

Technical Memorandum — TM003
Vanderbilt Corridor and One Vanderbilt
CEQR Number 14DCP188M
May 15, 2015

A. INTRODUCTION

On March 20, 2015, the New York City Department of City Planning (DCP), as lead agency, issued a Notice of Completion for the Vanderbilt Corridor and One Vanderbilt Final Environmental Impact Statement (FEIS). The FEIS considered a series of discretionary actions proposed by DCP and a private applicant—Green 317 Madison LLC (317 Madison)—that would facilitate commercial development between Madison and Vanderbilt Avenues in the East Midtown area of Manhattan, improve pedestrian circulation within Grand Central Terminal and its vicinity, and allow greater opportunity for area landmarks to transfer their unused development rights (the Proposed Actions).

Following publication of the FEIS, the City Planning Commission (CPC) considered several modifications (the CPC Modified Actions) to the Proposed Actions. The CPC Modifications were the subject of an earlier Technical Memorandum to the FEIS dated March 27, 2015 (Technical Memorandum 002), which found that these modifications would not result in any significant adverse environmental impacts not already identified in the FEIS. On March 30, 2015, CPC approved the Proposed Actions with modifications, based on the analyses of the original Proposed Actions in the FEIS and the analysis of modifications in Technical Memorandum 002 (the CPC Modified Actions).

This Technical Memorandum considers modifications to the CPC Modified Actions being proposed by the New York City Council (the City Council Modifications). This memorandum assesses whether the City Council Modifications would have the potential to cause any significant adverse environmental impacts not previously identified in the analyses of the FEIS and Technical Memorandum 002.

As set forth below, this Technical Memorandum concludes that the CPC Modified Actions as modified with the City Council Modifications (collectively referred to as the Modified Proposal) would not result in any new or different significant adverse environmental impacts not already identified in the FEIS.

B. DESCRIPTION OF CITY COUNCIL MODIFICATIONS

The City Council Modifications concern updates made to the ground floor and below-grade levels in 317 Madison's special permit applications (ULURP Nos. 150128 ZSM, 150129 ZSM, and ULURP No. 150130(A) ZSM), certain changes to the proposed text amendment (ULURP No. N 150127 ZRM), and changes to the One Vanderbilt site's Restrictive Declaration. (See **Appendix A** for the modified text amendment.) The City Council Modifications are described below.

SPECIAL PERMIT APPLICATION

The City Council has recommended modifications to the CPC Modified Actions with respect to the special permit. In general, the City Council Modifications affect the ground-floor, B1, B2, and B4 below-grade levels of the One Vanderbilt development.¹ Together, the requested modifications will increase the size and visibility of the East 42nd Street subway entrance, increase daylight to the below-grade circulation spaces, create a new direct elevator connection from East Side Access to street level, and add a new direct access corridor to connect East Side Access to the subway system. The City Council Modifications would result in a 22 percent increase in public circulation space provided by the One Vanderbilt development. The floor area would come from what were amenity, retail, and unexcavated space under the CPC Modified Actions.

More particularly, the City Council Modifications and their likely benefits include the following elements:

EAST 42ND STREET TRANSIT ENTRANCE (GROUND FLOOR)

- The street frontage of the new transit entrance on East 42nd Street would be enlarged by 24 feet to increase the entrance's visibility and presence.
- The interior of the new transit entrance would be increased by 30 percent, creating a more generous public entrance.
- A two-story open volume from the ground floor to the B1 level would be created to bring daylight to the below-grade circulation corridors.

Figure 1 shows a comparison of the ground-floor plan under the City Council Modifications and the CPC Modified Actions.

GRAND CENTRAL CONCOURSE LEVEL (B1)

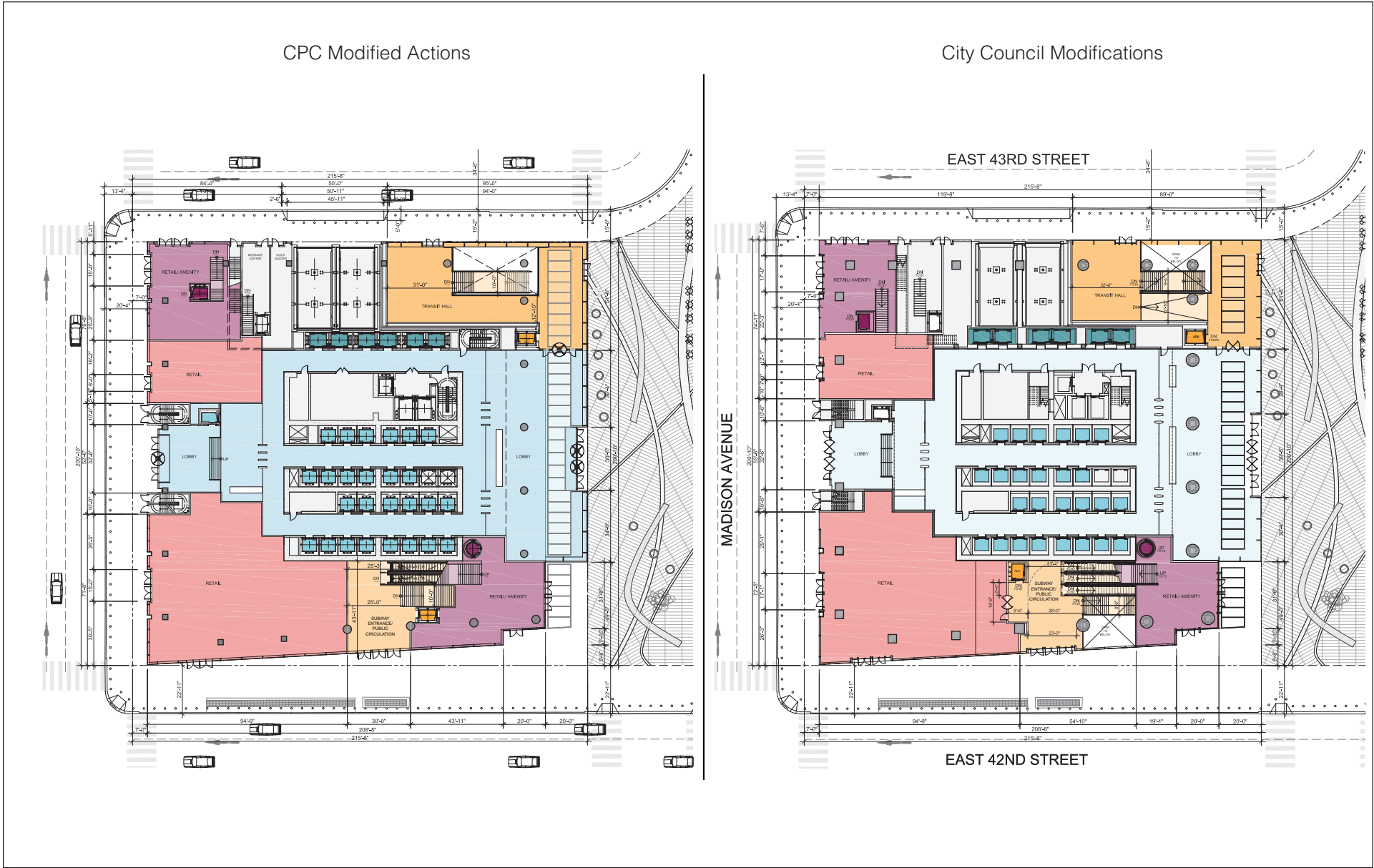
- The new two-story open volume created in the East 42nd Street transit entrance would bring daylight to the B1 level, improving the commuter experience.
- A stairway to the B2 level adjacent to the east wall of the building would be moved slightly north but located in the same public circulation passageway as the stairway in the CPC Modified Actions.
- A public bathroom would be provided in the transit hall.

