



# THE CITY RECORD

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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## CITY PLANNING COMMISSION

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, July 24, 2013 at 10:00 A.M.

### BOROUGH OF THE BRONX Nos. 1 & 2 EAST FORDHAM ROAD REZONING No. 1

**CD 6** **C 130273 ZMX**  
**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c:

1. eliminating from within an existing R6 District a C2-3 District bounded by Belmont Avenue, the northeasterly terminus of Belmont Avenue and its southeasterly prolongation, Crotona Avenue, and East Fordham Road;
2. eliminating from within an existing R6 District a C2-4 District bounded by Hughes Avenue, a line perpendicular to the northwesterly street line of Belmont Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Belmont Avenue and the northeasterly street line of East Fordham Road, Belmont Avenue, and East Fordham Road;
3. changing from an R6 District to an R6B District property bounded by:
  - a. Bathgate Avenue, East 191st Street, the northeasterly street line Prolongation of a line 100 feet southeasterly of Hoffman Street, a line 160 feet northeasterly of East 191st Street, a line 175 feet northwesterly of Hughes Avenue, East 191st Street, Hughes Avenue, and a line 100 feet northeasterly of East Fordham Road; and
  - b. Hughes Avenue, the northeasterly terminus of Hughes Avenue and its southeasterly prolongation, Belmont Avenue, and a line perpendicular to the northwesterly street line of Belmont Avenue distant 100 feet northeasterly (as

- measured along the street line) from the point of intersection of the
- c. northwesterly street line of Belmont Avenue and the northeasterly street line of East Fordham Road;
4. changing from an R6 District to a C4-5D District property bounded by:
  - a. Hughes Avenue, a line perpendicular to the northwesterly street line of Belmont Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Belmont Avenue and the northeasterly street line of East Fordham Road, Belmont Avenue, the northeasterly terminus of Belmont Avenue and its southeasterly prolongation, Crotona Avenue, and East Fordham Road;
  - b. a line 100 feet southwesterly of East Fordham Road, Belmont Avenue, a 315 feet northeasterly of East 189th Street, Hughes Avenue, and a line 295 feet northeasterly of East 189th Street; and
  - c. a line 100 feet southwesterly of East Fordham Road, a line 110 feet southeasterly of Cambreleng Avenue, and a line 365 feet northeasterly of East 189th Street;
5. changing from a C8-1 District to an R6 District property bounded by:
  - a. Arthur Avenue, a line 295 feet northeasterly of East 189th Street, and a line 100 feet southwesterly of East Fordham Road; and
  - b. a line 110 feet southeasterly of Cambreleng Avenue, a line 365 feet northeasterly of 189th Street, a line 160 feet southeasterly of Cambreleng Avenue, and the northeasterly centerline prolongation of 189th Street;
6. changing from a C8-1 District to a C4-5D District property bounded by a line 100 feet northeasterly of East Fordham Road, Hughes Avenue, East Fordham Road, Southern Boulevard, a line passing through two points: the first on the westerly street line of Southern Boulevard distant 140 feet northerly (as measured along the street line) from its point of intersection of the northeasterly street line of former 188th Street and the second on a line 100 feet southeasterly of Crotona Avenue distant 230 feet southeasterly (as measured along this line) from its intersection with the northeasterly street line of former 188th Street, a line 100 feet southeasterly of Crotona Avenue, a line 100 feet northeasterly of former 189th Street, Crotona Avenue, East 189th Street, a line 160 feet southeasterly of Cambreleng Avenue, a line 365 feet northeasterly of East 189th Street, a line 110 feet southeasterly of Cambreleng Avenue, a line 100 feet southwesterly of East Fordham Road, a line 295 feet

northeasterly of East 189th Street, Arthur Avenue, a line 100 feet southwesterly of East Fordham Road, Bathgate Avenue, East Fordham Road, and Bathgate Avenue; and

7. establishing within an existing R6 District a C2-4 District bounded by a line 100 feet southwesterly of East Fordham Road, Arthur Avenue, a line 100 feet southwesterly of East Fordham Road, a line midway between Arthur Avenue and Hughes Avenue, East 188th Street, Arthur Avenue, a line 100 feet northeasterly of East 187th Street, and a line midway between Hoffman Street and Arthur Avenue;

as shown on a diagram (for illustrative purposes only) dated May 20, 2013 and subject to the conditions of CEQR Declaration E-304.

### No. 2

**CD 6** **N 130274 ZRX**  
**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the addition of an Inclusionary Housing Designated Area to Appendix F (Inclusionary Housing Designated Areas).

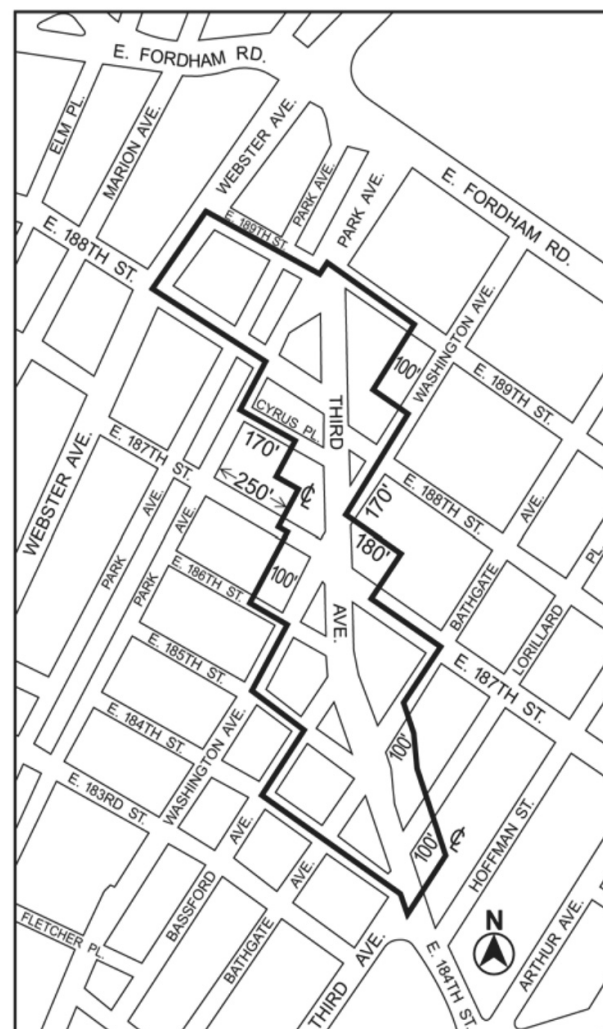
Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;  
Matter with # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

### APPENDIX F Inclusionary Housing Designated Areas

**The Bronx Community District 6**  
In the R7A, R7D, R7X, R8A and R8X Districts within the areas shown on the following Map 1:

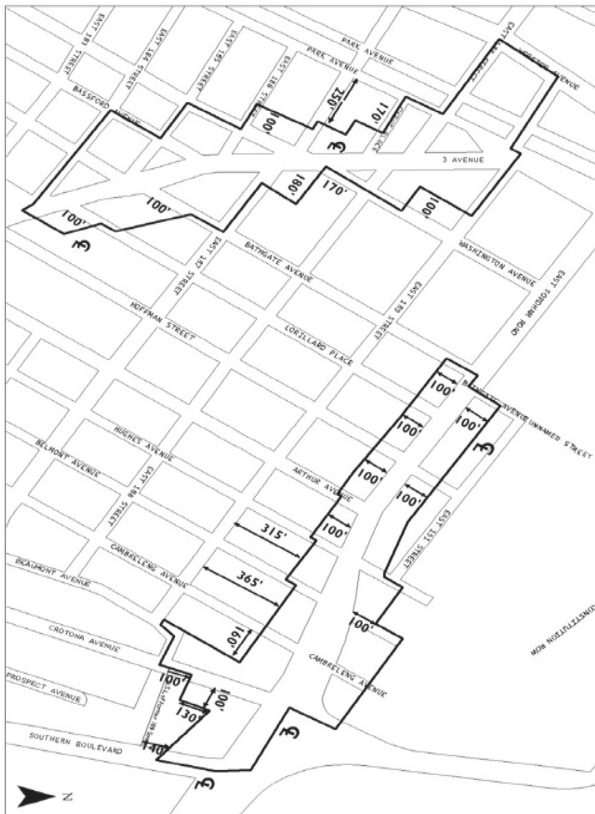
### Map 1

### EXISTING MAP TO BE DELETED



Portion of Community District 6, The Bronx  
Map 1

PROPOSED TO REPLACE EXISTING MAP



Portion of Community District 6, The Bronx

NOTICE

On Wednesday, July 24, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning zoning map and text amendments for an area encompassing approximately 12 blocks in the Bronx, Community Board 6. The zoning map amendment would rezone existing C8-1, R6, R6/C2-3 and R6/C2-4 districts along East Fordham Road between Bathgate Avenue and Southern Boulevard to a C4-5D district. It would also rezone East 191st Street north of East Fordham Road from R6 to R6B and a portion of a block fronting Beaumont and Crotona Avenues from C8-1 to R6. The zoning map amendment would also map new C2-4 commercial overlays along Arthur Avenue south of East Fordham Road to East 187th Street. The zoning text amendment would apply the provisions of the Inclusionary Housing program to the proposed C4-5D district along East Fordham Road. Comments are requested on the DEIS and will be accepted until Monday, August 5, 2013.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 13DCP107X.

BOROUGH OF BROOKLYN  
Nos. 3 & 4  
BROOKLYN COLLEGE CAMPUS

No. 3

CD 14 C 120326 MMK  
IN THE MATTER OF an application submitted by the Dormitory Authority of the State of New York pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Campus Road south of Avenue H;
- the elimination, discontinuance and closing of a portion of Avenue H between Campus Road and Nostrand Avenue;
- the discontinuance and closing of Amersfort Place between Avenue H and Nostrand Avenue;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2732 and N-2733 dated May 7, 2013 and signed by the Borough President.

No. 4

CD 14 C 130306 ZMK  
IN THE MATTER OF an application submitted by the Dormitory Authority State of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23a:

- changing from a C8-2 District to an R6 District property bounded by the westerly centerline prolongation of Avenue H, Nostrand Avenue, the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division), the northerly centerline prolongation of East 29th Street, and the centerline of former Campus Road\* and its southwesterly prolongation; and
- establishing within a proposed R6 District a C2-4 District property bounded by the westerly centerline prolongation of Avenue H, Nostrand Avenue, the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division),

the northerly centerline prolongation of East 29th Street, and the centerline of former Campus Road\* and its southwesterly prolongation;

as shown on a diagram (for illustrative purposes only) dated May 20, 2013.

\*Note: Campus Road is proposed to be demapped under a concurrent related application (C 120326 MMK) for a change in the City Map.

BOROUGH OF MANHATTAN  
Nos. 5 & 6  
ADAPT NYC  
No. 5

CD 6 C 130235 ZMM  
IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8d, by establishing within an existing R8 District a C2-5 District bounded by a line midway between East 28th Street and Pedestrian Way, a line 100 feet westerly of First Avenue, Pedestrian Way, and Mount Carmel Place, as shown on a diagram (for illustrative purposes only) dated April 8, 2013.

