at the forefront of sustainable building design; and

(5) all of the separate elements within the proposed #development#, including but not limited to, the proposed #building#, the proposed open or enclosed publicly accessible space, and any required below-grade improvements to the pedestrian circulation network, are well integrated and will result in a superior #development# that will present a significant contribution to the East Midtown area and its collection of world-renowned #buildings#.

(d) Agreements and Declaration of Restrictions

A written declaration of restrictions, in a form acceptable to the City Planning Commission, setting forth the obligations of owner or developer to construct, maintain and provide public access to a public improvement required under condition (b)(2) of this Section shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Such written declaration shall also stipulate that no building permit shall be granted by the Department of Buildings for any portion of a #building# on a #qualifying site# which has been granted additional #floor area# pursuant to the provisions of this Section until all contributions to district improvements required by paragraph (b)(1)(i) of this Section, as applicable, have been made by the owner or developer. Proof of recordation of the declaration of restrictions shall be submitted to the City Planning Commission, in a form acceptable to the Commission.

Prior to the grant of a special permit which includes an improvement required under condition (b)(3) of this Section, where applicable, to the extent required by the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement, the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the

obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA and any such other entities.

Except where the Commission allows for phased implementation of public improvements required under conditions (b)(2) and (b)(3) of this Section, no temporary certificate of occupancy for any #floor area# of the #development# on a #qualifying site# shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission, acting in consultation with the Metropolitan Transportation Authority, as appropriate, and the areas are usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development#, all improvements shall be 100 percent complete in accordance with the approved plans and, where applicable, such final completion shall have been certified by letter from the Metropolitan Transportation Authority, and any other entities that retain control and responsibility for the area of the proposed improvement.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may stipulate appropriate hours of access to at-grade publicly accessible spaces and below-grade improvements provided in accordance with the provisions of this Section.

81-626

Special Permit for Use Modifications

In the East Midtown Subdistrict, the City Planning Commission may allow, by special permit, modifications to the #use# criteria established in paragraph (e) of the definition of #qualifying site# in Section 81-611 (Definitions), to allow any #use# permitted by the underlying zoning district regulations on #qualifying sites# or #buildings developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-Complying Floor Area), provided that the conditions of paragraph (a) and the findings of paragraph (b) are met. In conjunction with such modification to permitted #uses#, the Commission may permit modifications to the location of #use# provisions set forth in Section 81-614 (Location of uses in mixed buildings), as necessary.

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

- (1) no more than 40 percent of the #building’s floor area# shall be allocated to #residential use#; and
 - (2) the #East Midtown District Improvement Fund Contribution Rate# for all proposed #floor area# for such #development# in excess of the basic maximum #floor area# established in Row A in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) utilizing the provisions of Section 81-621 (District improvement bonus for qualifying sites) has been adjusted, as necessary, to account for any increase in #residential floor area#, in the manner described in such definition in Section 81-611.
- (b) In order to grant such special permit, the Commission shall find that:
- (1) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate movement between the #building# and adjoining public spaces;
 - (2) above the ground floor level, adequate access to light and air is provided for #residential# and hotel #uses#, as applicable, through a well-composed distribution of #bulk# which utilizes setbacks, recesses and other forms of articulation;
 - (3) the mix of #uses# in the proposed #building# will not undermine the achievement of the goals and purposes set forth for the East Midtown District and the #Special Midtown District#. In order to make such determination, the applicant shall demonstrate to the Commission that sufficient #development# sites exist within the East Midtown Subdistrict to reasonably accommodate the Subdistrict’s projected office demand; and
 - (4) where the location of #use# provisions are being modified, sufficient separation of #residential uses# from #non-residential uses# exists within the #building#.

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

81-63
Special Floor Area Provisions for All Other Sites

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

Table II of this Section shall apply to all #zoning lots# that are not #qualifying sites#. The basic maximum #floor area ratio# for such #zoning lots# shall be as specified in Row A. Where such #zoning lot# is located outside the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, such #floor area ratio# may be increased up to the amount specified in Row B pursuant to Section 81-631 (Floor area bonus for public plazas). Where such #zoning lot# is eligible for a subway improvement, the basic maximum #floor area ratio# may be increased up to the amount specified in Row D, pursuant to Section 81-632 (Floor area bonus for subway station improvements). Where such #zoning lot# is an #adjacent lot# in relation to a #landmark or other structure#, the basic maximum #floor area ratio# may be increased up to the amount specified in Row G.1 pursuant to Section 74-79 (Transfer of Development Sites from Landmark Sites). Where such #zoning lot# is a #receiving lot# in the Grand Central Subarea, the basic maximum #floor area ratio# may be increased up to the amount specified in Row G.2 or G.3 pursuant to the applicable provisions of Sections 81-633 (Transfer of development rights from landmarks) and 81-634 (Transfer of development rights by certification in the Grand Central Subarea) or 81-635 (Transfer of development rights by special permit in the Grand Central Subarea). Where such #zoning lot# is a #receiving lot# in the Northern Subarea, the basic maximum #floor area ratio# may be increased up to the amount specified in Row G.4 or G.5 pursuant to the applicable provisions of Sections 81-633 and 81-636 (Transfer of development rights by authorization in the North Subarea) or 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

Within the Grand Central or Northern Subarea, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-633, but not both. Any #development# using the provisions of Section 74-79 shall also be subject to the modifications set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites). Whenever there is an inconsistency between any provisions in Section 74-79 and Table II of this Section, the table in this Section shall apply.

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

TABLE II										
MAXIMUM FLOOR AREA ALLOWANCES FOR ALL OTHER SITES IN THE EAST MIDTOWN SUBDISTRICT										
Row	Means for achieving permitted FAR on a #zoning lot# for all other sites	Grand Central Subarea			Northern Subarea			Any other Areas		
		Grand Central Subarea Core	Non-Core		Northern Subarea Core	Non-Core				
		C5-3	C5-2.5 C6-4.5	C5-3 C6-6	C5-3	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	
<u>A</u>	<u>Basic Maximum FAR</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>12</u>	<u>15</u>	
<u>B</u>	<u>Additional FAR for provision of a #public plaza# (Section 81-631)</u>	=	=	=	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	
<u>C</u>	<u>Total as-of-right FAR</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>16</u>	<u>13</u>	<u>16</u>	<u>13</u>	<u>16</u>	
<u>D</u>	<u>Additional FAR for subway station improvements through special permit (Section 81-632)</u>	<u>3</u>	<u>2.4</u>	<u>3</u>	<u>3</u>	<u>2.4</u>	<u>3</u>	<u>2.4</u>	<u>3</u>	
<u>E</u>	<u>Maximum FAR of a #landmark or other structure# for transfer purposes (Sections 81-633, 81-634, 81-635, 81-636 and 81-637)</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>15</u>	<u>12</u>	<u>15</u>	=	=	
<u>F</u>	<u>Maximum FAR of a #landmark or other structure# for transfer purposes (Section 74-79)</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>16</u>	<u>13</u>	<u>16</u>	<u>13</u>	<u>16</u>	
<u>G</u>	<u>Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on:</u>									
	<u>1</u>	<u>an #adjacent lot# (Sections 74-79)</u>	<u>No limit</u>	<u>2.4</u>	<u>No limit</u>	<u>No limit</u>	<u>2.4</u>	<u>No limit</u>	<u>2.4</u>	<u>No limit</u>
	<u>2</u>	<u>a #receiving lot# in Grand Central Subarea through certification by Chairperson of the</u>	<u>1</u>	<u>1</u>	<u>1</u>	=	=	=	=	=