Figure 2 shows a comparison of the B1 level under the City Council Modifications and the CPC Modified Actions.

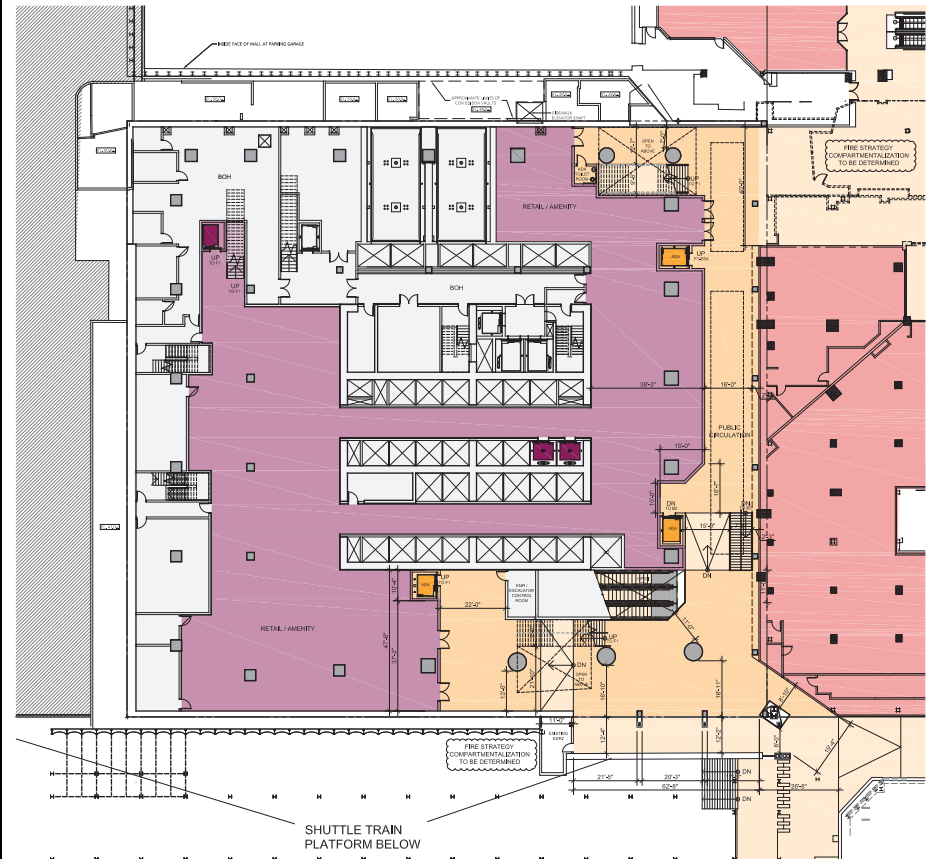
SUBWAY PLATFORM LEVEL (B2)

- A new direct access corridor would be created to connect East Side Access with the No. 4, 5, 6, 7 and shuttle subway lines, resulting in a 75 percent increase in on-site public space at the subway platform level as compared to the CPC Modified Actions.

¹ The B3 level contains the truck loading dock. No changes are proposed to this level with the City Council Modifications.



City Council Modifications



- Elevators would be relocated to provide for better visibility and accessibility. The north elevator, which previously did not open on this level, would be repositioned to open next to the East Side Access escalators, while the south elevator would be repositioned between the East Side Access escalators and the escalators to street level.
- A third escalator would be provided from the B2 level directly to street level, increasing pedestrian flow capacity.

Figure 3 shows a comparison of the B2 level under the City Council Modifications and the CPC Modified Actions.

EAST SIDE ACCESS LEVEL (B4)

- A new multi-story open volume at the escalators and elevators leading to the subway and street level would be created to provide a more generous transition space between East Side Access and the subway and street levels than was previously contemplated in the CPC Modified Actions.
- A new direct elevator connection between East Side Access and the Transit Hall at street level would be provided to improve the accessibility of East Side Access.

Figure 4 shows a comparison of the B4 level under the City Council Modifications and the CPC Modified Actions.

The City Council Modifications would substantially increase the benefit of the public realm improvements being provided by the One Vanderbilt development.

ADDITIONAL DESIGN MODIFICATION

Following building design coordination in connection with the City Council Modifications, certain changes in the configuration of structural columns have been made. On the ground floor, these changes required an eastward shift in the location of the loading dock on East 43rd Street, moving the western wall of the Transit Hall 6 feet eastward and reducing the total area of the Transit Hall by approximately 275 square feet (see **Figure 1**). On the B1, B2 and B4 levels, the columns in the public circulation areas would be larger than indicated in the CPC Modified Actions (see Figures 2-4).