No. 6

CD 6 C 130236 HAM  
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of properties located at 335 East 27th Street (Block 933, Lots 10 and Part of 25), as an Urban Development Action Area; and
  - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a mixed use building with approximately 55 dwelling units.

No. 7  
203/205 EAST 92ND STREET

CD 8 N 130263 ZRM  
IN THE MATTER OF an application submitted by Carnegie Park Land Holding LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 8 to amend the ownership provisions of ZR Sec. 78-06 to allow application for modification of a Residential Large Scale authorizations and special permits granted in connection with an urban renewal area that has expired;

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter in # # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

(b) Notwithstanding the provisions on paragraphs (a) of this Section, the following actions shall be permitted:

- (7) In the event that the urban renewal plan has expired, the owner(s) of a parcel(s) of land previously used as open space for a term of years that has expired within such #large scale residential development#, if located in a former urban renewal area listed below, may make application for an be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter, where such modifications do not seek the distribution of #floor area# from any #zoning lot# not included within such parcel(s), for a #development# that includes a #building# and public open space permitted by the applicable district regulations. Such modifications shall result in a site plan that includes a #building# and public open space that are appropriately located and oriented with respect to other uses in the surrounding area.

No. 8

945 2ND AVENUE

CD 6 N 130232 ZRY  
IN THE MATTER OF an application submitted by 945 Realty Holdings, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article III, Chapter 2 to amend Section 32-421 to permit commercial use on the second floors of buildings in C1 and C2 districts mapped within R9 & R10 districts and in C1-8, C1-9, C2-7, & C2-8 districts.

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter in # # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

32-421  
Limitation on floors occupied by commercial uses  
C1 C2 C3  
In the districts indicated, in any #building#, or portion of a

#building# occupied on one or more of its upper #stories# by #residential uses# or by #community facility uses#, no #commercial uses# listed in Use Group 6, 7, 8, 9 or 14 shall be located above the level of the first #story# ceiling, provided, however, that permitted #signs#, other than #advertising signs#, #accessory# to such #commercial uses# may extend to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill of the second #story#. In any other #building#, or portion thereof, not more than two #stories# may be occupied by #commercial uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14. ~~Non #residential uses# listed in Use Group 6, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two #stories# in any #building# constructed after September 17, 1970 in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts.~~

However, in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts, non-#residential uses# listed in Use Group 6, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two #stories# in any #building# constructed after September 17, 1970. For #buildings# constructed prior to September 17, 1970, such non-#residential uses# may occupy the lowest two #stories# in such #building# provided that:

- the second #story#, on May 1, 2013, was not occupied by a #community facility use#, a #dwelling unit# or #rooming unit#; and
- the second #story# of at least one other #building#, on the same #block# frontage as such #building#, is occupied by a #use# listed in Use Groups 6, 7, 8, 9, or 14.

BOROUGH OF QUEENS  
No. 9  
22-44 JACKSON AVENUE

CD 2 C 130191 ZSQ  
IN THE MATTER OF an application submitted by G&M Realty, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-56 of the Zoning Resolution to allow an increase in the permitted floor area ratio of Section 117-522, from 5.0 to a maximum of 8.0, and to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), in connection with a proposed mixed-use development on property located at 22-44 Jackson Avenue (Block 86, Lots 1, 6, 7, 8, 22, and Block 72, p/o Lot 80), in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict, Area C).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 10  
HALLETT'S POINT

CD 1 C 130244 ZSQ  
IN THE MATTER OF an application submitted by Halletts A Development Company, LLC and the New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the Section 62-836 of the Zoning Resolution to modify initial setback distance, the maximum base height, the maximum building height, the floor area distribution, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 (Developments on land and platforms), and to modify the distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), in connection with a proposed mixed use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100, & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue\*\*, 27th Avenue\*\*, Astoria Boulevard\*\*, & Park), in R6\*\*\*, R6/C1-4\*\*\* and R7-3/C1-4\*\*\* Districts, in a large-scale general development, within the Halletts Point Peninsula.

\*\*Note: Portions of 26th Avenue, 27th Avenue, Astoria Boulevard, & Park are proposed to be demapped under a concurrent related application (C 130068 MMQ) for changes to the city map.

\*\*\*Note: The site is proposed to be rezoned by changing M1-1 and R6 Districts and demapped Park to R6/C1-4 and R7-3/C1-4 Districts under a concurrent related application C 090484 ZMQ.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

NOTICE

On Wednesday, July 24, 2013, at 10:00 A.M. in Spector Hall at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a continued public hearing will be held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning zoning map changes; zoning text amendments; large-scale general development project (LSGD) special permits related to bulk; authorizations, certification; city map amendment actions; and waterfront special permit.

The applicant, Halletts A Development Company, LLC is requesting the discretionary approvals, with the

New York City Housing Authority (NYCHA) as co-applicant for some of the approvals, to facilitate a mixed-use development on several parcels on Halletts Point along the East River in Astoria, Queens. The zoning map changes would rezone an existing manufacturing (M1-1) district along 1st Street south of 26th Avenue to residential with commercial overlay (R7-3/C1-4); establish a commercial overlay (C1-4) over the existing residential (R6) zoning district along Astoria Boulevard and 27th Avenue; establish Whitey Ford Field as a mapped public parkland and rezone a portion of the adjacent streetbed from residential (R6) to manufacturing (M1-1). The zoning text amendments would make the project area eligible for the Inclusionary Housing Program and Food Retail Expansion to Support Health (FRESH) Program; exempt accessory parking under certain circumstances from the definition of floor area; allow lot lines coincident with the boundary of a mapped Public Park to be treated as a wide street for the purposes of applying minimum distance between legally required windows and lot lines; and, permit floor area distribution from a zoning lot under certain circumstances to another zoning lot within a LSGD if it contributes to better site planning. The city mapping actions would eliminate two cul-de-sacs in Astoria Boulevard between 1st Street and 8th Street and convey a street easement from NYCHA to the City, establish a public park (Whitey Ford Field), and eliminate 26th Avenue and 27th Avenue between 1st Street and the U.S. Pierhead and Bulkhead Line. Other discretionary actions requested include disposition of public housing (NYCHA) property, use of development rights associated with lands underwater, and potential financing approval for affordable housing. The proposed actions would facilitate a proposed development of approximately 2.73 million gross square feet (gsf) in total that would include approximately 2.2 million gsf of residential space (2,644 housing units including 2,161 market-rate and 483 affordable housing units); approximately 69,000 gsf of retail space (including an approximately 30,100-gross square foot retail space designed for supermarket use); and 1,375 accessory parking spaces. Comments are requested on the DEIS and will be accepted until Monday August 5, 2013.

This hearing is being held pursuant to the National Environmental Policy Act (NEPA), State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 09DCP084Q.

**BOROUGH OF STATEN ISLAND**  
Nos. 11-15  
**CHARLESTON**  
No. 11

**CD 3 C 130279 ZMR**  
**IN THE MATTER OF** an application submitted by the New York City Economic Development Corporation and Bricktown Pass, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 32d:

- changing from an M1-1 District to an R3-2 District property bounded by Englewood Avenue\*, the easterly, northerly and westerly boundary lines of a Park\* and its northerly prolongation, and Cosmen Street;
- changing from an M1-1 District to a C4-1 District property bounded by Arthur Kill Road, the westerly prolongation of a northerly boundary line of a Park\*, a westerly boundary line of a Park\* and its southerly prolongation, a line 480 feet northerly of Veterans Road West, Waunner Street and its northerly centerline prolongation, and Veterans Road West; and
- changing from an M1-1 District to a C4-1 District property bounded by a southerly boundary line of a Park\*, the southerly prolongation of an easterly boundary line of a Park\*, Bricktown Way\*, and an easterly boundary line of a Park\* and its southerly prolongation;

as shown on a diagram (for illustrative purposes only), dated May 6, 2013

\*Note: a Park (Fairview Park), Englewood Avenue and Bricktown Way are proposed to be mapped under a concurrent related application (C 130229 MMR) for a change to the City Map.

**No. 12**

**CD 3 C 130229 MMR**  
**IN THE MATTER OF** an application submitted by the New York City Department of Transportation and the Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the establishment of Englewood Avenue between Arthur Kill Road and Kent Street;
- the establishment of Bricktown Way northwest of Veterans Road West;
- the establishment of Tyrellan Avenue from Veterans Road West to Bricktown Way;
- the establishment of Fairview Park;
- the extinguishment of several record streets;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 4234 dated May 6, 2013 and signed by the Borough President.

**No. 13**

**CD 3 C 130289 PSR**  
**IN THE MATTER OF** an application submitted by the New

York Public Library and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection of property generally bounded by Englewood Avenue, Arthur Kill Road, and Veterans Road West (Block 7459, p/o lot 50; Block 7454, p/o lot 5; Block 7452, p/o lot 75; Block 7487, p/o lot 100; and p/o Bayne Avenue record street)) for use as a public library.

**No. 14**

**CD 3 C 130288 PQR**  
**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property generally bounded by Englewood Avenue, Arthur Kill Road, and Veterans Road West (Block 7375, lot 7) to facilitate the construction of a public school.

**No. 15**

**CD 3 C 130290 PQR**  
**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of an easement for public unrestricted vehicular, pedestrian, and bicycle access over and along the mapped dimensions of Bricktown Way and Tyrellan Avenue, including p/o Block 7446, lot 75; p/o Block 7481, lot 1 and p/o Block 7469, lot 200.

**NOTICE**

On Wednesday, July 24, 2013, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) for which the Office of the Deputy Mayor for Economic Development is the CEQR Lead Agency concerning zoning map changes; site selection of a public facility; property acquisitions; authorizations; certifications; and mapping actions.

The applicant, the New York City Economic Development Corporation, is requesting discretionary approvals, on behalf of the City with New York Public Library, the Department of Citywide Administrative Services, and Bricktown Pass, LLC as co-applicants for some of the approvals, to facilitate a mixed-use development on an approximately 93-acre parcel located in Charleston, Staten Island. The co-applicants for the related mapping actions are the New York City Department of Parks & Recreation and the New York City Department of Transportation.

The zoning map changes would establish Fairview Park as a mapped public parkland; rezone an existing manufacturing (M1-1) district bounded by Englewood Avenue, the proposed Fairview Park, and Cosmen Street to residential (R3-2); and rezone two existing manufacturing (M-1) districts to commercial districts (C4-1) at Arthur Kill Road and Veterans Road West, and also by Bricktown Way and the proposed Park.

The city mapping actions would eliminate 12 record streets, establish a public park (Fairview Park and an existing conservation area), map Englewood Avenue between Arthur Kill Road to Kent Street, map the existing Bricktown Way north of Veterans Road West, map Tyrellan Avenue from Veterans Road West to Bricktown Way, and authorize any acquisition or disposition of real property related thereto.