		CPC (Section 81-634)								
	<u>3</u>	a #receiving lot# in Grand Central Subarea through special permit (Section 81-635)	<u>6.6</u>	<u>9.6</u>	<u>6.6</u>	=	=	=	=	=
	<u>4</u>	a #receiving lot# in the Northern Subarea through authorization (Section 81-636)	=	=	=	<u>3</u>	<u>2.4</u>	<u>3</u>	=	=
	<u>5</u>	a #receiving lot# in the Northern Subarea through special permit (Section 81-637)	=	=	=	<u>6.6</u>	=	=	=	=
<u>H</u>		Maximum FAR permitted	<u>No limit</u>	<u>21.6</u>	<u>No limit</u>	<u>No limit</u>	<u>14.4</u>	<u>No limit</u>	<u>14.4</u>	<u>No limit</u>

81-631

Floor area bonus for public plazas

For all #zoning lots# that are not #qualifying sites# within the East Midtown Subdistrict, except within the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, the basic maximum #floor area ratio# permitted on such #zoning lots# shall be increased, up to the amount specified in Row B of Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), where a #public plaza# is provided in accordance with the provisions of Section 81-23 (Floor Area Bonus for Public Plazas).

81-632

Floor area bonus for subway station improvements

For all #zoning lots# that are not #qualifying sites# within the East Midtown Subdistrict, the City Planning Commission may permit an increase in the amount of #floor area# permitted on such #zoning lots#, up to the amount specified in Row D in Table II of Section 81-63 (Special Floor Area Provisions for all other sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

81-633**Transfer of development rights from landmarks**

In accordance with the provisions of Sections 81-634 through 81-637, the Chairperson of the City Planning Commission may certify, or the City Planning Commission may permit, or authorize, as applicable, the transfer of development rights from a #landmark building or other structure# to a #zoning lot#, as set forth in paragraph (a) of this Section, provided that the application requirements of paragraph (b), the conditions and limitations of paragraph (c) and the transfer instruments and notice of restrictions of paragraph (d) of this Section are met.

(a) Eligible transfers and permitted modifications

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

(1) In the Grand Central Subarea:

- (i) The Chairperson of the City Planning Commission shall, by certification, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.2 in Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-634 (Transfer of development rights from landmarks by certification in the Grand Central Subarea);**
- (ii) The City Planning Commission may, by special permit, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.3 in Table II, as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea).**

(2) In the Northern Subarea:

- (i) The City Planning Commission may, by authorization, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.4 in Table II, as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-636 (Transfer of development rights from landmarks by authorization in the Northern Subarea); and**

(iii) The City Planning Commission may, by special permit, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.5 in Table II, as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

(b) Application requirements

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

- (1) a site plan and zoning calculations for the #granting lot# and #receiving lot#;
- (2) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#;
- (3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#, and for those #receiving lots# meeting the criteria of paragraph (a) of the definition of #adjacent lot# with regard to such #zoning lot's# adjacency Grand Central Terminal, a report concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal; and
- (4) any such other information as may be required by the Commission or Chairperson, as applicable.

(c) Conditions and limitations

Any transfer of development rights from a #granting lot# to a receiving lot# pursuant to this Section shall be subject to the following conditions and limitations:

- (1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable maximum #floor area# on such landmark #zoning lot# set forth in Row E in Table II of Section 81-63, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#;

- (2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights under this Section shall not exceed the applicable amount set forth in Row G.2 through G.5 in Table II of Section 81-63;
- (3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

(d) Transfer instruments and notice of restrictions

The owners of the #granting lot# and the #receiving lot# shall submit to the Commission or the Chairperson, as applicable, a copy of a transfer instrument legally sufficient in both form and content to effect such a transfer. Notices of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Commission or the Chairperson, as applicable, in a form acceptable to the Commission or the Chairperson.

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

81-634

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

Within the Grand Central Subarea, the Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(1)(i) of Section 81-633 (Transfer of development rights from landmarks), provided that the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633 are met.

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

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

81-635

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

Within the Grand Central Subarea, the City Planning Commission may allow, by special permit, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(1)(ii) of Section 81-633 (Transfer of development rights from landmarks), and, in conjunction with such transfer, the Commission may allow modifications to #bulk# and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633, the conditions of paragraph (b), the findings of paragraph (c), and the additional requirements of paragraph (d) of this Section are met.

- (a) In conjunction with such transfer of development rights, the Commission may permit:
- (1) modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;
 - (2) the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify the provisions of Sections 81-65 (Special Street Wall requirements), 81-66 (Special Height and Setback requirements), 81-67 (Special Mandatory District Plan Element Requirements), 81-625 (Pedestrian

circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions; and

- (3) notwithstanding the provisions of paragraph (a)(2)(ii) of this Section, for #developments# or #enlargements# on #zoning lots# with a #lot area# of more than 40,000 square feet that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations.
- (b) As a condition for approval, the applicant shall demonstrate to the Commission that the design of the #development# or #enlargement# includes a major improvement of the surface and/or subsurface pedestrian circulation network in the portion of the Subdistrict. The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage. The Commission may require, where appropriate, the provision of similar public amenities for #developments# or #enlargements# in the Northern Subarea.
- (c) In order to grant such special permit, the Commission shall find that the improvement to the surface and subsurface pedestrian circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal, pursuant to the following:
- (1) that the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the portion of the Subdistrict and minimize congestion on surrounding #streets#, and that a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within such portion of the Subdistrict;
- (2) that the modification of #bulk# regulations, regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the

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

- (3) that, for #enlargements# to existing #buildings#, the modifications of height and setback requirements and the requirements of Sections 81-65 (Special Street Wall requirements), 81-66 (Special Height and Setback requirements), 81-67 (Special Mandatory District Plan Element Requirements), 81-625 (Pedestrian circulation space requirements), are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and
- (4) that, for #developments# or #enlargements# on #zoning lots# with a #lot area# of more than 40,000 square feet that occupy an entire #block#, modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed.
- (d) Any application filed with the Commission pursuant to this Section shall include a plan of the required pedestrian network improvement, as well as information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement to the surface and/or sub-surface of the pedestrian circulation network. The applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to Uniform Land Use Review Procedure (ULURP) certification of the special permit application, as required by Section 197-c of the New York City Charter, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

Prior to the grant of a special permit the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, as applicable, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the

improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond for completion of the improvement.

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

Except where modified by the Commission to allow for phased implementation, no temporary certification of occupancy for any #floor area# of the #development# on a #qualifying site# shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission, acting in consultation with the Metropolitan Transportation Authority, as appropriate, and the areas are usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development#, all improvements shall be 100 percent complete in accordance with the approved plans and such final completion shall have been certified by letter from the Metropolitan Transportation Authority.