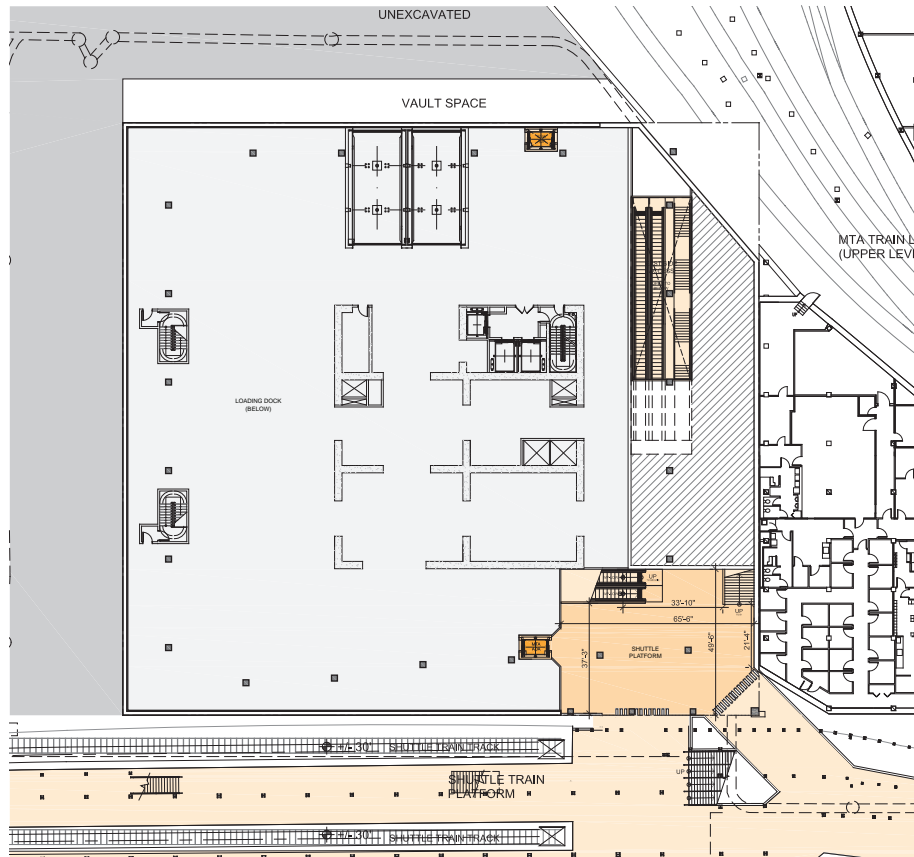
TEXT AMENDMENT

The City Council Modifications to the proposed text amendment (see **Appendix A**) would do the following:

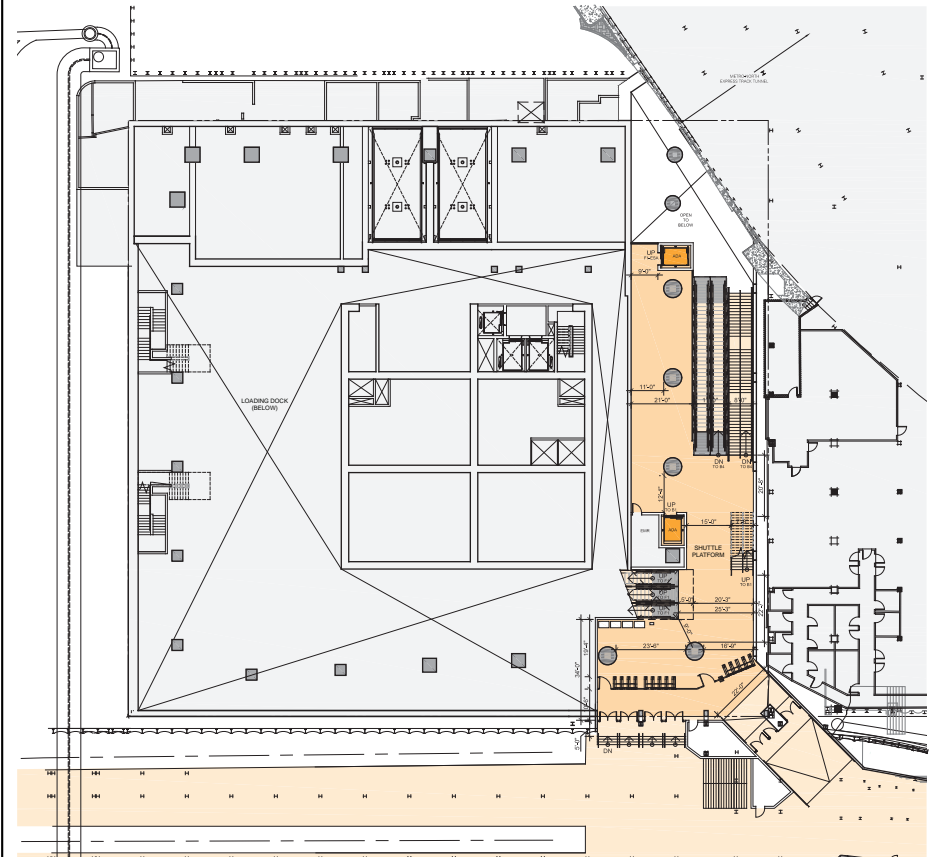
- Add the following specific purpose to the general goals of the Special Midtown District: “to ensure that development within the Vanderbilt Corridor occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;”
- Require transit improvements in conjunction with a landmark special permit if the applicant is not also seeking a public realm improvement bonus;
- Add certain additional site criteria for consideration by CPC in granting excess floor area. Specifically, the following text has been added to the findings required for granting a special permit for the transfer of development rights to a receiving site:

For a development or enlargement not located on two wide streets, the amount of additional floor area being granted is appropriate based on the extent to which any or all of the