Other discretionary actions requested include: Mayoral and Borough Board approval of the business terms of the sale of the disposition parcels pursuant to Section 384(b)(4) of the New York City Charter; Subdivision of zoning lots (ZR 107-08), Acquisition of private property (Block 7375, lot 7) to facilitate the construction of a public school and acquisition of an easement to facilitate unrestricted public access over and along the mapped dimensions of Bricktown Way and Tyrellan Avenue, including p/o Block 7446, lot 75; p/o Block 7481, lot 1; and p/o Block 7469, lot 200; Site selection of property (Block 7459, p/o lot 50; Block 7454, p/o lot 5; Block 7452, p/o lot 75; Block 7487, p/o lot 100; and p/o Bayne Avenue record street) for use as a public library; CPC authorization to permit: the removal of trees (ZR 107-64), modification of the existing topography (ZR 1-7-312), Group Parking Facilities with more than 30 spaces (ZR 107-68), applicability of regulations in C4-1 districts for Site Plan Approval (ZR 36-023), applicability of regulations in C4-1 districts for Reduced Parking (ZR 36-023); Chair certifications for cross access connections (ZR 36-592) and waiver of cross access connections (ZR 36-596); and New York State Department of Environmental Conservation wetland permits.

The proposed actions would facilitate a proposed development and related mapping of up to approximately 4 million square feet (sf) in total that would include approximately 1,901,866 sf of parkland; 394,819 sf of residential space (162 housing units including 80 affordable multi-family age-restricted units and 82 age-restricted for sale units); approximately 796,674 sf of retail space, an approximately 15,000 sf public library; an approximately 256,194 sf public school, and up to 1,248 accessory parking spaces.

The Notice of Completion and the DEIS for this project were issued by the Office of the Deputy Mayor for Economic Development on May 2, 2013 and are available for review from the contact person listed below and on the website of the Mayor's Office of Environmental Coordination:

<http://www.nyc.gov/html/oc/html/ceqr/13dme001r.shtml>

Comments are requested on the DEIS and will be

accepted at the contact address below through 5:00 P.M. on Monday, August 5, 2013.

This Notice of Public Hearing has been prepared pursuant to Article 8 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act (SEQRA)), its implementing regulations found at 6 NYCRR Part 617, and the Rules of Procedure for City Environmental Quality Review found at 62 RCNY Chapter 5, and Mayoral Executive Order 91 of 1977, as amended (CEQR).

**CEQR No. 13DME001R.**  
**Lead Agency:**  
**Office of the Deputy Mayor for Economic Development**

**Robert R. Kulikowski, Ph.D.**  
**Assistant to the Mayor**  
**100 Gold Street, 2nd Floor**  
**New York, New York 10038**

**Email: rkulikowski@cityhall.nyc.gov**  
**SEQRA/CEQR Classification: Type I**

**Nos. 16-21**

**ST. GEORGE WATERFRONT DEVELOPMENT**  
**No. 16**

**CD 1 C 130315 ZMR**  
**IN THE MATTER OF** an application submitted by the NYC Economic Development Corporation, New York Wheel LLC and St. George Outlet Development LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 21c, by establishing a Special St. George District bounded by Richmond Terrace; the northerly prolongation of the westerly street line of St. Peters Place, the U.S. Pierhead Line, and the northerly street line of Borough Place and its easterly and westerly prolongations, as shown on a diagram (for illustrative purposes only) dated May 20, 2013.

**No. 17**

**CD 1 N 130316 ZRR**  
**IN THE MATTER OF** an application submitted by the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 8, and related sections, concerning the expansion of the Special St. George District.

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.

**Article VI – Special Regulations Applicable to Certain Areas**

**Chapter 2**  
**Special Regulations Applying in the Waterfront Area**  
\* \* \*  
**62-13**  
**Applicability of District Regulations**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District# #Special

Stapleton Waterfront District#.

The regulation of this Chapter shall not apply in the #Special Sheepshead Bay District# ~~shall be applicable~~, except that Section 94-061 (Uses permitted by right) shall be modified to permit all WD #uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

The regulations of this Chapter shall apply in the #Special St. George District#, except as specifically modified within the North Waterfront Subdistrict.

\* \* \*

**Article XII - Special Purpose Districts**  
**Chapter 8**  
**Special St. George District**

**128-03**  
**District Plan and Maps**

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

The District Plan includes the following ~~four~~ five maps:

- Map 1 Special St. George District and Subdistricts
- Map 2 Commercial Streets
- Map 3 Minimum and Maximum Base Heights
- Map 4 Tower Restriction Areas
- Map 5 Visual Corridors

The maps are located in the Appendix to 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 this Chapter apply.

128-04 Subdistricts

In order to carry out the purposes and provisions of this Chapter, the #Special St. George District# shall include two three subdistricts: the Upland Subdistrict, the North Waterfront Subdistrict and the South Waterfront Subdistrict, as shown on Map 1 (Special St. George District and Subdistricts) in the Appendix to this Chapter.

128-05 Applicability of District Regulations

128-054 Applicability of Article VI, Chapter 2

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply in the North Waterfront Subdistrict of the #Special St. George District#. However, in such Subdistrict, such provisions shall not apply to improvements to the Waterfront Esplanade, nor to #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites), which shall be subject to the Proposed Plans as approved pursuant to the provisions, conditions and findings set forth in such special permit, except that the regulations of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply to such #developments#, #enlargements#, alterations and changes of #use# as modified pursuant to such special permit. In addition, the special requirements for visual corridors set forth in Section 128- 43 (Visual Corridors in the North Waterfront Subdistrict) shall apply.

128-055 Applicability of Article VII, Chapter 4

Within the North Waterfront Subdistrict of the #Special St. George District#, the following special permits shall not apply:

- Section 74-512 (In other districts)
Section 74-68 (Development Within or Over a Right-of-way or Yards)
Section 74-922 (Certain Large Retail Establishments)
In addition, the provisions and conditions of the following special permits, as granted, shall be deemed to be modified pursuant to a special permit granted pursuant to Section 128-61 (Special Permit for North Waterfront Sites) for Parcel 1 or Parcel 2 in the North Waterfront Subdistrict of the #Special St. George District#, including but not limited to subdivision of the #zoning lot# and relocation of accessory parking to another #zoning lot#:

- C000012 ZSR
C000013 ZSR
C000014 ZSR
C000016(A) ZSR

128-10 USE REGULATIONS

128-12 Transparency Requirements

Any #street wall# of a #building developed# or #enlarged# after October 23, 2008, where the ground floor level of such #development# or #enlarged# portion of the #building# contains #commercial# or #community facility uses#, excluding #schools#, shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. For the purposes of this Section, Bank Street shall be considered a #street#. However, this Section shall not apply to a stadium #use# within the North Waterfront Subdistrict.

128-30 HEIGHT AND SETBACK REGULATIONS

The provisions of this Section, inclusive, shall apply to all #buildings or other structures# within the Upland Subdistrict.

In C1-2 Districts mapped within R3-2 Districts, all #buildings or other structures# shall comply with the height and setback regulations of R4 Districts, except that the maximum perimeter wall height shall be 26 feet, and the #street wall# location provisions of Section 128-32 (Street Wall Location) shall apply.

The underlying height and setback regulations of C4-2 Districts within the Upland Subdistrict shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply.

In the South and North Waterfront Subdistricts, the underlying height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except that:

- (a) in the South Waterfront Subdistrict, roof top regulations are as modified in Section 128-31 (Rooftop Regulations); and
(b) in the North Waterfront Subdistrict, #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites) shall instead be subject to the Proposed Plans as approved pursuant to the provisions, conditions and findings set forth in such special permit.

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street frontages#, such heights shall be determined separately

for each #street# frontage, with each height measured from the final grade of the sidewalk fronting such #street wall#.

\*\*\*

128-43 Visual Corridors in the North Waterfront Subdistrict
The designated locations for #visual corridors#, as defined in Article VI, Chapter 2, are shown on Map 5 in the Appendix to this Chapter. Such #visual corridors# shall be provided in accordance with the standards of Sections 62-512 (Dimensions of visual corridors) and 62-513 (Permitted obstructions in visual corridors), except that:
(a) lighting fixtures shall be considered permitted obstructions; and
(b) within the #visual corridor# provided through Parcel 2 to the pierhead line within the flexible location zone indicated on Map 5, a portion of a #building# shall be a permitted obstruction provided that such obstruction is located no more than 14 feet above the reference plane of the #visual corridor#, and that such obstruction occupies no more than 185,000 cubic feet in total above the reference plane of the #visual corridor#.

\*\*\*

128-60 SPECIAL APPROVALS

The special permit set forth in Section 128-61 is established in order to guide and encourage appropriate #uses# and #developments# in a unique location within the #Special St. George District# that serves as a gateway between Staten Island and Manhattan for both visitors and daily commuters. Redevelopment of the North Waterfront sites pursuant to this special permit provides an appropriate means to address the special characteristics of these sites, while accommodating their continuing transportation function, as part of their transformation into a regional destination that will contribute to the revitalization of the #Special St. George District# and surrounding area.

128-61 Special Permit for North Waterfront Sites

In the North Waterfront Subdistrict, for Parcels 1 and 2, and for improvements to the Waterfront Esplanade provided in connection with the #development# of such Parcels, the City Planning Commission may approve, by special permit, a development plan for each such Parcel and an improvement plan for such Waterfront Esplanade. For any application for such special permit, the applicant shall provide plans to the Commission including but not limited to a site plan, interim parking plan, signage plan, lighting plan and Waterfront Esplanade improvement plan (the "Proposed Plans"). Such Proposed Plans shall be subject to the provisions and conditions set forth in paragraphs (a) through (e) and the findings set forth in paragraph (f) of this Section. Pursuant to such Proposed Plans, the Commission may:

- (a) Permit the following #uses#:
(1) #commercial uses# as set forth in Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) with no limitation on #floor area# per establishment;
(2) #uses# specified in Section 32-24 (Use Group 15);
(3) #public parking garages# with more than 150 spaces;
(4) temporary #public parking lots# or #public parking garages# with more than 150 spaces, supplied in connection with an interim parking plan, provided that the applicable findings of Section 74-51 (Public Parking Garages or Public Parking Lots outside High Density Central Areas) are met by each such temporary #public parking# facility. In addition:
(i) such temporary #public parking lots# or #public parking garages# with more than 150 spaces, may be located off-site or beyond the boundaries of the #Special St. George District# as set forth in the interim parking plan. Any change in the location of such temporary #public parking# facility with more than 150 spaces, or any increase in the number of spaces in a temporary #public parking# facility to more than 150 spaces, or any addition of a #public parking# facility with more than 150 spaces provided in connection with such interim parking plan, shall be subject to approval by the City Planning Commission and referred to the applicable Community Boards for review; and
(ii) the permit to operate such #public parking lots# or #public parking garages# shall expire 30 days after the Department of Buildings issues a certificate of occupancy for all permanent #public parking# facilities on Parcel 2; and

- (b) Where such #development# is located partially or entirely within a railroad or transit right-ofway or yard or in #railroad or transit air space#:
(1) permit that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the calculations of #lot area# for such #development#;