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

81-636

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

Within the Northern Subarea, the City Planning Commission may allow, by authorization, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(2)(i) of Section 81-633 (Transfer of development rights from landmarks), and, in conjunction with such transfer, the Commission may allow associated modifications to provisions regarding #zoning lots# divided by district boundaries, as forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633, the conditions of paragraph (b) and the findings of paragraph (c) of this Section are met.

- (a) In conjunction with such transfer of development rights, the Commission may authorize modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor

area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#.

- (b) As a condition for approval, the applicant shall demonstrate to the Commission that on (date of adoption), and at the time of application, the #receiving lot# did not meet the minimum site geometry established in paragraphs (a) and (b) of the definition of #qualifying site#.
- (c) In order to grant such authorization, the Commission shall find that the authorized transfer of #floor area will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#; and that the program for continuing maintenance will result in the preservation of the landmark.

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

81-637

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

Within the Northern Subarea, the City Planning Commission may allow, by special permit, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(2)(ii) of Section 81-633 (Transfer of development rights from landmarks), and, in conjunction with such transfer, the Commission may allow associated modifications to provisions regarding #zoning lots# divided by district boundaries, as forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633, the conditions of paragraph (b) and the findings of paragraph (c) of this Section are met.

- (a) In conjunction with such transfer of development rights, the Commission may permit modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#.

- (b) As a condition for approval, the applicant shall demonstrate to the Commission that on (date of adoption), and at the time of application, the #receiving lot# did not meet the minimum site geometry established in paragraphs (a) and (b) of the definition of #qualifying site#.
- (c) In order to grant such special permit, the Commission shall find:
- (1) that the permitted transfer of #floor area will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#;
 - (2) that the program for continuing maintenance will result in the preservation of the landmark; and
 - (3) the scale and placement of the #building# on the #zoning lot# is harmonious with the surrounding neighborhood character.

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

81-64

Special Provisions for Retaining Non-complying Floor Area

In the East Midtown Subdistrict, a #non-complying commercial building# with #non-complying floor area# constructed prior to December 15, 1961 may be demolished and reconstructed to the extent of its prior #non-complying floor area# in accordance with the applicable district #bulk# regulations, upon certification of the Chairperson of the City Planning Commission to the Department of Buildings that:

- (a) such reconstructed #building#:
- (1) will comply with the #use# provisions of paragraph (e) of the definition of #qualifying site# set forth in Section 81-611 (Definitions), inclusive;
 - (2) will be located on a #zoning lot# that either is a #qualifying site#; or has frontage along a #wide street# and a #lot area# of at least 20,000 square feet;
- (a) will have no existing #building# to remain within the minimum site geometry described within paragraph (a)(2) of this Section;

- (b) will comply with the #building# performance requirements of Section 81-623 (Special building performance requirements for all qualifying sites); and
 - (c) shall utilize all #floor area# certified pursuant to this Section within the site geometry of the #zoning lot# as it existed at the time of application.
- (b) contributions to the #East Midtown District Improvement Fund# are made for the amount of #floor area# in the reconstructed #building# equivalent to the #non-complying floor area# at 50 percent of the #East Midtown District Contribution Rate#. For this purpose, the amount of #non-complying floor area# exceeding the basic maximum #floor area ratio# set forth in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) or Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), as applicable, shall be calculated on the basis of the #lot area# of the #development# site used to comply with paragraph (a)(2) of this Section.

Calculations of the amount of #non-complying floor area# in such existing #building#, and where applicable, the amount of #floor area# allocated to a hotel #use# to be replaced in such reconstructed #building# pursuant to paragraph (e) of the definition of #qualifying site# set forth Section 81-611, shall be shown on either the #building's# construction documents submitted for approval to the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or on an as-built drawing set completed by a licensed architect prior to such #building's# demolition.

Certification pursuant to the provisions of this Section shall be a precondition to the issuance of any demolition permit by the Department of Buildings on a #zoning lot# reconstructing #non-complying floor area#. No foundation permit for a #building# reconstructed pursuant to the provisions of this Section shall be issued by the Department of Buildings prior to July 1, 2017, and no certificate of occupancy for the reconstructed #building# shall be issued until the Department of Buildings determines such reconstructed #building# is compliant with the provisions of this Section.

Notice of the restrictions upon further #development# or #enlargement# on the #zoning lot# occupied by the #building# reconstructing #non-complying floor area# shall be filed by the owners in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the City Planning Commission, in a form acceptable to the Commission.

The notice of restrictions shall specify the total amount of #non-complying floor area# in the #non-complying building# demolished on the #zoning lot#, the amount of #floor area# from such

#non-complying building# utilized in the reconstructed #building#, and the total amount of #floor area# utilized on such #zoning lot#.

81-65

Special Street Wall Requirements

The applicable #street wall# regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, and 81-43 (Street Wall Continuity Along Designated Streets) shall be modified for #developments# and #enlargements# within the East Midtown Subdistrict in accordance with the provisions of this Section, inclusive.

81-651

Special street wall requirements along designated streets

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

For #buildings# with frontage along designated #streets#, a #street wall# shall be provided for the entire length of a #zoning lot's# designated #street# frontage, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines fifteen feet from and parallel to such #street lines#. Where intersecting #streets# provide a sidewalk widening pursuant to Section 81-671, the #street wall# width shall be reduced to the extent of such widening. Furthermore, #street wall# lengths may be modified, to the minimum extent necessary, to accommodate required transit access that is open to the sky, pursuant to the provisions of Section 81-672 (Mass transit access). All #street walls# along designated #streets# shall be located in accordance with paragraphs (a) through (d) of this Section, as applicable, and shall extend to the minimum heights specified in such applicable paragraph.

Any #street wall# below the applicable minimum #street wall# height that is set back more than one foot from a #street line# or sidewalk widening line shall be considered a recess. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 81-675. Above the ground floor, the aggregate width of all recesses in the #street wall# shall not exceed 30 percent of the entire width of such #street

wall# at any such level, and no recess shall be permitted within 30 feet of the intersection of two #street lines#. The maximum depth of any recess shall be ten feet if such recess is not open to the sky, and 15 feet if such recess is open to the sky. All recesses shall be at least twice as wide as they are deep.

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

All heights shall be measured from #curb level#.

In addition, the following regulations shall apply:

(a) 42nd Street

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

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

(b) Madison and Lexington Avenues

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

(1) Street wall location

Where the #building# has frontage along the entire Madison Avenue or Lexington Avenue #block# front, the #street wall# shall be located at the sidewalk widening required pursuant to Section 81-671 (Sidewalk widening). For all other #buildings# the #street wall# location shall match the location of an existing adjacent #building#, except that the #street wall# need not be located beyond ten feet of the Madison or Lexington Avenue #street line#.