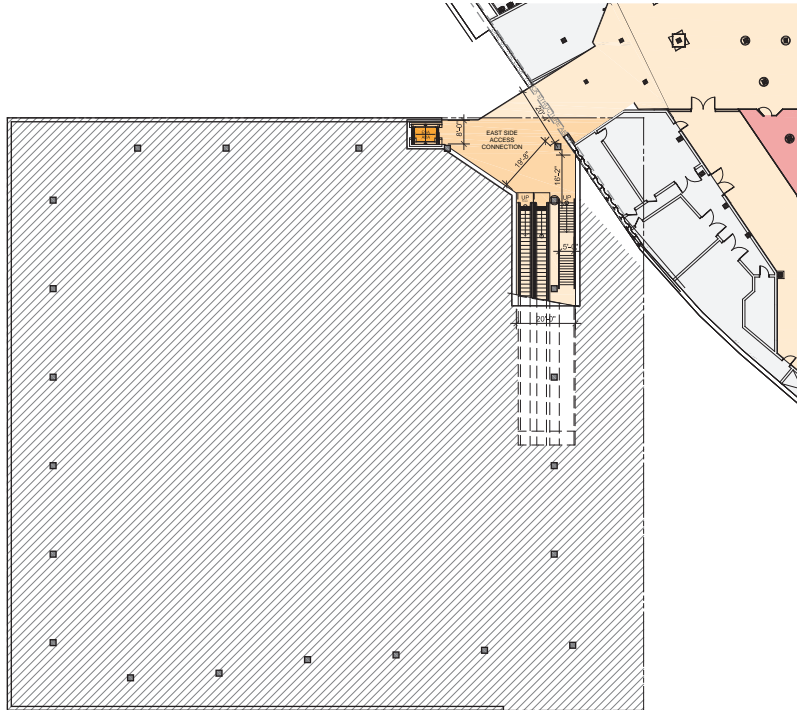
CPC Modified Actions



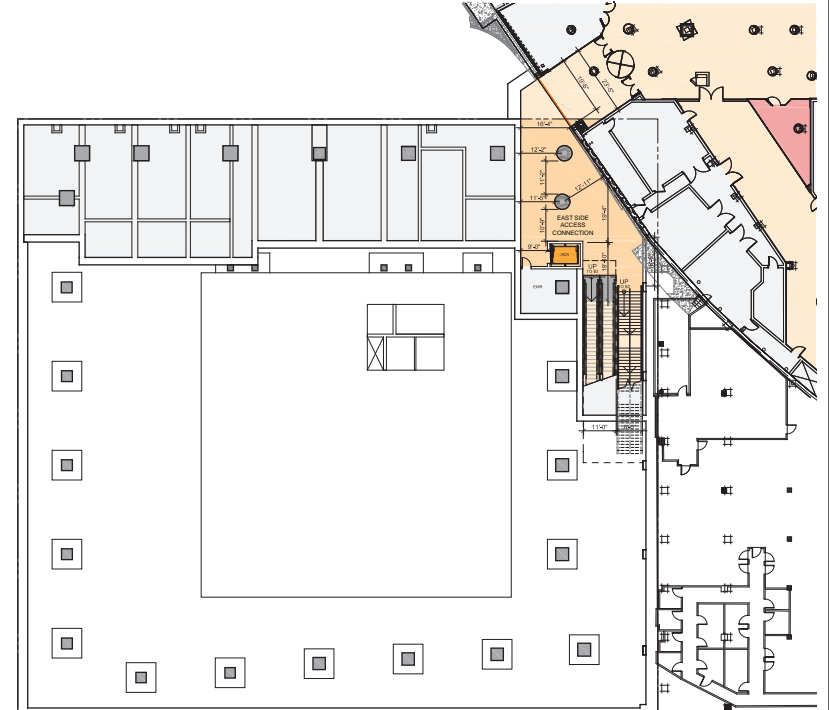
City Council Modifications



CPC Modified Actions



City Council Modifications



following physical factors are present: (1) the development's direct access to subway stations and other rail mass transit facilities, (2) the size of the zoning lot, (3) the amount of wide street frontage, and (4) the development's adjacency to the open area above Grand Central Terminal; and

- Allow an existing hotel to rebuild to a floor area ratio (FAR) of 15 following damage or destruction from a casualty without obtaining a special permit.

RESTRICTIVE DECLARATION

The City Council Modifications also include a number of modifications to 317 Madison's obligations under the One Vanderbilt development's Restrictive Declaration, as follows:

- Change drawing references to reflect new ULURP drawings identifying the new arrangement of the ground floor and below-grade spaces;
- Add construction consultation process with Manhattan Community Board 5, the Manhattan Borough President, and the Council Member;
- Include the Council Member in reporting on sustainability measures; and
- Add the Grand Central Partnership as a potential designee with respect to performance of maintenance obligations of the Vanderbilt Avenue public place.

C. ANALYSIS FRAMEWORK

Neither the proposed City Council Modifications to the text amendment (which add additional specifications to the text) nor the proposed City Council Modifications to the Restrictive Declaration (which impose additional restrictions and obligations on 317 Madison) would affect the development program analyzed in the FEIS and the subsequent Tech Memo 002; therefore, they are not considered in the analyses below. Only the proposed City Council Modifications to the special permit application warrant analysis as provided below.

D. ANALYSES

The proposed City Council Modifications to the special permit would affect only two areas of analysis—Urban Design and Visual Resources and Transportation. They would not affect the other areas of analysis, nor would they affect the impact areas assessed in the Conceptual Analysis chapter of the FEIS, as they would not affect the No-Action and With-Action conditions assessed in the conceptual analysis for the Vanderbilt Corridor.

URBAN DESIGN AND VISUAL RESOURCES

As compared to the CPC Modified Actions, the City Council Modifications would enlarge the street frontage of the One Vanderbilt development's transit entrance on East 42nd Street, shift the location of the loading dock on East 43rd Street, and reduce the East 43rd Street street frontage of the Transit Hall by 6 feet. The enlargement of the transit entrance on East 42nd Street would increase the entrance's visibility to pedestrians, thereby enhancing the pedestrian experience of the One Vanderbilt development (see **Figure 5**). The minimal modifications to the plans of the loading dock and Transit Hall would not result in any significant adverse impacts on urban design and visual resources, because they would not alter the overall design of the proposed One Vanderbilt development's ground floor and podium. Therefore, the City Council Modifications would not result in any significant adverse impacts on urban design and visual resources.



Note: Preliminary concept design of the MTA spaces, subject to ongoing review by and coordination with the MTA.

TRANSPORTATION

As compared to the CPC Modified Actions, the City Council Modifications would maintain the same access and circulation for the One Vanderbilt development's transit connections, except that East Side Access riders would connect to the subway system and street level via a new corridor on the B2 level.

The FEIS transit and pedestrian analyses reflected an on-site below-grade configuration that would connect future East Side Access riders between the B4 and B1 levels with two escalators and one stairway. Under this configuration, East Side Access riders with destinations southwest of Grand Central Terminal—exiting out at the new East 42nd Street transit entrance near the southeast corner of the proposed One Vanderbilt building—would continue south on the B1 level and walk up one flight of stairs to street level. These riders could also walk down one flight of stairs to the B2 level to transfer to subways. Subway riders at the B2 level (shuttle platform level) could use the aforementioned stairways to get to street level, but the more direct connection (between the B2 and street levels) is provided by a pair of escalators. The FEIS analyses assumed that one escalator would operate up and one would operate down. Under this configuration, the FEIS analyses concluded that these escalators would operate at satisfactory service levels during peak periods.

Under the modified configuration, East Side Access riders from the B4 level would, instead of connecting to the B1 level, connect to the B2 level using the same set of two escalators and one stairway. These riders would then traverse the new B2 corridor to connect with the subways on the same level or access street level via the escalator/stair connections. In order to accommodate the additional East Side Access riders that would be using the East 42nd Street B2-to-street escalators, the two-escalator scheme analyzed in the FEIS would be expanded to a three-escalator configuration. The placement of the street-to-B1 and B1-to-B2 stairways would change slightly but would remain in the same alignments. With much of the East Side Access pedestrian flow expected to shift to the escalators, these stairways would serve lower pedestrian volumes than those projected in the FEIS. Although these changes would alter pedestrian circulation underground, they would not affect pedestrian flows at the street level.

Changes in underground pedestrian circulation would primarily affect vertical pedestrian flows at the East 42nd Street entrance location. In the FEIS, the two escalators were analyzed with the assumption that one would operate in the up direction and the other in the down direction at all times. Under this modified configuration, two escalators would be expected to operate in the up direction and one in the down direction during all times, except for the weekday PM commuter peak period, during which two of the three escalators would be expected to operate in the down direction. **Table 1** shows the vertical circulation analysis results of these escalators, along with a comparison to the analysis results presented in the FEIS. Overall, the proposed changes to the underground circulation would result in more favorable service levels for the vertical circulation elements at the new East 42nd Street entrance location and would not result in the potential for new or different significant adverse impacts that were not previously disclosed in the FEIS.