- (2) establish, in lieu of #base plane#, an appropriate level or levels as the reference plane for the entire #zoning lot# for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, and #yards#; and
(c) Permit #signs# pursuant to a signage plan subject to the following conditions:
(1) The #sign# regulations of a C4 District as set forth in Section 32-60 shall apply except as specifically modified by the conditions set forth in paragraphs (c ) (2) through (c)(5) inclusive, of this Section;
(2) #flashing signs# shall not be permitted;
(3) the height of #signs# shall be measured from the #base plane#; and
(4) On Parcel 1:
(i) the total #surface area# of #signs# affixed to a #building# frontage facing the shoreline or affixed to the base of a structure facing the shoreline shall not exceed 1,120 square feet, provided that for a #sign# with a #surface area# larger than 60 square feet, all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign#, shall be separate elements, individually cut and separately affixed to the structure or #building#. No perimeter or background surfaces shall be applied or affixed to the structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for the structure or #building#; and
(ii) #signs# shall be permitted to be located on the deck of the railroad right-of-way, provided that the #surface area# of such #signs# shall be included in the calculations of total #surface area# of #signs#; and
(5) On Parcel 2:
(i) open pedestrian pathways of at least 20 feet in width shall be considered #streets# for the purposes of #sign# regulations;
(ii) #signs# shall not extend to a height greater than 60 feet above the #base plane#; and
(iii) the total #surface area# of #signs# on the #building# frontage facing Richmond Terrace, the prolongation of Wall Street, or on the #building# frontage or other structure facing the access route into the Ferry Terminal for buses, may exceed the limitations for total #surface area# for #signs# permitted in a C4 district pursuant to an approved signage plan; and
(6) The total #surface area# of all #signs# on Parcel 2 facing the #shoreline#, or that are within 15 degrees of being parallel to the shoreline, shall not exceed:
(i) 500 square feet for #signs# located above the level of the first #story# ceiling of #buildings#;
(ii) 250 square feet for #signs# located below the level of the first #story# ceiling of #buildings#; and
(d) Through approval of the Proposed Plans, establish appropriate requirements in lieu of the following #Special St. George District# regulations:
(1) Section 128-12 (Transparency Requirements);
(2) Section 128-42 (Planting Areas);
(3) Section 128-54 (Location of Accessory Off-Street Parking Spaces) to the extent necessary to accommodate demand for parking within the North Waterfront Subdistrict;
(4) Section 128-55 (Special Requirements for Roofs of Parking Facilities); and
(e) Through approval of the Proposed Plans:
(1) establish appropriate requirements for the height and setback of #buildings or other structures#, permitted obstructions in #yards#, off-street parking and loading; and
(2) permit #floor area# to be distributed within the North Waterfront Subdistrict

without regard for #zoning lot lines#, provided that if distribution is made to a #zoning lot# subject to a special permit granted under this Section from a #zoning lot# not subject to such special permit. Notices of Restriction in a form acceptable to the Department of City Planning shall be filed against such #zoning lots# setting forth the increase and decrease in the #floor area# on such #zoning lots#, respectively.

(f) The Commission shall find that the Proposed Plans:

- (1) include #uses# that are appropriate, considering the unique location of the site in relation to the Staten Island Ferry Terminal, the Staten Island Rail Road, and the land uses in and around the #Special St. George District#;
(2) provide for a distribution of #floor area#, locations and heights of #buildings or other structures#, primary business entrances and open areas that will result in a superior site plan, providing a well-designed relationship between #buildings and other structures# and open areas on the #zoning lot#; and shall also provide a well designed relationship between the site and adjacent #streets#, surrounding #buildings#, adjacent off-site open areas and shorelines and will thus benefit the users of the site, the neighborhood and the City as a whole;
(3) provide a distribution of #floor area# and locations and heights of #buildings or other structures# that will not unduly increase the #bulk# of #buildings or other structures# in the North Waterfront Subdistrict or unduly obstruct access of light and air to the detriment of the users of the site or nearby #blocks# or of people using the public #streets#; and that will provide waterfront vistas from nearby #streets# and properties on nearby #blocks#;
(4) provide useful and attractive publicly accessible open space, with sufficient public amenities, including but not limited to seating, landscaping and lighting, that results in a superior relationship with surrounding neighborhood destinations, #streets#, #buildings#, open areas, public facilities and the waterfront;
(5) improve public access to the waterfront;
(6) improve the Bank Street portion of the Waterfront Esplanade sufficiently to ensure that emergency vehicles will have adequate access to the waterfront and adjacent #developments#;
(7) in connection with the improvement of the Bank Street portion of the Waterfront Esplanade, restore planted areas, trees and lighting in a way that is attractive and compatible with the existing design of the Waterfront Esplanade;
(8) provide adequate parking and loading to meet the demand for all users during peak utilization;
(9) provide adequate parking for commuters at locations convenient and accessible to the Staten Island Ferry Terminal at all times and during all phases of construction;
(10) provide signage and lighting that are compatible with the scenic and historic character of the harbor and will not adversely affect the character of the surrounding neighborhood;
(11) for a #public parking garage# with more than 150 parking spaces, will ensure that:
(i) entrances are proposed in locations and with design features that minimize traffic congestion and conflicts with pedestrians;
(ii) adequate reservoir space has been provided at the vehicular entrances; and
(iii) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and
(12) for a #development# located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, that:
(i) the distribution of #floor area# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development#, including any portion of the development# located beyond the boundaries of such railroad or transit right-of-way or yard; and
(ii) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

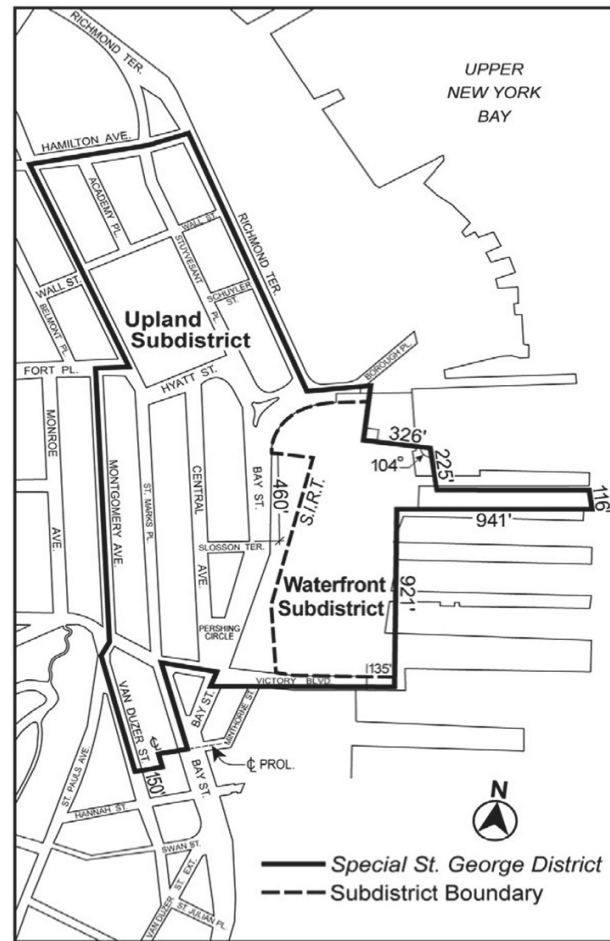
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. In addition, for a #development# located partially or entirely within a railroad or transit right of-way or yard, or in #railroad or transit air space#, the Commission may require that the structural design of such #development# makes due allowance for changes within the layout of tracks or other structures within any #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system. Prior to granting a special permit, the City Planning Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate whether said agencies have any plan to use that portion of any #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been discontinued.

The execution and recordation of a restrictive declaration acceptable to the Commission, binding the owners, successors and assigns to maintain such #developments#, #enlargements#, alterations, changes of #use#, and any temporary parking facilities, in accordance with the approved Proposed Plans comprising the approved development plan, and in a manner consistent with any additional conditions and safeguards prescribed by the Commission, shall be a condition to exercise of the special permit. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a #development#, #enlargement# or change of #use#.

Appendix Special St. George District Plan

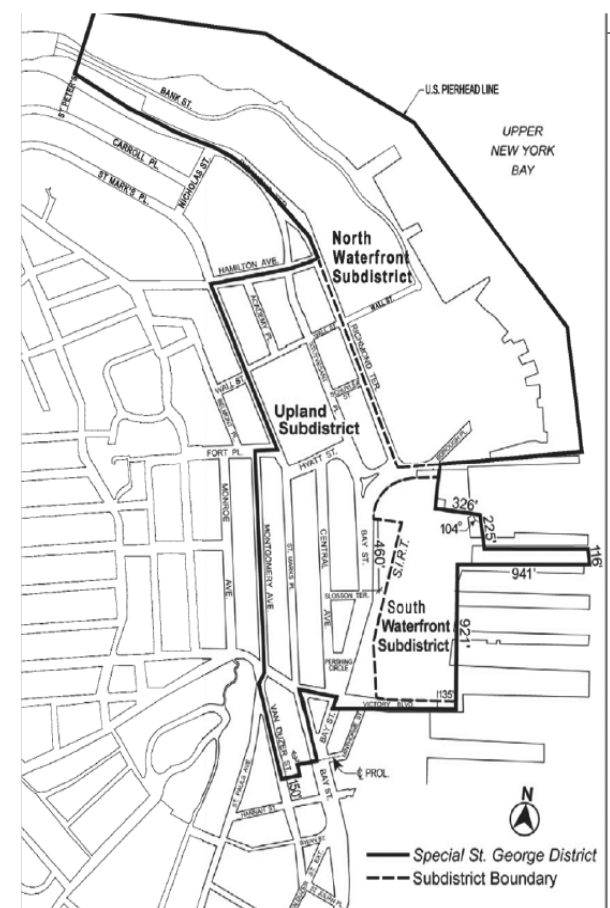
Map 1 - Special St. George District and Subdistricts

Map to be deleted:

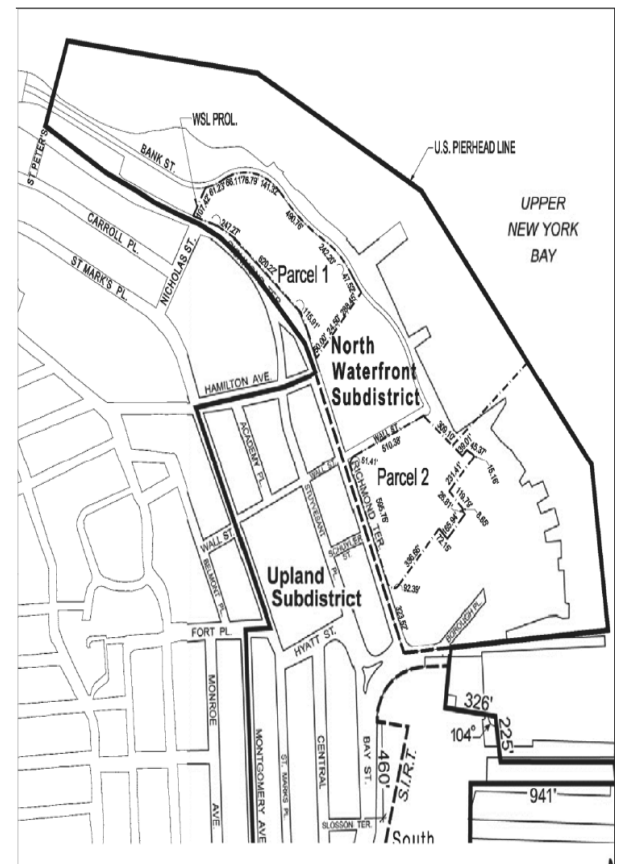


[MAP TO BE ADDED:]