(2) Street wall height requirements

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

(c) Vanderbilt Avenue and Depew Place

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

(1) Street wall location

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

(2) Streetwall height requirements along Vanderbilt Avenue

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

(3) Street wall height requirements along Depew Place

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

d. Park Avenue

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

(1) Street wall location requirements

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

(2) Street wall height requirements

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

81-652**Special street wall requirements along narrow streets**

#Buildings# that front upon #narrow streets# within the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, beyond any required #street wall# wrap-around distance from a designated #street# pursuant to the applicable regulations of Section 81-651 (Special street wall requirements along designated streets), shall comply with the requirements of this Section.

(a) Street wall width and location

A #street wall# shall be provided for at least 80 percent of the length of a #zoning lot's narrow street# frontage, exclusive of any required wrap-around distance from a designated street. Such #street wall# shall be located within ten feet of the #street line#. However, such requirements may be reduced, to the minimum extent necessary, to accommodate required transit access that is open to the sky, pursuant to the provisions of Section 81-672 (Mass transit access), and pedestrian circulation space provided pursuant to Section 81-675 (Pedestrian circulation space requirements).

(b) Recesses

Recesses are permitted in accordance with the provisions for designated #streets#, as set forth in Section 81-651 (Special street wall requirements along designated streets).

(c) Street wall height requirements

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

81-66**Special Height and Setback Requirements**

#Buildings# in the East Midtown Subdistrict using the daylight compensation method of height and setback regulations shall utilize the provisions of Section 81-661 (For buildings using

daylight compensation method in the Grand Central Subarea) or 81-662 (For buildings using daylight compensation method along Park Avenue), as applicable. #Buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central Subarea may utilize the provisions of either Section, but not both.

#Buildings# in the East Midtown Subdistrict using the daylight evaluation method of height and setback regulations shall utilize the provisions of Section 81-663 (For buildings using daylight evaluation method in the Grand Central Subarea) or 81-664 (For buildings using daylight evaluation method along Park Avenue), as applicable. #Buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central Subarea may utilize the provisions of either Section, but not both.

81-661

For buildings using daylight compensation method in the Grand Central Subarea

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

- (a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):
 - (1) no #compensating recess# shall be required where #encroachments#, or portions thereof, are provided on the portion of the #building# below a height of 150 feet, as measured from #curb level#;
 - (2) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not extend without diminution or dimension downward to the lowest level of #encroachment#, as set forth in paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of #encroachment# provided at such level. The provisions of paragraphs (c)(2) and (c)(3) of Section 81-264 shall apply to such #compensating recesses#; and
 - (3) where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison

Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. The Vanderbilt Avenue portion of such modified #zoning lot# may be considered a #compensating recess# for encroachments along such #building's narrow street frontage zone#, provided that:

- (i) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (d) of Section 81-655 (Special street wall requirements along Vanderbilt Avenue and Depew Place); and
 - (ii) the #street frontage zone# calculation along Madison Avenue shall not include Vanderbilt Avenue; and
- (b) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-265 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in paragraph (c) shall be modified to 20 percent of the length of the #front lot line#.

81-662

For buildings using daylight compensation method along Park Avenue

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

Table D

SETBACK REQUIREMENTS ON STREETS AT LEAST 140 WIDE

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

<u>Height</u>	<u>Depth of #Setback</u> <u>Line#</u>	<u>Height</u>	<u>Depth of #Setback</u> <u>Line#</u>
<u>210</u>	<u>0.00</u>	<u>470</u>	<u>29.75</u>
<u>220</u>	<u>1.00</u>	<u>480</u>	<u>30.50</u>
<u>230</u>	<u>2.50</u>	<u>490</u>	<u>31.50</u>
<u>240</u>	<u>4.25</u>	<u>500</u>	<u>32.00</u>
<u>250</u>	<u>5.50</u>	<u>510</u>	<u>33.00</u>
<u>260</u>	<u>7.00</u>	<u>520</u>	<u>33.50</u>
<u>270</u>	<u>8.75</u>	<u>530</u>	<u>34.50</u>
<u>280</u>	<u>10.00</u>	<u>540</u>	<u>35.00</u>
<u>290</u>	<u>11.25</u>	<u>550</u>	<u>35.50</u>
<u>300</u>	<u>12.75</u>	<u>560</u>	<u>36.00</u>
<u>310</u>	<u>14.25</u>	<u>570</u>	<u>37.00</u>
<u>320</u>	<u>15.25</u>	<u>580</u>	<u>37.50</u>
<u>330</u>	<u>16.25</u>	<u>590</u>	<u>38.00</u>
<u>340</u>	<u>17.50</u>	<u>600</u>	<u>38.50</u>
<u>350</u>	<u>18.75</u>	<u>610</u>	<u>39.00</u>
<u>360</u>	<u>19.75</u>	<u>620</u>	<u>39.75</u>
<u>370</u>	<u>21.00</u>	<u>630</u>	<u>40.25</u>
<u>380</u>	<u>21.75</u>	<u>640</u>	<u>41.00</u>
<u>390</u>	<u>23.00</u>	<u>650</u>	<u>41.50</u>
<u>400</u>	<u>23.75</u>	<u>660</u>	<u>41.75</u>
<u>410</u>	<u>25.00</u>	<u>670</u>	<u>42.25</u>
<u>420</u>	<u>25.75</u>	<u>680</u>	<u>43.00</u>
<u>430</u>	<u>26.75</u>	<u>690</u>	<u>43.50</u>
<u>440</u>	<u>27.50</u>	<u>700</u>	<u>43.75</u>
<u>450</u>	<u>28.50</u>	<u>710</u>	<u>44.25</u>
<u>460</u>	<u>29.25</u>	<u>Above 710</u>	<u>*</u>

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

81-663

For buildings using daylight evaluation method in the Grand Central Subarea

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

- (a) For the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):
- (1) the computation of daylight evaluation shall not include any daylight blockage, profile daylight blockage or available daylight for that portion of the #street wall# of the #building# below 150 feet above #curb level#; and
 - (2) The computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to paragraph (c) of such Section, may apply along designated #streets# where #street wall# continuity is required; and
- (b) For the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart), where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. Such modified #zoning lot# may be utilized to create a modified pedestrian view along Vanderbilt Avenue and intersecting #narrow streets# provided that:
- (1) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (d) of Section 81-655 (Special street wall requirements along Vanderbilt Avenue and Depew Place);
 - (2) #vantage points# along Vanderbilt Avenue are taken 30 feet east of the easterly #street line# instead of the #center line of the street#; and
 - (3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#.

81-664**For buildings using daylight evaluation method along Park Avenue**

For #buildings# on #qualifying site# with frontage along Park Avenue in the Grand Central or Northern Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea

and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) shall apply to all #buildings# on a #zoning lot#, except that:

- (a) for the purposes of establishing #vantage points# along Park Avenue to construct a #daylight evaluation chart# pursuant to the provisions of Section 81-272 (Features of the Daylight Evaluation Chart), the definition of #centerline of the street#, as set forth in Section 81-271 (Definitions), shall be modified along Park Avenue to be a line 70 feet from, and parallel to, the Park Avenue #street line# of the #zoning lot#;
- (b) For the purposes of calculating the daylight evaluation score pursuant to paragraph (c) of Section 81-274 (Rules for determining the daylight evaluation score) the computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees may apply along designated #streets# where #street wall# continuity is required; and
- (c) the overall score calculated pursuant to paragraphs (h) of Section 81-274 shall include a reflectivity calculation, pursuant to Section 81-276 (Modification of score for reflectivity), irrespective of whether reflectivity is utilized to achieve the passing score.