Table 1
2021 Build Condition: Escalator Analysis

Station Elements	Quantity	Tread width (in)	Peak 15 min. Capacity	Surging Factor	Peak Hour Pedestrian Volumes		15-Minute Pedestrian Volumes		V/C Ratio	LOS
					Up	Down	Up	Down		
AM Peak Period										
FEIS (East Side Access B4-B1 Connection)										
Escalator Up	1	40	945	0.9	2853	0	856	0	1.01	D
Escalator Down	1	40	945	1.0	0	513	0	154	0.16	A
Modified Configuration (East Side Access B2-B1 Connection)										
Escalator Up	2	40	945	0.9	5173	0	1552	0	0.91	C
Escalator Down	1	40	945	1.0	0	592	0	178	0.19	A
PM Peak Period										
FEIS (East Side Access B4-B1 Connection)										
Escalator Up	1	40	945	0.9	613	0	184	0	0.22	A
Escalator Down	1	40	945	1.0	0	2700	0	810	0.86	C
Modified Configuration (East Side Access B2-B1 Connection)										
Escalator Up	1	40	945	0.9	717	0	215	0	0.25	A
Escalator Down	2	40	945	1.0	0	4788	0	1,436	0.76	C
Note: Capacities were calculated based on rates presented in the 2014 <i>CEQR Technical Manual</i> .										

CONCLUSIONS

As described above, neither the City Council Modifications to the Vanderbilt Corridor text amendment nor the Restrictive Declaration for the One Vanderbilt development would have the potential for environmental effects. The proposed modifications to the special permit application for the One Vanderbilt development would not affect the majority of the environmental impact areas assessed in the FEIS. For those impact areas that would be affected by the City Council Modifications—Urban Design and Visual Resources and Transportation—there would not be any new or different significant adverse environmental impacts that were not previously identified in the FEIS.

Appendix A
Modified Zoning Text Amendment

Proposed zoning text amendment (N 150127 ZRM) as adopted by the City Planning Commission on March 30, 2015, to amend the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community Districts 5 and 6.

Matter in underline is new, to be added;

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

City Council Proposed Modifications: The proposed modifications are set forth more specifically below and are found in Section 81-00 (GENERAL PURPOSES); Section 81-611 (Special use provisions); Section 81-635 (Transfer of development rights by special permit) and Section 81-641 (Additional floor area for the provisions of public realm improvement).

Matter in ~~double-strike-out~~ is old, deleted by the Council;

Matter in double-underline is new, added by the Council;

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

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

Article VIII - Special Purpose Districts

Chapter 1

Special Midtown District

Table of Contents - Special Midtown District

GENERAL PURPOSES..... 81-00

* * *

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* * *

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:

* * *

- (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 Grand Central Subdistrict by facilitating the development of exceptional and sustainable buildings within the Vanderbilt Corridor and enabling improvements to the pedestrian and mass transit circulation network;
- (o) to ensure that development within the Vanderbilt Corridor occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;
- ~~(p)(e)(n)~~ to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- ~~(q)(p)(e)~~ 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)(e)(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)(q)~~ to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

* * *

81-03 District Plan

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

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

- | | |
|-------|---|
| Map 1 | Special Midtown District and Subdistricts |
| Map 2 | Retail and Street Wall Continuity |

Map 3 Subway Station and Rail Mass Transit Facility Improvement Areas

~~Map 4 Network of Pedestrian Circulation.~~

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

* * *

81-20 BULK REGULATIONS

81-21 Floor Area Ratio Regulations

* * *

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

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

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

Means for Achieving
Permitted FAR Levels
on a #Zoning Lot#

Maximum #Floor Area Ratio# (FAR)			
Outside the Grand Central Subdistrict			Grand Central Subdistrict
C6-4	C6-4.5	C5-2.5 C6-5.5	C5-3

	C5P	5 M1-6	C6-6.5	C6-7T	C6-6 C6-7	C5- 2.5	C5-3 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 plazas# (Section 81-23)							
	---	1.0 ^{1,2}	1.0 ^{1,3}	---	1.0 ²	---	---
C. Maximum Total FAR with As-of-Right Incentives							
	8.0	11.0 ^{1,2,8}	13.0 ^{1,3}	14.0	16.0	12.0	15.0
D. Maximum Special Permit #Floor Area# Allowances: (District-wide Incentives), Subway station improvements (Section 74-634)							
	---	2.0 ^{1,7}	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	---	---	---	---	---
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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	13.0 ⁵	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
-----	-----	-----	-----	-----	-----	-----

(d) a “receiving lot” located within the Vanderbilt Corridor (Section 81-635)

---	---	---	---	---	---	<u>15.0</u>
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O. Maximum #Floor Area# Allowances by Special Permit for Grand Central Public Realm Improvement Bonus (Section 81-64)

---	---	---	---	---	---	<u>15.0</u>
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Θ.P. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives

9.6	14.4	14.4	No Limit	No Limit	21.6	No ⁶ Limit
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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, and limited to 30.0 FAR on a #zoning lot# located within the Vanderbilt Corridor, pursuant to Sections 81-635 or 81-64 in the Grand Central Subdistrict
- 7 Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
- 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)

* * *

81-213

Special provisions for transfer of development rights from listed theaters within the Special Clinton District

* * *

81-214

Special provisions within the Vanderbilt Corridor in the Grand Central Subdistrict

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) of Appendix A of this Chapter, additional #floor area# may be permitted by the City Planning Commission pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus), or any combination thereof, up to the maximum permitted #floor area# set forth in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), respectively. In no event shall the total #floor area ratio# of the #zoning lot# resulting from such proposed #development# or #enlargement# exceed 30.0.

* * *

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 81-635	(Transfer of development rights by special permit):-
<u>Section 81-64</u>	<u>(Special Permit for Grand Central Public Realm Improvement Bonus).</u>

* * *

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 and mass transit circulation network, and to facilitate the development of exceptional and sustainable buildings within the Vanderbilt Corridor, special regulations are set forth in Section 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT), inclusive, governing urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the ~~surface and subsurface pedestrian circulation~~ and mass transit 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~~ set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites), transfer of development rights from landmark sites may be allowed pursuant to Section 81-63 (~~Transfer of Development Rights from Landmark Sites~~).

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.

Where the #lot line# of a #zoning lot# coincides with the boundary of the public place located at the southerly prolongation of Vanderbilt Avenue between East 42nd Street and East 43rd Street, such #lot line# shall be considered to be a #street line# for the purposes of applying the #use#, #bulk# and urban design regulations of this Chapter.