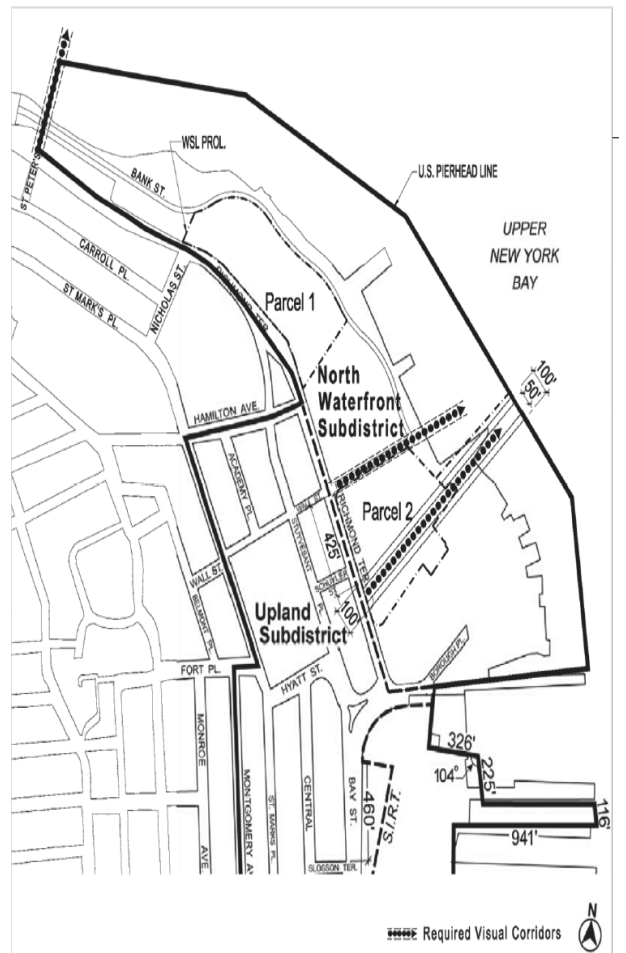
Map 1 - Special St. George District and Subdistricts



Parcels



[MAP TO BE ADDED:] Map 5 - Visual Corridors



No. 18

CD 1 C 130317 ZSR IN THE MATTER OF an application submitted by the NYC Economic Development Corporation and New York Wheel LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 128-61\* of the Zoning Resolution to allow a development plan for an Observation Wheel and accessory terminal building, and a public parking garage with a maximum of 950 spaces, and an improvement plan for a Waterfront Esplanade, on property located on Parcel 1 in the North Waterfront Subdistrict\*\* (Block 2, p/o Lot 20) and on the Waterfront Esplanade, in an M1-1 District, within the Special St. George District.

\*Note: A zoning text amendment is proposed to create Section 128-61 (Special Permit for North Waterfront Sites) under a concurrent related application C 130316 ZRR.

\*\*Note: The site is proposed to be rezoned by establishing a Special St. George District under a concurrent related application C 130315 ZMR.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 19

CD 1 C 130318 ZSR IN THE MATTER OF an application submitted by the NYC Economic Development Corporation and St. George Outlet Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 128-61\* of the Zoning Resolution to allow a development plan for a retail outlet mall, catering facility, hotel and a public parking garage with a maximum of 1274 spaces, and an improvement plan for a Waterfront Esplanade, on property located on Parcel 2 in the North Waterfront Subdistrict\* (Block 2, p/o Lots 1,5,10 and 20) and on the Waterfront Esplanade, in an M1-1 District, within the Special St. George District\*\*.

\*Note: A zoning text amendment to create a new Section 128-61 (Special Permit for North Waterfront Sites) and a North Waterfront Subdistrict, is proposed under a concurrent related application C 130316 ZRR.

\*\*Note: The site is proposed to be rezoned by establishing a Special St. George District under a concurrent related application C 130315 ZMR.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

#### No. 20

**CD 1 C130319 PPR**  
**IN THE MATTER OF** an application submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located on Block 2, p/o Lot 20 restricted to the development authorized by the special permit granted under the NYC Zoning Resolution (ZR) Section 128-61.

#### No. 21

**CD 1 C130320 PPR**  
**IN THE MATTER OF** an application submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of four (4) city-owned properties located on Block 2, p/o Lot 1, p/o Lot 5, p/o Lot 10 and p/o Lot 20 restricted to the development authorized by the special permit granted under the NYC Zoning Resolution (ZR) Section 128-61.

#### NOTICE

On Wednesday, July 24, 2013, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) for which the New York City Department of Small Business Services is the CEQR Lead Agency, for the proposed development project that would result in the simultaneous development of two sites along the St. George Waterfront referred to as the "North Site" and the "South Site," located adjacent to and on either side of the Richmond County Bank Ballpark (the "Stadium"), and just north of the Staten Island Ferry St. George Terminal (the "Ferry Terminal"). The North Site would be developed with the New York Observation Wheel (Observation Wheel, or Wheel), and a Wheel Terminal Building with various complementing uses, and parking. The South Site would be developed with the St. George Retail Development, including a hotel and parking. In addition, a new waterborne transit landing may also be pursued as a third project component independent of the proposed North Site and South Site developments.

These projects require a variety of ministerial and discretionary actions to implement, including tax lot subdivisions, adoption of a text amendment modifying the Special St. George District (ZR Section 128-00 et seq.) to add a new North Waterfront Subdistrict that will include the North Site and South Site within its boundaries, a zoning map amendment to reflect the extension of the Special St. George District, new special permits to establish development requirements in the new subdistrict that will also modify previous special permits for the Stadium, approval by the Public Design Commission, long-term lease and development agreements, and other local and state approvals as necessary.

The following City and State discretionary actions are necessary for both the North Site and South Site proposed projects to move forward:  
**Zoning Map Amendment**  
 Sectional Map 21c would be amended to show the extension of the Special St. George District to the shoreline to include the Ferry Terminal, the South Site, the Stadium and the North Site.

**Zoning Text Amendment to Add a Subdistrict to the Special St. George District**  
 The Special St. George District text would be modified to add a new North Waterfront Subdistrict that would include the North Site and South Site, the Ferry Terminal, and the Stadium Sites. The Subdistrict text would provide new special permit provisions that would enable the proposed projects on the North Site and South Site to be developed.

#### NORTH SITE

**Disposition and Approval of Business Terms (Section 1301(2)(f))**

- Disposition of property rights as needed including the possible transfer or conveyance of development rights to construct a deck and roadway over the RRWW.

#### Special Permit

- A special permit pursuant to proposed zoning section 128-61 that will permit development of the North Site pursuant to the applicable provisions of the new special permit text and modify the previous special permits granted from the Stadium.

#### NYCDOT Actions and Approvals

- Curb cut to use Nicholas Street for both vehicular and pedestrian access.
- Potential revocable consent for structural connections to deck over the RRWW.

New York State Department of Environmental Conservation Actions and Approvals

- NYSDEC consent for disturbance of soil beneath the cap for areas subject to Voluntary Cleanup Agreement (VCA) as per March 2006 Operation, Maintenance and Monitoring Plan.
- NYSDEC approval to amend deed restriction.
- NYSDEC permit to subdivide waterfront lots.

#### SOUTH SITE

**Disposition and Business Terms (Section 1301(2)(f))**

- Disposition of property rights as needed including the possible transfer or conveyance of development rights over the RRWW.

#### Special Permit

- A special permit pursuant to proposed zoning section 128-61 that will permit development of the South Site pursuant to the applicable provisions of the new special permit text and modify the previous special permits granted for the Stadium.

#### NYCDOT Actions and Approvals

- Mid-block access on Richmond Terrace (e.g., street geometry change, new signals, and turning lanes) and two curb cuts for hotel access.
- Potential revocable consent for structural connections to access the site (including decking over RRWW).
- Potential approvals for entrances to the garage from Wall Street.

#### NYSDEC Actions and Approvals

- NYSDEC consent for disturbance of soil beneath the cap for areas subject to VCA as per March 2006 Operation, Maintenance and Monitoring Plan.
- NYSDEC and/or New York City Department of Environmental Protection (NYCDEP) remedial action plan for portion of site not subject to prior VCA.
- NYSDEC approval to amend deed restriction.
- NYSDEC permit to subdivide waterfront lots.

The zoning map amendment, the disposition actions and the request for the granting of special permits pursuant to the proposed text are subject to the City's Uniform Land Use Review Procedure (ULURP). The design of the proposed project would also require Public Design Commission (PDC) approval. The zoning text amendment, while technically not subject to ULURP would follow a review process similar to ULURP and proceed simultaneously with the other actions. Additional related actions would include permits and approvals from NYCDOT for proposed signal and roadway improvements and review and approval of construction drawings regarding construction adjacent to NYCDOT facilities, and NYSDEC for stormwater management during construction and operation.

In addition, the proposed project would likely require an amended drainage plan which is subject to the approval of NYCDEP. Additional approvals could also be required from NYCDEP for the extension of sanitary sewer lines and/or storm sewers. Review may also be required by the Industrial Development Agency. Actions may also be required for temporary barges during construction.

It is intended that state agencies, including MTA and NYSDEC would be in a position to make the required findings for their respective actions based on this environmental review.

Since the project sites lie within the designated boundaries of the City's coastal zone, the City's coastal zone management policies apply. The City Planning Commission (CPC), acting as the City Coastal Commission, must therefore make a consistency determination pursuant to these policies.

#### POTENTIAL WATERBORNE TRANSIT LANDING

If pursued in addition to the North Site and South Site developments, the following City and State discretionary actions are necessary for the potential waterborne transit landing to move forward:

- Approvals of the Business Terms pursuant to Section 1301(2)(f)
  - Waterfront Requirements: Certification pursuant to ZR Section 62-811; and compliance with the requirements of waterfront public access area and visual corridors.
  - NYSDEC Actions and Approvals for Permits related to construction and disturbance along watercourses and navigable waters and adjacent areas.
  - New York State Department of State Approvals
  - Coastal Consistency Determination
- The applicant, the New York City Department of Economic Development, is requesting discretionary approvals, on behalf of the New York City Department of Small Business Services, the New York City Department of Citywide Administrative Services, New York Wheel LLC, and St. George Outlet Development LLC.