81-67

Special Mandatory District Plan Element Requirements

In the East Midtown Subdistrict, the provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall apply, except as modified in this Section.

81-671

Sidewalk widenings

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

- (a) Mandatory sidewalk widenings

(1) Along Madison and Lexington Avenues

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

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

(2) Along #narrow streets# between 43rd and 47th Streets

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

The Commissioner of the Department of Buildings may waive such sidewalk widening requirement where the Commissioner of the Department of Transportation certifies that a sidewalk widening on the portion of the sidewalk adjacent to a proposed #development# or #enlargement# is planned by the City of New York in conjunction with the improvement of Vanderbilt Avenue, and #narrow streets# immediately adjacent thereto.

(b) Permitted sidewalk widenings

Sidewalk widenings may be provided, pursuant to the applicable underlying regulations of Section 37-50 (Pedestrian Circulation Space):

- (1) along #narrow streets# in the Grand Central Subarea, as shown on Map 4, for #developments# and #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along such side #street line#; and
- (2) where a #street wall#, or portions thereof, is permitted to be located beyond the #street line# pursuant to the applicable provisions of Section 81-65 (Special Street Wall Requirements), inclusive.

(c) Permitted obstructions

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

81-672**Mass transit access**

#Developments# and #enlargements# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, involving ground level construction on a #zoning lot# where subway or rail mass transit access is currently provided; or on a #zoning lot# which physically adjoins a subway station or rail mass transit facility, including any mezzanines, platforms, concourses or connecting passageways; or on a #zoning lot# in the Grand Central Subarea Core, as shown on Map 4, shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of this Section.

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

Within 60 days after receipt of such application, the Metropolitan Transportation Authority and the Chairperson shall jointly certify whether or not an easement is required on the #zoning lot#.

Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the Metropolitan Transportation Authority and the Commission indicate that such easement is required, the owner shall submit a site plan indicating the location and type of easement volume that would be most compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the Metropolitan Transportation Authority and the Commission. Copies of such certification shall be forwarded by the City Planning Commission to the Department of Buildings.

If such easement is required on the #zoning lot#, an off-street subway or rail mass transit access improvement may be constructed and maintained by either the owner of the #development# or #enlargement#, or the Metropolitan Transportation Authority, as follows:

- (a) where such mass transit access is constructed and maintained by the owner of the #development# or #enlargement#, every square foot of transit access may constitute three square feet of pedestrian circulation space required pursuant to Section 81-45 (Pedestrian Circulation Space), not to exceed 3,000 square feet, provided that:
 - (1) such mass transit access is improved to the standards set forth in Section 81-48 (Off-street Improvement of Access Rail Mass Transit Facility);
 - (2) where the #building's# lobby abuts such mass transit access, such mass transit access provides a direct connection to the #building's# lobby which is open during normal business hours; and
 - (3) such mass transit access provides directional #signs# in accordance with the provisions of Section 81-412 (Directions signs). Such #signs# shall be exempt from the maximum #surface area# of non-illuminated signs permitted by Section 32-642 (Non-illuminated signs);
- (b) where such mass transit access is constructed and maintained by the Metropolitan Transportation Authority, such construction and maintenance shall exclude any #building# columns, footings or any other permitted obstructions associated with the #development# or #enlargement# located within the transit easement volume.

In either case, the floor space occupied by such easement for mass transit access shall not count as #floor area#.

81-673

Building lobby entrance requirements

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

(a) Required lobby entrances

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

(b) Maximum lobby widths

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

(c) Through #block# provisions

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

81-674

Retail continuity provisions

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

(a) Along designated #streets#

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

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

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

(c) Along Vanderbilt

For #developments# and #enlargements# of #buildings# with frontage upon Vanderbilt Avenue, within 60 feet of Vanderbilt Avenue, as measured perpendicular to a #building's# Vanderbilt Avenue #street wall#, the ground floor level or the portion of a #building's# street wall# frontage below a height of 60 feet, whichever is less, shall be allocated exclusively to:

- (1) Retail #uses# listed in Use Groups 6A, 6C, and 10A, with access to each establishment provided directly from Vanderbilt Avenue;
- (2) transit access connections provided in accordance with the provisions of Section 81-672 (Mass transit access);
- (3) enclosed publicly-accessible spaces; or
- (4) #building# entrance lobbies, not to exceed the maximum #street wall# width set forth in paragraph (b) of Section 81-673 (Building lobby entrance requirements).

(d) Required transparency

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

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

(2) Along Vanderbilt

Any #building# fronting along Vanderbilt Avenue shall provide transparency as follows. At least 70 percent of the #street wall# surface, as measured from #curb level# to a height of 60 feet above #curb level#, shall be glazed with clear untinted transparent material.

81-675

Pedestrian circulation space requirements

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

- (a) no arcade shall be allowed on Madison and Lexington Avenues in the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, except where an existing arcade is located, a new arcade may be provided which connects to such existing arcade, provided that such new arcade complies with the provisions of paragraph (a) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces);
- (b) No #floor area# bonus shall be granted for the provision of a #public plaza# within the Grand Central Subarea; and
- (c) The minimum dimension of a #building# entrance recess area set forth in paragraph (b) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be measured from the #street wall# instead of the #street line# where a sidewalk widening is provided pursuant to Section 81-653 (Sidewalk widening); and
- (d) For all pedestrian circulation spaces in the Grand Central Subarea, lighting shall be provided as follows:

- (1) Within sidewalk widenings, a minimum level of illumination of two horizontal foot candles shall be maintained between sunset and sunrise; and
- (2) For all other pedestrian circulation spaces, a minimum level of illumination of five horizontal foot candles shall be maintained between sunset and sunrise.

81-676

Curb cut restrictions and loading berth requirements

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

(a) Loading berth provisions

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

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

- (1) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are otherwise permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:
 - (i) a #building# existing on (date of adoption) containing #residences#;
 - (ii) a #non-residential building# existing on (date of adoption) that is three or more #stories# in height; or
 - (iii) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or

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

(b) Curb cuts provisions

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

81-68

Supplemental Provisions

81-681

The East Midtown District Improvement Fund Committee

The #East Midtown District Improvement Fund Committee#, shall administer the #East Midtown District Improvement Fund#, and have the following powers and duties:

(a) The #Committee# shall identify and prioritize physical above and below grade pedestrian network improvements, including publicly accessible open space, within the East Midtown Subdistrict, or in a location immediately adjacent thereto, which may be funded through contributions to the #Fund#. All such improvements shall meet the definition of a capital project under Section 210 of the New York City Charter. The priority of such improvements shall be determined through consideration of the following:

(1) The benefit such physical improvements, including but not limited to subway stations, sidewalks and publicly accessible open spaces, provide to the East Midtown pedestrian network. Priority shall be given to improvements to the Grand Central – 42nd Street subway station, the Lexington Avenue / 53rd Street and 51st Street subway station, and to the pedestrian network in the immediate vicinity of Grand Central Terminal; and

(2) The ability of such improvement to address the potential for significant adverse impacts identified in the City Environmental Quality Review (CEQR) No. X in connection with the adoption of provisions of this Chapter establishing the East Midtown Subdistrict.