* * *

81-611

Special use provisions

- (a) Except as provided in paragraph (b) of this Section, ~~W~~within the Vanderbilt Corridor, as shown in Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission, pursuant to Section 81-65.
- (b) In the event a casualty damages or destroys a #building# within the Vanderbilt Corridor, which was used as a #transient hotel# as of [effective date of amendment], to an extent greater than the limits set forth in Section 52-53, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit provided the #floor area# of such reconstructed #building# does not exceed the underlying district #floor area ratio# regulations.

* * *

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; and

- (c) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) of Appendix A of this Chapter, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) may be applied toward the pedestrian circulation space requirement.

81-626

Retail continuity requirements

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) of Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 2 (Retail and Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity along Designated Streets).

81-63

Transfer of Development Rights from Landmark Sites

* * *

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~~ any required pedestrian network improvement; and
- (e) any such other information as may be required by the Commission.

* * *

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 the transfer of development rights from a “granting lot” to a “receiving lot”, and, in conjunction with such transfer, the Commission may permit modifications to #bulk# regulations, mandatory plan elements, and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that the Commission determines that the #development# or #enlargement# complies with the conditions of paragraph (b), the findings of paragraph (c) and the additional requirements of paragraph (d) of this Section.

(a) The Commission may permit:

~~(a)(1)~~ a transfer of development rights from a “granting lot” to a “receiving lot” provided that:

(i) for #zoning lots# located within the Vanderbilt Corridor, as shown in Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the resultant #floor area ratio# on the “receiving lot” does not exceed 30.0; and

(ii) for #zoning lots# outside the Vanderbilt Corridor, the resultant #floor area ratio# on the “receiving lot” does not exceed 21.6;

~~(b)(2)~~ 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#;

- ~~(e)(3) 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~~ modifications of 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)(4) notwithstanding the provisions of paragraph (e) 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; and~~
- (5) for #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1, modifications, whether singly or in any combination, to:
- (i) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-621 (Special street wall requirements), inclusive;
 - (ii) 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, or 81-622 (Special height and setback requirements); or
 - (iii) the mandatory district plan elements 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), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Conditions

[INSERT CONDITIONS FROM BELOW]

(c) Findings

In order to grant a ~~A~~ special permit for the transfer of development rights to a “receiving lot”, the Commission shall find that ~~shall be subject to the following findings:~~

- (1) ~~that~~ a program for the continuing maintenance of the landmark has been established;
- (2) for any proposed improvement required pursuant to this Section:
 - (i) ~~that~~ the improvement to the above- or below-grade surface and subsurface pedestrian or mass transit circulation network provided by the ~~#development#~~ or ~~#enlargement#~~ increases public accessibility to and from Grand Central Terminal, ~~pursuant to the following requirements:~~
 - ~~(i)~~(ii) ~~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
 - (iii) ~~that~~ a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the Subdistrict;
- (3) where appropriate, for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1, the design of the #development# or #enlargement# includes provisions for public amenities including, but not limited to, publicly accessible open spaces, and subsurface pedestrian passageways leading to subway or rail mass transit facilities;
- (4) for #developments# or #enlargements# with a proposed #floor area ratio# in excess of 21.6 on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1, the #building# has met the ground floor level, building design, and sustainable design measures, and, for #zoning lots# not located on two #wide streets#, the site characteristic considerations set forth in the applicable conditions and findings of Section 81-641 (Additional floor area for the provision of public realm improvements);
- (5) where the modification of #bulk# regulations is proposed:
 - (i)-(ii) ~~that the any proposed~~ 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;

~~(ii)(iii) that, for #enlargements# to existing #buildings#, the any proposed~~ 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

~~(iii)(iv) that, for #developments# or #enlargements# on #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, any proposed~~ modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed-; or

(6) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1, any proposed modifications meet the applicable application requirements and findings set forth in Section 81-642 (Permitted modifications in conjunction with additional floor area).

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

[MOVE UP THE FOLLOWING TWO PARAGRAPHS TO NEW PARAGRAPH (b)
Conditions]

~~For #developments# or #enlargements# on #zoning lots# located outside of the Vanderbilt Corridor, the following shall apply.~~ 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 above or below-grade, surface and/or subsurface pedestrian or mass transit circulation network in the Subdistrict (as shown on Map 4 in Appendix A of this Chapter). However, in the case of #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, this condition may be waived by the Commission, where appropriate, or may be deemed to have been met by utilization of the provisions of Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus). 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.

(d) Additional requirements

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.

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

81-64

Special Permit for Grand Central Public Realm Improvement Bonus

In order to facilitate the development of exceptional and sustainable #buildings# within the Vanderbilt Corridor as well as improvements to the pedestrian and mass transit circulation network in the vicinity of Grand Central Terminal, for #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown in Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit:

- (a) additional #floor area# for the provision of on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network in the Grand Central Subdistrict, in accordance with the provisions of Section 81-641 (Additional floor area for the provision of public realm improvements); and
- (b) in conjunction with additional #floor area# granted pursuant to Section 81-641, modifications to #street wall# regulations, height and setback regulations, and mandatory district plan elements, provided such modifications are in accordance with the provisions of Section 81-642 (Permitted modifications in conjunction with additional floor area).

81-641

Additional floor area for the provision of public realm improvements

For #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown in Map 1 (Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may allow by special permit #floor area# in excess of the basic maximum #floor area ratio# established in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), up to the maximum #floor area# set forth in such table, in accordance with the provisions of this Section.

All applications for a special permit for additional #floor area# pursuant to this Section shall include on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network, or a combination thereof, in the Grand Central Subdistrict. In addition, requirements pertaining to the ground floor level, building design, and sustainable design measures are set forth in this Section in order to ensure that any #development# or #enlargement# receiving additional #floor area# constitutes an exceptional addition to the #Special Midtown District#.

In order for the City Planning Commission to approve a special permit application for additional #floor area#, the Commission shall determine that such #development# or #enlargement# complies with the conditions and application requirements of paragraph (a), the findings of paragraph (b), and the additional requirements of paragraph (c) of this Section.

- (a) Conditions and application requirements

All applications for a special permit for additional #floor area# pursuant to this Section shall include the following:

- (1) Above- or below-grade improvements to the pedestrian or mass transit circulation network.

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of pedestrian and mass transit circulation in the Grand Central Subdistrict, especially in the vicinity of Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall include above- or below-grade public realm improvements.

- (i) Where a #development# or #enlargement# proposes the inclusion of above-grade public realm improvements, such improvements may consist of on-site or off-site improvements to the pedestrian circulation network, or a combination thereof.

On-site, above-grade public realm improvements shall consist of open or enclosed publicly accessible spaces, of ample size, provided for public use and enjoyment. Such publicly accessible spaces shall include amenities characteristic of #public plazas# or public atriums, as applicable, and include amenities for the comfort and convenience of the public.