The Notice of Completion and the DEIS for this project were issued on May 15, 2013 by the New York City Department of Small Business Services, the CEQR Lead Agency for the proposed project.

The DEIS may be downloaded online from: [www.nycdec.com/project/st-george-waterfront](http://www.nycdec.com/project/st-george-waterfront). Copies of the DEIS may be obtained by any member of the public by emailing [StGeorgeWaterfront@nycdec.com](mailto:StGeorgeWaterfront@nycdec.com)

or calling 212-312-3861. Copies of the DEIS are also available for public inspection at NYCEDC's offices at 110 William Street, New York, NY 10038.

Comments are requested on the DEIS and will be accepted at the contact address below through 5:00 P.M. on Monday, August 5, 2013.

Attn: Meenakshi Varandani  
 New York City Economic Development Corporation  
 110 William Street, New York, NY 10038  
 Email: [mvarandani@nycdec.com](mailto:mvarandani@nycdec.com)

This Notice of Public Hearing has been prepared pursuant to Article 8 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act (SEQRA)), its implementing regulations found at 6 NYCRR Part 617, and the Rules of Procedure for City Environmental Quality Review found at 62 RCNY Chapter 5, and Mayoral Executive Order 91 of 1977, as amended (CEQR).

CEQR No. 13SBS001R

Lead Agency: New York City Department of Small Business Services  
 SEQRA/CEQR Classification: Type I

#### BOROUGH OF MANHATTAN

No. 22

#### NYPD OFFICE SPACE

**CD 5 N 140007 PXM**  
**IN THE MATTER OF** a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 469 Seventh Avenue (Block 811, Lot 68) (NYPD offices).

YVETTE V. GRUEL, Calendar Officer  
 City Planning Commission  
 22 Reade Street, Room 2E  
 New York, New York 10007

Telephone (212) 720-3370

jy10-24

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held in the Auditorium of the National Museum of The American Indian, One Bowling Green, New York, NY, on Wednesday, August 7, 2013 at 9:00 A.M.

#### BOROUGH OF BROOKLYN

Nos. 1, 2 & 3

#### LIVONIA COMMONS

No. 1

**CD 5 C 130374 ZMK**  
**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17d:

- eliminating from within an existing R6 District a C2-3 District bounded by:
  - a line 150 feet northerly of Livonia Avenue, Williams Avenue, Livonia Avenue, Alabama Avenue, a line 100 feet southerly of Livonia Avenue, Williams Avenue, a line 150 feet southerly of Livonia Avenue, Snediker Avenue, Livonia Avenue, and a line midway between Snediker Avenue and Van Sinderen Avenue;
  - Livonia Avenue, Sheffield Avenue, and a line 100 feet southerly of Livonia Avenue, and Georgia Avenue; and
  - a line 150 feet northerly of Livonia Avenue, a line midway between Pennsylvania Avenue- Granville Payne Avenue and Sheffield Avenue, Livonia Avenue, and Sheffield Avenue;
- changing from an R6 District to an R7A District property bounded by a line 100 feet northerly of Livonia Avenue, Williams Avenue, Livonia Avenue, Georgia Avenue, a line 100 feet northerly of Livonia Avenue, a line midway between Georgia Avenue and Sheffield Avenue, a line 140 feet northerly of Livonia Avenue, a line midway between Sheffield Avenue and Pennsylvania Avenue- Granville Payne Avenue, Livonia Avenue, Sheffield Avenue, a line 100 feet southerly of Livonia Avenue, and Snediker Avenue;
- changing from an R6 District to a C4-4L District property bounded by a line 100 feet northerly of Livonia Avenue, Snediker Avenue, Livonia Avenue, and a line midway between Van Sinderen Avenue and Snediker Avenue;
- changing from an M1-1 District to a C4-4L District property bounded by a line 100 feet northerly of Livonia Avenue, a line midway between Van Sinderen Avenue and Snediker Avenue, Livonia Avenue, and Van Sinderen Avenue; and
- establishing within a proposed R7A District a C2-4 District bounded by a line 100 feet northerly of Livonia Avenue, Williams Avenue, Livonia Avenue, Georgia Avenue, a line 100 feet northerly of Livonia Avenue, a line midway between Sheffield Avenue and Pennsylvania Avenue- Granville Payne Avenue, Livonia Avenue, Sheffield Avenue, a line 100 feet southerly of Livonia Avenue, and Snediker Avenue;

as shown on a diagram (for illustrative purposes only) dated June 17, 2013.

No. 2

CD 5 C 130375 HUK
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the Third amendment to the East New York I Urban Renewal Plan for the East New York I Urban Renewal Area; to facilitate the development of City-owned properties located along Livonia Avenue between Van Sinderen Avenue and Pennsylvania Avenue.

No. 3

CD 5 C 130376 HAK
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
a) the designation of properties located along Livonia Avenue between Van Sinderen Avenue and Pennsylvania Avenue, as an Urban Development Action Area; and
b) an Urban Development Action Area Project for such area; and
2) pursuant to Section 197-c of the New York City Charter for the disposition of such property, to a developer to be selected by HPD;

to facilitate the development of one community facility building and 4 mixed-use buildings with a total of approximately 279 units.

No. 4

BUSHWICK UNITED EARLY LEARNING CENTER CD 4 C 130126 PQQ
IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 200 Central Avenue (Block 3228, lot 20) for continued use as a child care center.

No. 5

UTD BUSHWICK EARLY LEARNING CHILD CARE CENTER CD 4 C 130162 PQQ
IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 600 Hart Street (Block 3227, lot 10) for continued use as a child care center.

No. 6

NYC FIRE DEPARTMENT & JOINT EMS CD 18 C 130307 PCK
IN THE MATTER OF an application submitted by the Fire Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 10110 Foster Avenue (Block 8149, p/o Lot 1), for use as an ambulance station, warehouse facility and offices.

BOROUGH OF MANHATTAN Nos. 7 & 8 EAST MIDTOWN REZONING No. 7

CD 6 C 130248 ZMM
IN THE MATTER OF an application submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8d:

- 1. changing from a C5-2 District to a C5-2.5 District property bounded by East 43rd Street, a line 100 feet westerly of Second Avenue, a line midway between East 43rd Street and East 42nd Street, and a line 200 feet easterly of Third Avenue;
2. changing from a C5-2 District to a C5-3 District property bounded by East 43rd Street, Second Avenue, East 42nd Street, a line 200 feet easterly of Third Avenue, a line midway between East 43rd Street and East 42nd Street, and a line 100 feet westerly of Second Avenue; and
3. establishing a Special Midtown District (MiD) bounded by East 43rd Street, Second Avenue, East 42nd Street, and a line 200 feet easterly of Third Avenue;

as shown on a diagram (for illustrative purposes only) dated April 22 2013, and subject to the conditions of CEQR Declaration E-310.

No. 8

CD 5, 6 N 130247 ZRM
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community Districts 5 and 6.

Matter in underline is new, to be added; Matter in ~~strikeout~~ is to be deleted; Matter with # # is defined in Section 12-10; \* \* \* indicates where unchanged text appears in the Zoning Resolution

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Midtown District

\* \* \*

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Chapter 1 Special Midtown District

81-00 GENERAL PURPOSES

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

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
(b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
(c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
(d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
(e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
(f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
(g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
(h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
(i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
(j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
(k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
(l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
(m) to preserve the midblock area 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 East Midtown as one of the world's premier business addresses and a vital job center for the City and region due, in part, to its proximity to the transit-rich, architectural icon, Grand Central Terminal, by facilitating the development of state-of-the-art, highly energy-efficient commercial buildings, and improvements to the overall public realm;
(o) to expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the area's special character;
(p) 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;
(q) 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
(r) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the

value of land and buildings and thereby protect the City's tax revenues.

81-01 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 Core 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:

Table with 2 columns: Subdistricts, Sections Having Special Application. Rows include Penn Center Subdistrict (81-50), East Midtown-Grand Central Subdistrict (81-60), Theater Subdistrict (81-70), Fifth Avenue Subdistrict (81-80), Preservation Subdistrict (81-90).

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

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
Park Avenue 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

Table with columns: Means for Achieving Permitted FAR Levels on a #Zoning Lot#, Maximum #Floor Area Ratio# (FAR), and sub-columns for Grand Central Subdistrict and Outside the Grand Central Subdistrict. Rows include C5P, A. Basic Maximum FAR, B. Maximum As-of-Right #Floor Area# Allowances, C. Maximum Total FAR with As-of-Right Incentives, D. Maximum Special Permit #Floor Area# Allowances, E. Maximum Total FAR with District-wide and As-of-Right Incentives, F. Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict, G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives, H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict, I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict, J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor, K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations, L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict, M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives, N. Maximum FAR of Lots Involving Landmarks.

Table with columns: No, No, No, Limit, Limit, 2.4, Limit. Rows: (b) a "receiving lot" (Section 81-634), (c) a "receiving lot" (Section 81-635).

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

Table with columns: 9.6, 14.4, 14.4, No Limit, No Limit, 21.6, No Limit. Rows: 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 81-634 (Transfer of development rights from landmarks by special permit) 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 81-624 (Special permit for superior developments)
Section 81-634 (Transfer of development rights from landmarks by special permit)
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**

In order to protect and strengthen East Midtown's status as one of the world's premier business addresses and a vital job center for the City and region, due, in part, to its proximity to Grand Central Terminal, a transit-hub and architectural icon, and in order to expand and enhance the Subdistrict's extensive pedestrian network, special regulations are set forth in this Section. Such regulations establish special provisions governing maximum floor area, sustainability, urban design and streetscape relationships, 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
- (c) 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#; 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, "East Midtown District Improvement Fund Contribution Rate" or "Contribution Rate" shall be set at \$250 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).

**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), 81-624 (Special permit for superior developments), 81-633 (Transfer of development rights from landmarks by certification) or 81-634 (Transfer of development rights from landmarks by special permit).

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 81-624;
- (b) will have a #lot width# which extends along the entire #wide street block# frontage, or 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 such #building's floor area# is comprised entirely of #commercial uses#, and where 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), 81-624 (Special permit for superior developments) or 81-633 (Transfer of development rights from landmarks by certification) or 81-634 (Transfer of development rights from landmarks by special permit).

**81-612  
Applicability of regulations to qualifying sites and all other sites**

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.

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.