- (b) The #Committee# shall maintain and adjust, as necessary, a list of such priority district improvement projects within the East Midtown Subdistrict. Such list shall include, but not be limited to, the following information regarding each priority improvement:
- (1) The project sponsor or lead agency, as applicable;
 - (2) The purpose and need for such improvement;
 - (3) The projected timeline, milestones and costs associated with the implementation of such improvement. Such cost assessment shall include any other funding available for the improvement, and the sources of such funding;
 - (4) A description of project readiness with regard to previously conducted engineering or design and other critical path considerations; and
 - (5) The anticipated benefits of such improvement to the immediate area.
- (c) The #Committee# shall adopt procedures for approving and amending such priority district improvement list, as well as a procedure for public comment regarding the initial list and amendments thereto. Amendments to the order of the priorities may be made to reflect changes in project readiness, adjustments to supplemental funding streams and other changes in circumstances. Projects shall be removed from the list when construction is complete and such project is open to the public;
- (d) The #Committee# shall disburse funds from the #District Improvement Fund# for priority district improvement projects, as such funds become available. Improvement projects shall be funded consistent with their priority on the list, as originally approved or subsequently amended;
- (e) The #Committee# shall establish mechanisms for periodic reporting by fund recipients to ensure that , to the maximum extent feasible, projects are completed on time and within the approved budget;
- (f) The #Committee# shall monitor the effectiveness of implemented district improvements in collaboration with the sponsor or agencies involved with such improvement, as applicable.

All meetings of the #East Midtown District Improvement Fund Committee# shall be open to the public, and information regarding East Midtown district improvements, including the current priority list, shall be maintained on a website hosted by the #Committee#.

81-682

The East Midtown District Improvement Fund Contribution Rate

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

The #Contribution Rate# shall be adjusted, by the Chairperson of the City Planning Commission, annually on August 1 of each calendar year, based on the percentage change in the twelve month average, from July to June of each calendar year, of the “Midtown Asking Rent”, published by the Office of Management and Budget (OMB). However, in no event shall the adjusted #contribution rate# be set below the initial rate established on (date of adoption). In the event that OMB ceases publication of the Midtown Asking Rent, the City Planning Commission may, by rule, select an alternative index of adjustment that the Commission determines reflects an appropriate rate of change in real estate values in the East Midtown area. The #Contribution Rate# shall be determined based upon the rate which is in effect at the time the contribution is received.

81-60

SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT

81-61

General Provisions

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

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

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

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

81-62

Special Bulk and Urban Design Requirements

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

81-621

Special street wall requirements

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

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

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

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

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

81-622

Special height and setback requirements

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

- (a) ~~where such #buildings# are governed by Section 81-26, no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below 150 feet above #curb level#; or~~
- (b) ~~where such #buildings# are governed by Section 81-27, the computation of daylight evaluation shall not include any daylight blockage, daylight credit, profile daylight blockage or available daylight for that portion of the #building# below 150 feet above #curb level#. However, the passing score required pursuant to paragraph (i) of Section 81-274 shall apply.~~

81-623

Building lobby entrance requirements

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

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

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

81-624

Curb cut restrictions and loading berth requirements

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

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

81-625

Pedestrian circulation space requirements

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

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

81-63**Transfer of Development Rights from Landmark Sites**

For the purposes of the Grand Central Subdistrict:

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

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

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

81-631**Requirements for application**

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

- ~~(a) — site plan and zoning calculations for the "granting lot" and "receiving lot";~~
- ~~(b) — a program for the continuing maintenance of the landmark;~~

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

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

81-632

Conditions and limitations

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

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

81-633**~~Transfer instruments and notice of restrictions~~**

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

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

81-634**~~Transfer of development rights by certification~~**

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

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

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

exceed 20 percent of the basic maximum #floor area ratio# or number of #dwelling units# or #rooming units# of the district in which such #bulk# is to be located.

81-635

Transfer of development rights by special permit

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

- (a) — a transfer of development rights from a “granting lot” to a “receiving lot” provided that the resultant #floor area ratio# on the “receiving lot” does not exceed 21.6;
- (b) — modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;
- (c) — the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify the provisions of Sections 81-621 (Special street wall requirements), 81-622 (Special height and setback requirements), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations—Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations—Daylight Evaluation) in order to accommodate existing structures and conditions; and
- (d) — notwithstanding the provisions of paragraph (c) of this Section, for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations.

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

- (1) ~~that a program for the continuing maintenance of the landmark has been established;~~
- (2) ~~that the improvement to the surface and subsurface pedestrian circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal, pursuant to the following requirements:~~
 - (i) ~~that the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the Subdistrict and minimize congestion on surrounding #streets#, and that a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the Subdistrict;~~
 - (ii) ~~that the modification of #bulk# regulations, regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the "receiving lot," density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;~~
 - (iii) ~~that, for #enlargements# to existing #buildings#, the modifications of height and setback requirements and the requirements of Section 81-62 are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and~~
 - (iv) ~~that, for #developments# or #enlargements# on #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed.~~

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

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

~~The special permit application to the Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement. As part of the special permit application, the applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to ULURP certification of the special permit application, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.~~

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

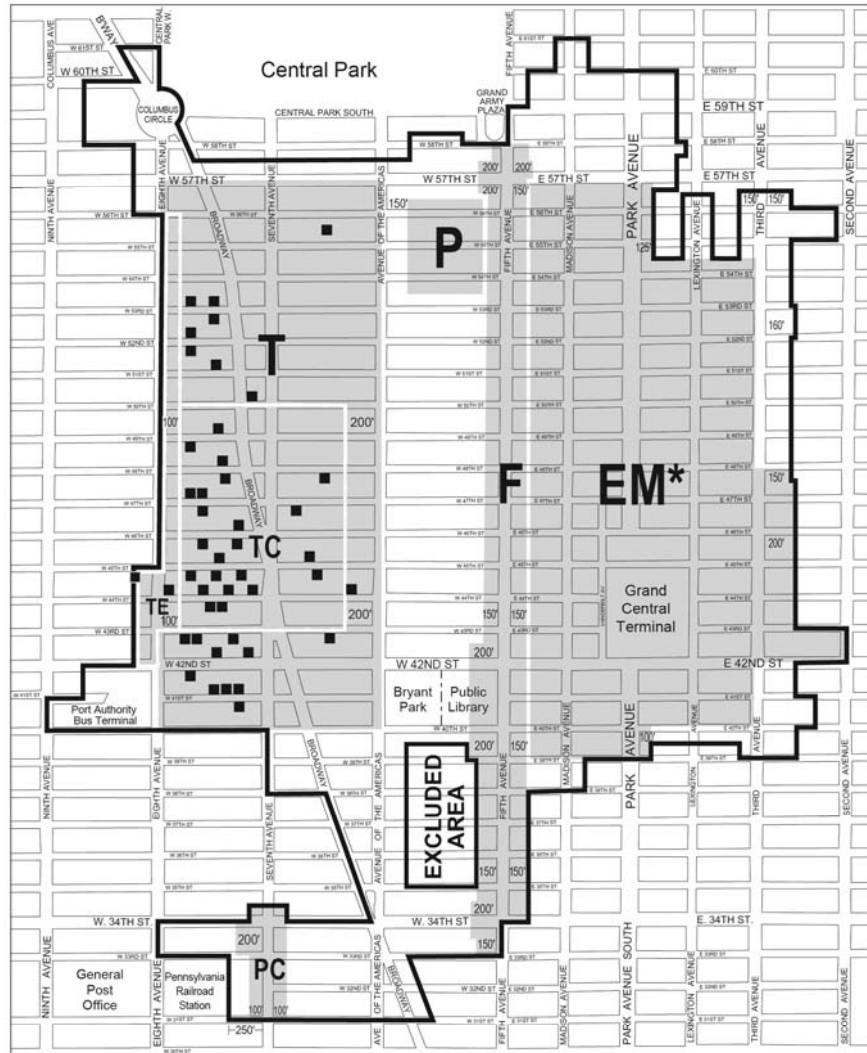
~~The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City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