Off-site, above-grade public realm improvements shall consist of major improvements to the public right-of-way that support pedestrian circulation in the areas surrounding Grand Central Terminal. Where the area of such improvements is to be established as a pedestrian plaza, such improvements shall be characteristic of best practices in plaza design, as set forth by the Department of Transportation. Where the area of such improvements is along a #street# accommodating both vehicular and pedestrian access, such improvements shall be characteristic of current best practices in #street# design, as set forth by the Department of Transportation, and include improvements to the right-of-way such as: pedestrian amenities; or streetscape, sidewalk, crosswalk, and median enhancements.

- (ii) Where a #development# or #enlargement# proposes the inclusion of below-grade public realm improvements, such improvements shall consist of on-site or off-site enhancements to the below-grade pedestrian and mass transit circulation network. Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include improvements such as: on-site or off-site widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network; additional vertical circulation; reconfiguring circulation routes to provide more direct pedestrian connections to subway

or rail mass transit facilities; or providing daylight access, retail #uses#, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways.

Applications shall include information and justification sufficient to provide the Commission with the basis for evaluating the benefits to the general public; determining the appropriate amount of bonus #floor area# to grant; and determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

Where the Metropolitan Transportation Authority or any other City or State agency has control and responsibility for the area of a proposed improvement, the applicant shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with 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.

(2) Ground floor level

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of the pedestrian circulation network in the Grand Central Subdistrict, especially in the vicinity of Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall provide enhancements to the ground floor level of the #building#, including, but not limited to, sidewalk widenings, streetscape amenities or enhancements to required pedestrian circulation spaces.

Where a #development# or #enlargement# includes #street# frontage along Madison Avenue or a #narrow street# between East 43rd Street and East 47th Street, sidewalk widenings shall be provided as follows:

- (i) where a #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue, 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 need exceed 10 feet, as measured perpendicular to the #street line#;
- (ii) where a #development# or #enlargement# is on a #zoning lot# that does not occupy the entire #block# frontage along Madison Avenue, a sidewalk

widening shall be provided along Madison Avenue 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 need exceed 10 feet, as measured perpendicular to the #street line#; or

- (iii) where a #development# or #enlargement# with frontage on a #narrow street# between East 43rd Street and East 47th Street is on a #zoning lot# with a #lot width# of 100 feet or more, as measured along the #narrow street line#, a sidewalk widening shall be provided along such #narrow street#, 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 need exceed 10 feet, as measured perpendicular to the #street line#.

Applications shall contain a ground floor level site plan, and other supporting documents of sufficient scope and detail to enable the Commission to determine: the type of proposed #uses# on the ground floor level; the location of proposed #building# entrances; the size and location of proposed circulation spaces; the manner in which such spaces will connect to the overall pedestrian circulation network and the above- or below-grade public realm improvements required pursuant to this Section; and any other details necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

(3) Building design

In order to ensure the proposed #development# or #enlargement# contributes to its immediate surroundings, with particular emphasis on Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall demonstrate particular attention to the building design, including, but not limited to, the proposed #uses#, massing, articulation and relationship to #buildings# in close proximity and within the Midtown Manhattan skyline.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine the proposed #uses# within the #building#, as well as the proposed #building bulk# and architectural design of the #building#, and to evaluate the proposed #building# in the context of adjacent #buildings# and the Midtown Manhattan skyline. Such materials shall include a description of the proposed #uses# within the #building#; measured elevation drawings, axonometric views, and perspective views showing such proposed #building# within the Midtown Manhattan skyline; and any other materials necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

For those “receiving lots” that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite to the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, applications shall contain a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

(4) Sustainable design measures

In order to foster the development of sustainable #buildings# in the Grand Central Subdistrict, any #development# or #enlargement# proposed under the provisions of this Section shall include sustainable design measures, including, but not limited to, enhancements to the building’s energy performance; enhanced water efficiency; utilization of sustainable or locally sourced materials; and attention to indoor environmental air quality.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine whether the applicable findings in paragraph (b) of this Section have been met. In addition, any application shall include materials demonstrating the building’s sustainable design measures, including its anticipated energy performance, and the degree to which such #building’s# performance exceeds either the New York City Energy Conservation Code (NYCECC) or the Building Performance Rating method of the applicable version and edition of American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., Standard 90.1 (ASHRAE 90.1), as referenced within the NYCECC.

(b) Findings

The Commission shall find that:

(1) for a #development# or #enlargement# not located on two #wide streets#, the amount of additional #floor area# being granted is appropriate based on the extent to which any or all of the following physical factors are present: (1) the #development’s# direct access to subway stations and other rail mass transit facilities, (2) the size of the #zoning lot#, (3) the amount of wide #street# frontage, and (4) the #development’s# adjacency to the open area above Grand Central Terminal

~~(2)(4)~~ for above-grade improvements to the pedestrian circulation network that are located:

(i) on-site, the proposed improvements will, to the extent practicable: consist of a prominent space of generous proportions and quality design that is

inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of and accessible from an adjoining sidewalk; provide or be surrounded by active #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or

- (ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable, will consist of significant street and sidewalk designs that improve pedestrian circulation in the surrounding area; provide comfortable places for walking and resting, opportunities for planting and improvements to pedestrian safety; and create a better overall user experience of the above-grade pedestrian circulation network that supports the Grand Central Subdistrict as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;

~~(3)(2)~~ for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements will provide:

- (i) significant and generous connections from the above-grade pedestrian circulation network and surrounding #streets# to the below-grade pedestrian circulation network;
- (ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing connections; or
- (iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable.

~~(4)(3)~~ the public benefit derived from the proposed above- or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional #floor area# being granted to the proposed #development# or #enlargement# pursuant to this special permit.

~~(5)(4)~~ the design of the ground floor level of the #building#:

- (i) contributes to a lively streetscape through a combination of retail #uses# that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces; and demonstrates consideration for the location of pedestrian circulation space, #building# entrances, and the types of #uses# fronting upon the #street# or adjoining public spaces;
- (ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous pedestrian connections to Grand Central Terminal; and
- (iii) will be well-integrated with on-site, above or below-grade improvements required by this Section, where applicable and practicable;

~~(6)(5)~~ the design of the proposed #building#:

- (i) ensures light and air to the surrounding #streets# and public spaces through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;
- (ii) demonstrates an integrated and well-designed facade, taking into account factors such as #street wall# articulation and amounts of fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area, especially Grand Central Terminal; and
- (iii) involves a program that includes an intensity and mix of #uses# that are harmonious with the type of #uses# in the surrounding area;

~~(7)(6)~~ the proposed #development# or #enlargement# comprehensively integrates sustainable measures into the #building# and site design that:

- (i) meet or exceed best practices in sustainable design; and
- (ii) will substantially reduce energy usage for the #building#, as compared to comparable #buildings#; and

~~(8)(7)~~ in addition to the foregoing:

- (i) the increase in #floor area# being proposed in the #development# or #enlargement# will not unduly increase the #bulk#, density of population or intensity of #uses# to the detriment of the surrounding area; and

- (ii) all of the separate elements within the proposed #development# or #enlargement#, including above- or below-grade improvements, the ground floor level, building design, and sustainable design measures, are well-integrated and will advance the applicable goals of the #Special Midtown District# described in Section 81-00 (GENERAL PURPOSES).