**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 81-624 (Special permit for superior developments).

**TABLE I  
MAXIMUM FLOOR AREA ALLOWANCES FOR  
QUALIFYING SITES IN THE EAST MIDTOWN  
SUBDISTRICT**

Row	Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#	Grand Central Subarea			Park Avenue Subarea	Any other Areas	
		Grand Central Subarea Core	Non-Core	Along Park Ave, north of Grand Central Terminal		C5-3	C5-2.5 C6-4.5
A	Basic Maximum FAR	15	12	15	15	12	15
B	Additional FAR through District Improvement Bonus (DIB) (Section 81-621)	3	3	3	6.6	2.4	3
C	Additional FAR for further contributions to DIB (Section 81-621) or transfer of development rights from landmark buildings (Sections 81-622)	6	6.6	3.6	3.6	NA	NA
D	Total as-of-right FAR	24	21.6	21.6	21.6	14.4	18
E	Additional FAR through special permit (Section 81-624)	6	NA	NA	2.4	NA	NA
F	Maximum FAR permitted for #qualifying Sites#	30	21.6	21.6	24	14.4	18

**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, either 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.

(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) Legal instruments, in a form acceptable to the City, shall be executed and recorded prior to any contribution or contribution in-kind pursuant to paragraphs (a) or (b) of this Section. Proof of recordation shall be submitted to the Chairperson of the City Planning Commission, in a form acceptable to the Chairperson;
- (2) 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);
- (3) 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; 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
- (5) 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# by the applicant as follows:

- (1) for #buildings# on #qualifying sites# which do not utilize #non-complying floor area# from a #building# on the site constructed prior to December 15, 1961, pursuant to Section 81-64 (Special Provisions Regarding Non-Complying Floor Area); or for #buildings# which require contributions for bonused #floor area# beyond the amount on #non-

complying floor area# utilized pursuant to Section 81-64, the contribution amount shall be 100 percent of the #East Midtown District Contribution Rate# for that portion of bonused #floor area#; and

- (2) for #buildings# on #qualifying sites# utilizing #non-complying floor area# from a #building# on the site constructed prior to December 15, 1961, pursuant to Section 81-64, the contribution amount for that portion of bonused #floor area# shall be 50 percent 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.

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 Subarea, 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#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to Section 81-621;
- (2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the applicable amount set forth in Row C 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 or referenced standard 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**  
**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, by special permit, allow 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) 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),

- (iv) inclusive, or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37- 51 (Amount of Pedestrian Circulation Space) or the curb cut and loading berth provisions of Section 81-676 (Curb cut restrictions and loading berth requirements) shall be permitted; and

- (v) 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 include materials to allow the Commission to determine that the conditions set forth in this paragraph are met. As a condition for approval, the applicant shall demonstrate to the Commission:

- (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 contributions to district improvements under 81-621 or, in the Grand Central Subarea, 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;

(3) 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;

(4) 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 fluid connections to 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#;

(5) 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

(6) 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 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, 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.

**81-63**  
**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 by certification) or 81-634 (Transfer of development rights from landmarks by special permit).

Within the Grand Central Subarea, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-634, 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.

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			Park Avenue Subarea	Any other Area	
		Grand Central Subarea Core	Non-Core			C5-2.5 C6-4.5	C5-3 C6-6
A	Basic Maximum FAR	15	12	15	15	12	15
B	Additional FAR for provision of a #public plaza# (Section 81-631)	-	-	-	1	1	1
C	Total as-of-right FAR	15	12	15	16	13	16
D	Additional FAR for subway station improvements through special permit (Section 81-632)	3	2.4	3	3	2.4	3
E	Maximum FAR of a #landmark or other structure# for transfer purposes (Section 81-633 and 81-634)	15	12	15	-	-	-
F	Maximum FAR of a #landmark or other structure# for transfer purposes (Section 74-79)	15	12	15	16	13	16
G	Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on:						
	1 an #adjacent lot# (Sections 74-79)	No limit	2.4	No limit	No limit	2.4	No limit
	2 a #receiving lot# through certification by Chairperson of the CPC (Section 81-633)	1	1	1	-	-	-
	3 a #receiving lot# through special permit (Section 81-634)	6.6	9.6	6.6	-	-	-
H	Maximum FAR permitted	No limit	21.6	No limit	No limit	14.4	No limit

**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# 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 by certification**  
 The Chairperson of the City Planning Commission shall certify a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site# 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, and shall allow modifications to provisions regarding #zoning lots# divided by district boundaries, as forth in paragraph (a) of this Section, provided that the requirements for applications of paragraph (b), the conditions and limitations of paragraph (c), the transfer instruments and notice of restrictions of paragraph (d) of this Section are met.

(a) The Chairperson of the City Planning Commission shall allow, by certification:

- (1) 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; and
- (2) 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.

(b) 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# and shall include:

- (1) 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# on 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 Chairperson.

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

(c) Conditions and limitations

The 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 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#;

(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 in Table II of Section 81-63; 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.

(d) 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. 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 Chairperson of the City Planning Commission, in a form acceptable to 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 special permit**

The City Planning Commission may, by special permit, allow a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, 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 and in conjunction with such transfer, may permit modifications to #bulk# and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a), provided that the conditions of paragraph (b), the findings of paragraph (c) and the transfer instruments and notice of restrictions of paragraph (d) are met.

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

(1) 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; and

(2) in conjunction with such transfer of development rights, the Commission may permit:

(i) 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#;

(ii) 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

(iii) 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

regulations, except #floor area ratio# regulations.

(b) Any application for such special permit shall include materials to allow the Commission to determine that the conditions set forth in this paragraph are met. As a condition for approval, the Commission shall find that:

- (1) An application filed with the City Planning Commission shall be made jointly by the owners of the #granting lot# and #receiving lot# and shall include site plan and zoning calculations for the #granting lot# and #receiving lot#;
- (2) with regard to the transfer of development rights from a #granting lot# to a #receiving lot#, pursuant to this Section:
  - (i) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the 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#;
  - (ii) 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.3 in Table II of Section 81-63;
  - (iii) 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;
  - (iv) a program for the continued maintenance of the #landmark building or other structure# has been established; and
  - (v) a report from the Landmarks Preservation Commission has been submitted to the Commission concerning the continuing maintenance program of the #landmark building or other structure#, and for those #receiving lots# on an #adjacent lot# to Grand Central Terminal, a report concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

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

- (3) 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.

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.

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

- (1) 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:
  - (i) 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;
  - (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 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
  - (iv) 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) Transfer instruments and notice of restrictions

- (1) The owners of the #granting lot# and the #receiving lot# shall submit to the City Planning Commission 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 City Planning Commission, in a form acceptable to the Commission.

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.

- (2) 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.

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.

**81-64 Special Provisions for Retaining Non-complying Floor Area**

Notwithstanding the reconstruction provisions of Section 54-41 (Permitted Reconstructions), 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 be wholly comprised of #commercial floor area#;
  - (2) will be located on a #zoning lot# that either:
    - (i) is a #qualifying site#; or
    - (ii) has frontage along a #wide street# and a #lot area# of at least 20,000 square feet;
  - (3) will comply with the #building# performance requirements of Section 81-623 (Special building performance requirements for all qualifying sites); and
  - (4) 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), shall be calculated on the basis of the #lot area# of the #development# site used to comply with paragraph (a)(2) of this Section. Such calculation shall be verified using 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 an as-built drawing set completed by a licensed architect.

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 and Park Avenue Subdistricts, 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) Street wall height requirements along Vanderbilt Avenue  
For #buildings# fronting upon Vanderbilt Avenue, the minimum height of a #street wall# without setback shall be 90 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 100 feet. Where such frontages intersect 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****81-661**

**For buildings using daylight compensation method** 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 81-624 (Encroachments and compensating recesses):
- (i) 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#;
- (ii) #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
- (iii) 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
- (iv) 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 81-625 (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 evaluation method** 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), 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#.

#### 81-67

**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 widening 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 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 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 #buildings# 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 subway station, and to the pedestrian network in the immediate vicinity of Grand Central Terminal; and

- (2) The ability of such improvement to mitigate 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 Plaza) 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 37-52 (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 37-52, 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.

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 23-12 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 1 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.

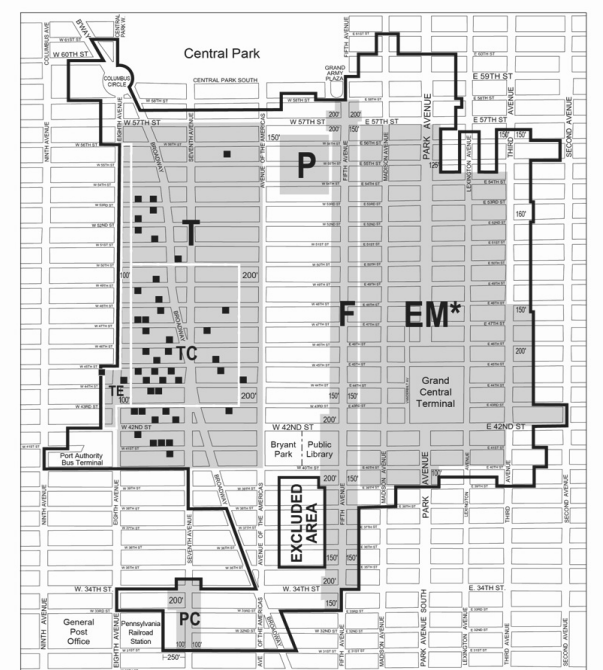
The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City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

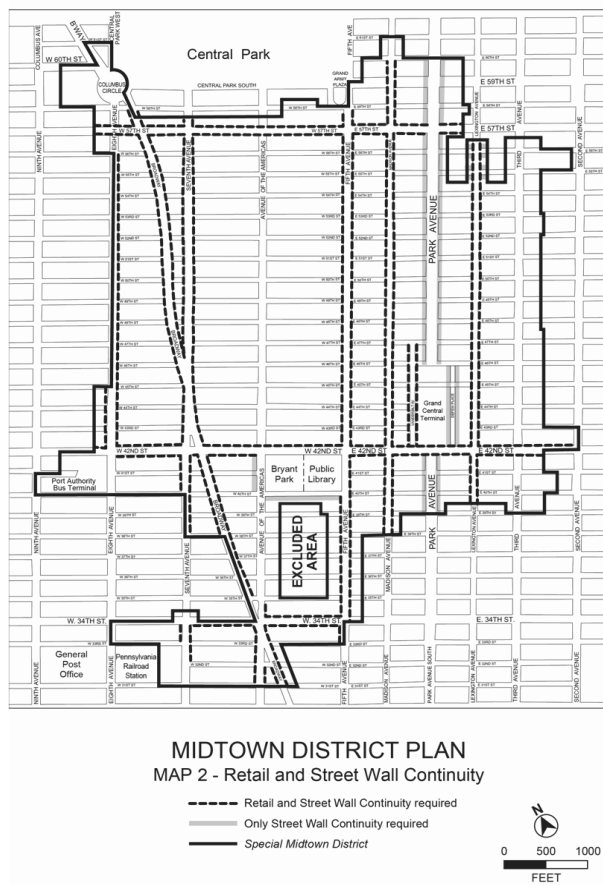


MIDTOWN DISTRICT PLAN MAP 1 - Special Midtown District and Subdistricts

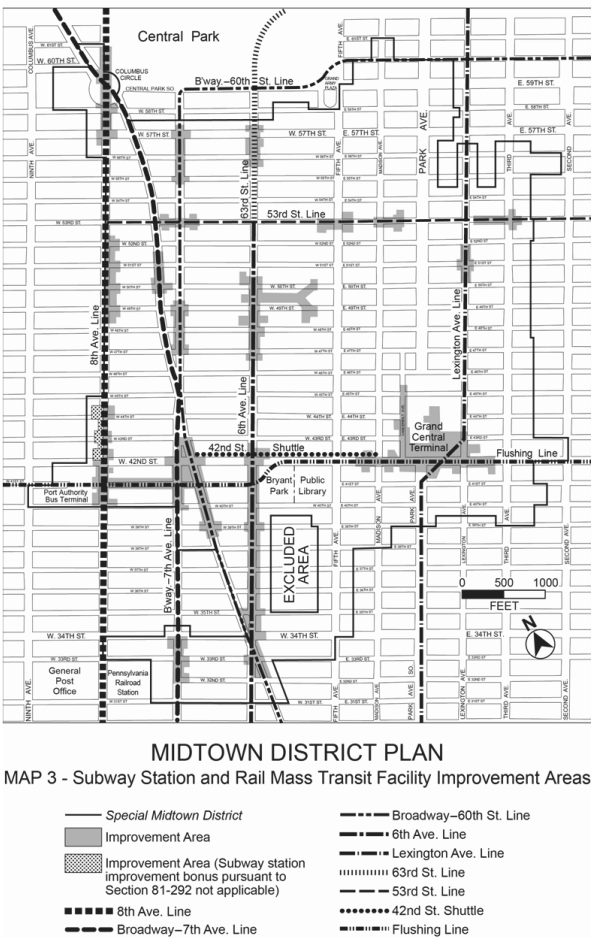
- F Fifth Avenue Subdistrict
EM East Midtown Subdistrict
PC Penn Center Subdistrict
P Preservation Subdistrict
T Theater Subdistrict
TC Theater Subdistrict Core
TE Theater Subdistrict Eighth Avenue Corridor
Listed Theaters
Special Midtown District