~~No temporary certification of occupancy for any #floor area# of the #development# or #enlargement# on a "receiving lot" shall be granted by the Department of Buildings until all~~

~~required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission and the area is usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development# or #enlargement#, all improvements shall be 100 percent complete in accordance with the approved plans and such completion shall have been certified by letter from the Metropolitan Transportation Authority.~~

Appendix A
Midtown District Plan Maps

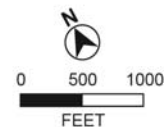
Map 1: Special Midtown District and Subdistricts
[REPLACE EXISTING MAP]



MIDTOWN DISTRICT PLAN
MAP 1 - Special Midtown District and Subdistricts

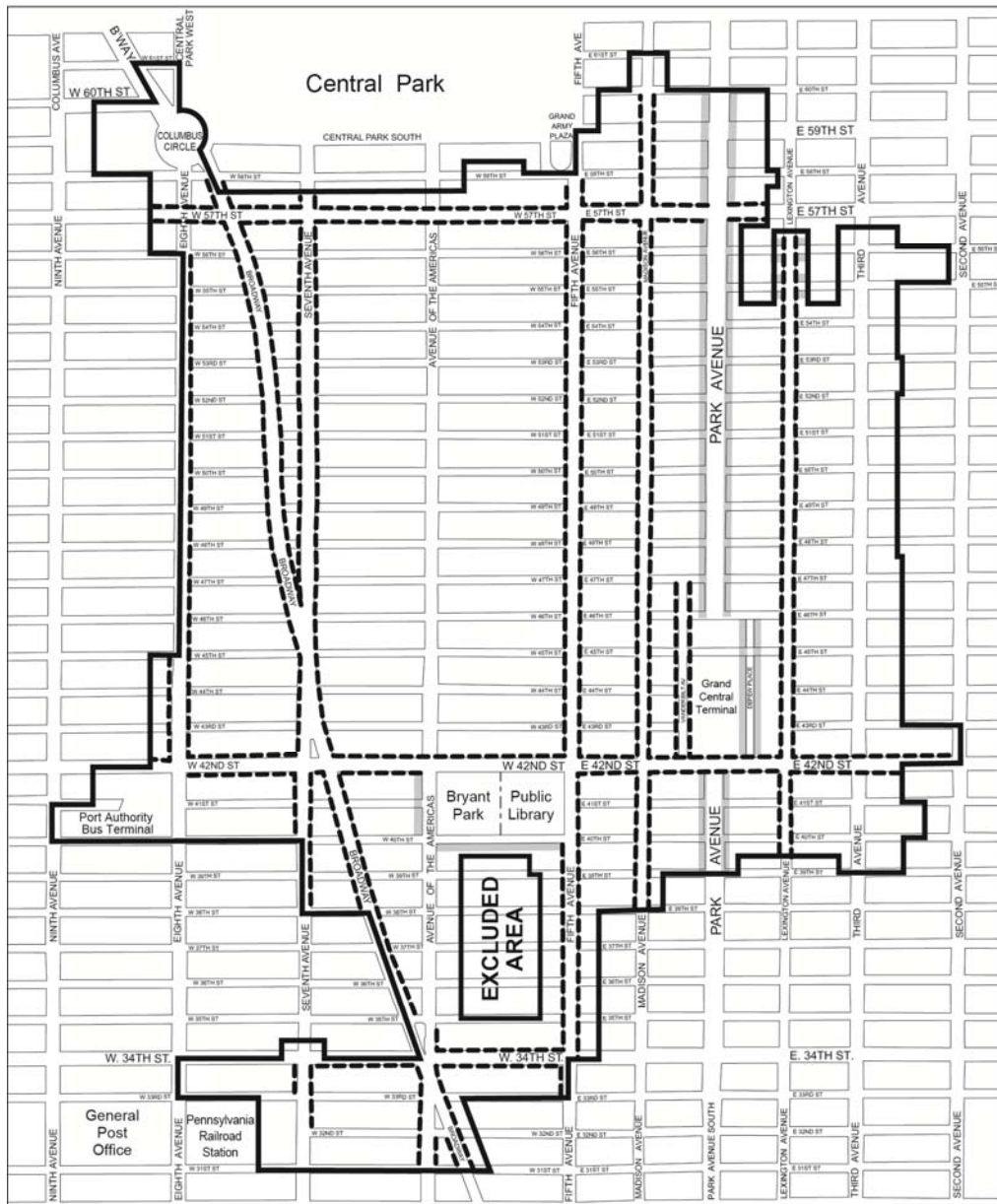
- | | |
|------------------------------------|------------------------------------------------------|
| F Fifth Avenue Subdistrict | TC Theater Subdistrict Core |
| EM East Midtown Subdistrict | TE Theater Subdistrict Eighth Avenue Corridor |
| PC Penn Center Subdistrict | ■ Listed Theaters |
| P Preservation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

* East Midtown Subareas and the Grand Central Core are shown on Map 4



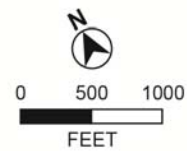
Map 2: Retail and Street Wall Continuity

[REPLACE EXISTING MAP]