(c) Additional requirements

Prior to the grant of a special permit pursuant to this Section, and to the extent required by the Metropolitan Transportation Authority (MTA) or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to: establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; where applicable, establish a program for maintenance; and, where applicable, establish a schedule of hours of public access for the proposed improvement. Where the MTA, or any other City or State agencies with control and responsibility for the area of a proposed improvement, deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA or any other such agencies.

Where the proposed #development# or #enlargement# proposes an off-site improvement located in an area to be acquired by a City or State agency, the applicant may propose a phasing plan to sequence the construction of such off-site improvement. To determine if such phasing plan is reasonable, the Commission may consult with the City or State agency that intends to acquire the area of the proposed improvement.

Prior to obtaining a foundation or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, and, where applicable, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

Except where a phasing plan is approved by the City Planning Commission, no temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) until the required improvements have been substantially completed, as determined by the Chairperson of the City Planning Commission, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable, and such improvements are usable by the public. Such portion of the

#building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable.

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

81-642

Permitted modifications in conjunction with additional floor area

In conjunction with the grant of a special permit pursuant to Section 81-641 (Additional floor area for the provision of public realm improvements), the City Planning Commission may permit modifications to #street walls#, height and setback regulations, and mandatory plan elements, as set forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

- a. The Commission may modify the following, whether singly or in any combination:
 - (1) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-621 (Special street wall requirements), inclusive;
 - (2) 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, or 81-622 (Special height and setback requirements); or
 - (3) the mandatory district plan elements 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), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to #street wall# or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

- (1) drawings, including but not limited to plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 (Street Wall Continuity Along Designated Streets), or as such provisions are modified pursuant to Section 81-621 (Special street wall requirements), as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), or as such provisions are modified pursuant to Section 81-622 (Special height and setback requirements), as applicable;
- (2) 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 81-622; and
- (3) 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 81-622.

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the mandatory district plan elements will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and
- (2) to the #street wall# or height and setback regulations will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations).

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

81-65

Special Permit for Transient Hotels

Within the Vanderbilt Corridor, as shown in Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or may permit the #conversion# or change of #use# within an existing #building# to a #transient hotel#, provided the Commission finds that the proposed #transient hotel# will:

- (a) be appropriate to the needs of businesses in the vicinity of Grand Central Terminal; and
- (b) provide on-site amenities and services that will support the area's role as an office district. Such business-oriented amenities and services shall be proportionate to the scale of the #transient hotel# being proposed, and shall include, but shall not be limited to, conference and meeting facilities, and telecommunication services.

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

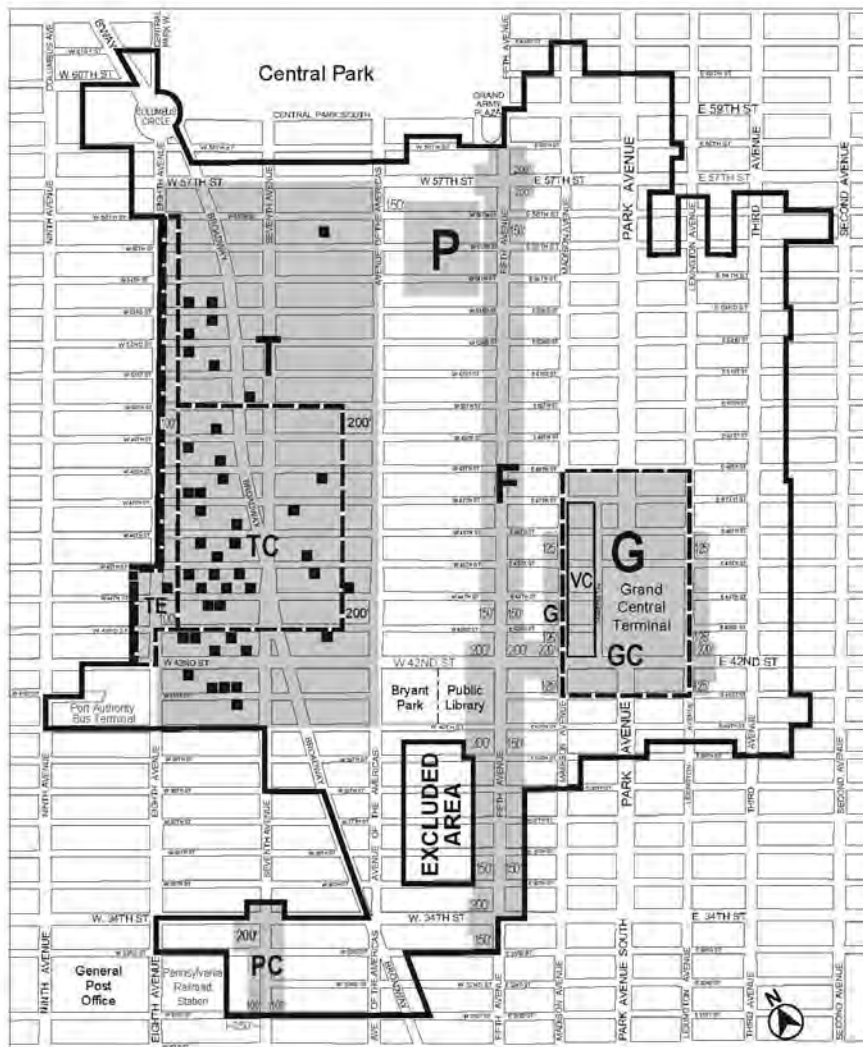
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Appendix A

Midtown District Plan Maps

* * *

Map 1: Special Midtown District and Subdistricts



MIDTOWN DISTRICT PLAN
MAP 1 - Special Midtown District and Subdistricts

- | | |
|-----------------------------------|---|
| Special Midtown District | PC Penn Center Subdistrict |
| F Fifth Avenue Subdistrict | T Theater Subdistrict |
| G Grand Central Subdistrict | TC Theater Subdistrict Core |
| GC Grand Central Subdistrict Core | TE Theater Subdistrict Eighth Avenue Corridor |
| VC Vanderbilt Corridor | Listed Theaters |
| P Preservation Subdistrict | |

Map 4: Network of Pedestrian Circulation
 [DELETE EXISTING MAP]