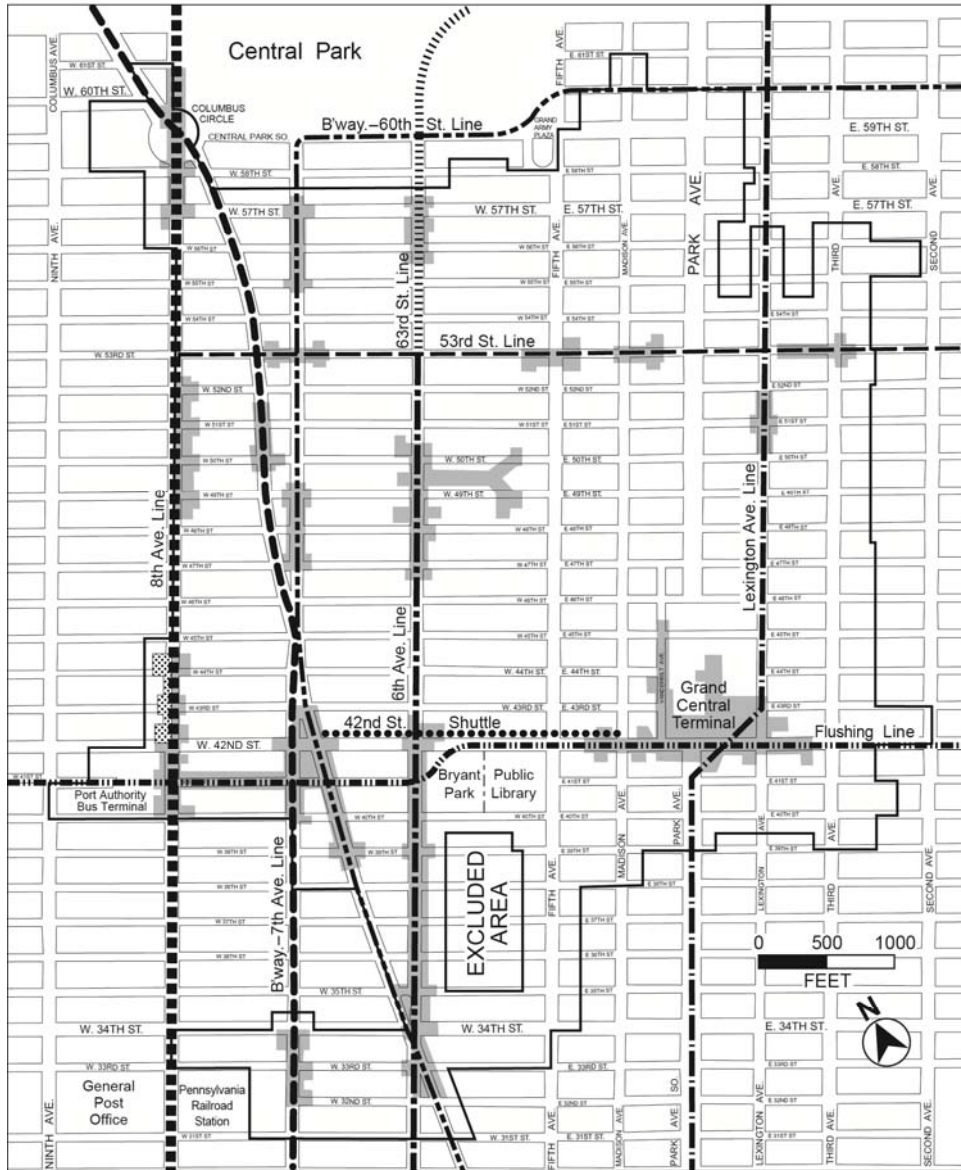


MIDTOWN DISTRICT PLAN
 MAP 2 - Retail and Street Wall Continuity

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



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

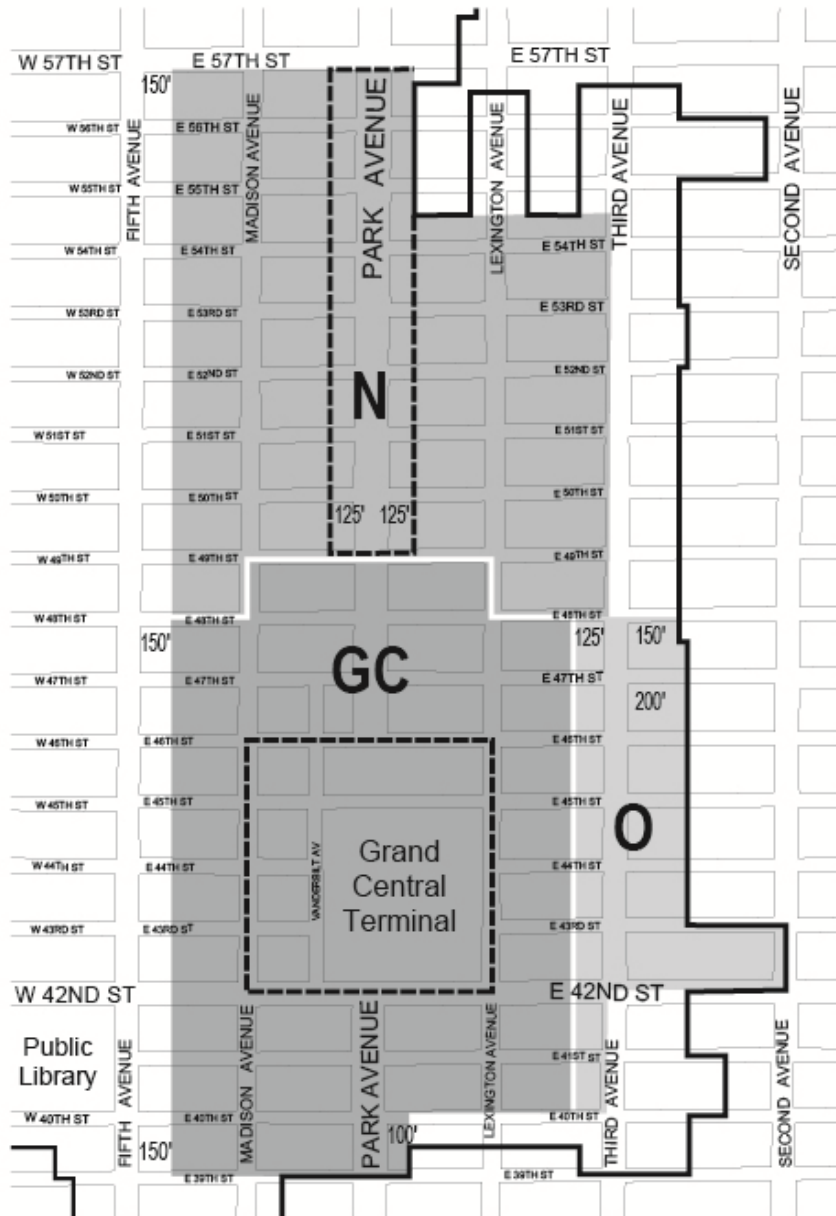


MIDTOWN DISTRICT PLAN

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

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

Map 4: East Midtown Subareas and Subarea Core Network of Pedestrian Circulation
 [DELETE EXISTING MAP, REPLACE WITH THIS]



MIDTOWN DISTRICT PLAN

MAP 4 - East Midtown Subareas and Subarea Cores

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



Map 5: Applicability of special permit for superior developments

[NEW MAP]



MIDTOWN DISTRICT PLAN

MAP 5 - Applicability of special permit for superior developments

- Up to 30.0 FAR permitted for #qualifying sites#, pursuant to Section 81-624
- Up to 24.0 FAR permitted for #qualifying sites#, pursuant to Section 81-624