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

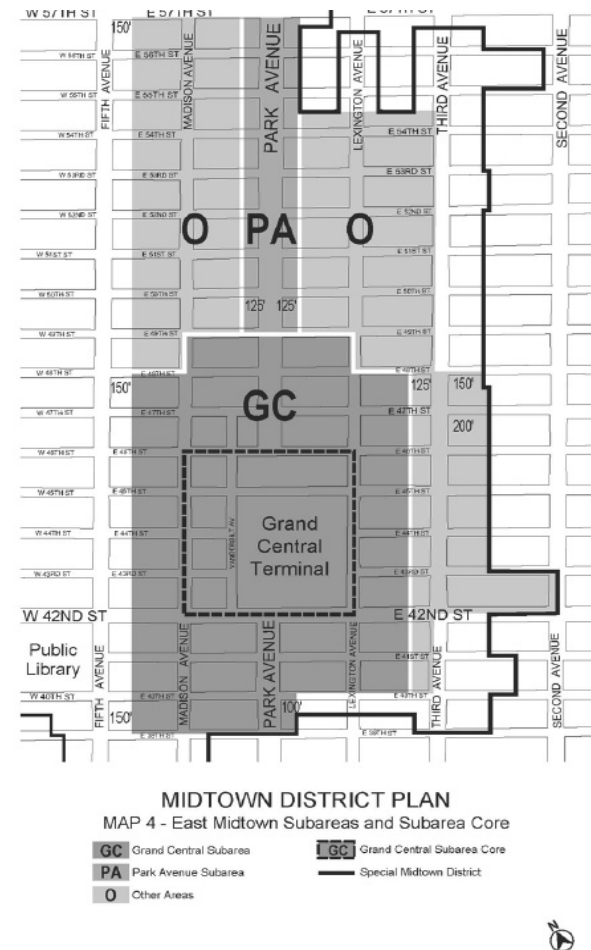
Map 2: Retail and Street Wall Continuity



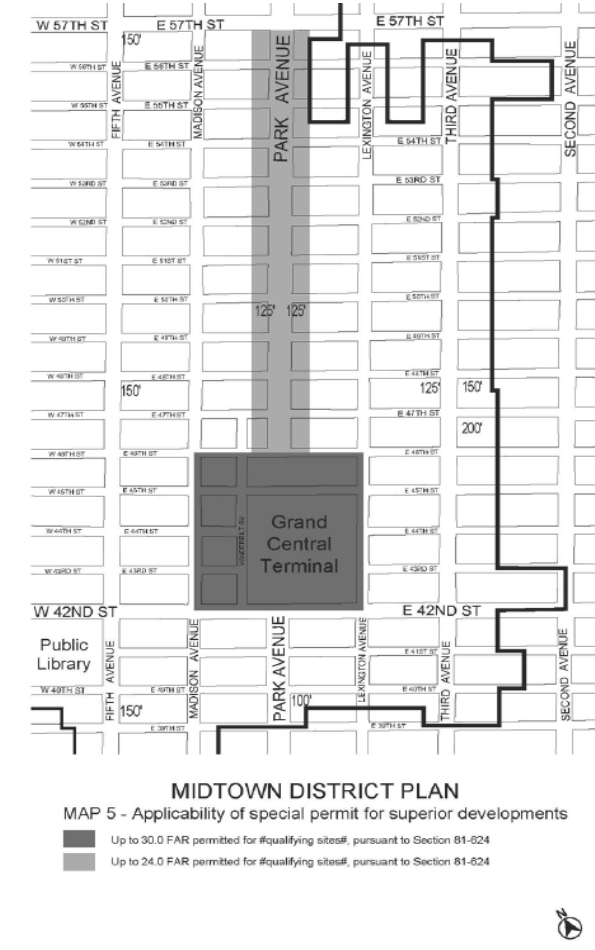
Map 3: Subway Station and Rail Mass Transit Facility Improvement Areas



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



Map 5: Applicability of special permit for superior developments



**No. 9  
EAST MIDTOWN REZONING**

**CD 5, 6 N 130247(A) ZRM**  
**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community Districts 5 and 6.

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;  
Matter with # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

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**Chapter 1  
Special Midtown District**

**81-00  
GENERAL PURPOSES**

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

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

the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;

- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area 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) 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) 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) 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) 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
East Midtown-Grand Central Subdistrict	81-60
Theater Subdistrict	81-70
Fifth Avenue Subdistrict	81-80
Preservation Subdistrict	81-90

The Subdistricts are also subject to all other regulations of the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District#

and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves. 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).

\* \* \*

**81-21**  
**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	
C5P	C6-4	C5-2.5	C5-3
	C6-5	C6-4.5	C6-6
	M1-6	C6-5.5	C6-7
		C6-6.5	<del>C5-2.5</del> <del>C6-6</del>
B.	Basic Maximum FAR		
	8.0	10.0	12.0 14.0 15.0 <del>12.0</del> <del>15.0</del>
C.	Maximum As-of-Right #Floor Area# Allowances: (District-wide Incentives), #Public plaza# (Section 81-23)		
	—	1.0 <sup>1,2</sup> 1.0 <sup>1,3</sup>	— 1.0 <sup>2</sup> — —
D.	Maximum Total FAR with As-of-Right Incentives		
	8.0	11.0 <sup>1,2,7</sup> <sup>8</sup>	13.0 <sup>1,3</sup> 14.0 16.0 <del>12.0</del> <del>15.0</del>
F.	Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvement (Section 74-634)		
	—	2.0 <sup>1,6</sup> <sup>7</sup>	2.4 <sup>1</sup> — 3.0 <del>2.4</del> <del>3.0</del>
G.	Maximum Total FAR with District-wide and As-of-Right Incentives		
	8.0	12.0	14.4 14.0 18.0 <del>14.4</del> <del>18.0</del>
F.	Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)		
	—	2.0	— 3.0 — —
G.	Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:		
	—	12.0	— — 18.0 — —

H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:  
 Development rights (FAR) of a “granting site” (Section 81-744)

—	10.0	12.0	14.0	15.0	—	—
Maximum amount of transferable development rights (FAR) from “granting sites” that may be utilized on a “receiving site” (Section 81-744(a))						
—	2.0	2.4	2.8	3.0	—	—
Inclusionary Housing (Sections 23-90 and 81-22)						
—	2.0 <sup>4</sup>	—	—	—	—	—

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

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

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

—	2.4	—	—	—	—	—
---	-----	---	---	---	---	---

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

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

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

Rehabilitation of “listed theaters” (Section 81-745)						
—	4.4	2.4	2.8	3.0	—	—

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

8.0	14.4	14.4	16.8	18.0	—	—
-----	------	------	------	------	---	---

N. Maximum FAR of Lots Involving Landmarks:

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

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

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

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

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

(a) — an “adjacent lot” (Section 74-79)

1.6	2.0	2.4	No Limit	No Limit	2.4	No Limit
-----	-----	-----	----------	----------	-----	----------

(b) — a “receiving lot” (Section 81-634)

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

(c) — a “receiving lot” (Section 81-635)

—	—	—	—	—	0.6	0.6
---	---	---	---	---	-----	-----

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

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

- 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 34<sup>th</sup> Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities)

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

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

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

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

Wherever there is an inconsistency between any provision in

Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

Within the East Midtown Subdistrict, ~~Grand Central Subdistrict~~, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79, or Section 81-633 (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:

- (d) 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
- (e) 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#:

- (f) 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);
- (g) 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#

(h) 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;

(i) 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

(k) 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

(l) 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  
MAXIMUM FLOOR AREA ALLOWANCES FOR QUALIFYING SITES IN THE EAST MIDTOWN SUBDISTRICT**

Row	Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#	Grand Central Subarea				Northern Subarea				Any other Areas
		Grand Central Subarea Core	Non-Core		Along Park Ave, north of Grand Central Terminal	Northern Subarea Core	Non-Core			
			C5-2.5	C5-3			C5-2.5	C5-3		
		C5-3	C5-2.5	C5-3	C5-3	C5-2.5	C5-3	C5-2.5	C5-3	
			C6-4.5	C6-6			C6-4.5	C6-6	C6-4.5	C6-6
A	Basic Maximum FAR	15	12	15	15	15	12	15	12	15
B	Additional FAR through District Improvement Bonus (DIB) (Section 81-621)	3	3	3	3	3	1.2	1.5	2.4	3
C	Additional FAR for further contributions to DIB (Section 81-621) or transfer of development rights from landmark buildings (Sections 81-622)	6	6.6	3.6	3.6	3.6	1.2	1.5	-	-
D	Total as-of-right FAR	24	21.6	21.6	21.6	21.6	14.4	18	14.4	18
E	Additional FAR through special permit (Section 81-625)	6	NA	NA	2.4	2.4	-	-	-	-
F	Maximum FAR permitted for #qualifying Sites#	30	21.6	21.6	24	24	14.4	18	14.4	18

**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:

- (6) 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);
- (7) 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;
- (8) 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

- (9) 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.

- (d) 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#.

- (e) 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.

- (f) 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:

- (5) 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;

- (6) site plans and zoning calculations for the #granting lot# and #receiving lot# shall be submitted to the Chairperson;

- (7) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#; and

- (8) 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.

- (d) 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.

- (e) 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#.

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

- (4) 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#;

- (5) 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;

- (6) 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

- (7) the proposed #building# complies with all the applicable height and setback regulations of the Special Midtown District.

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

- (3) the #building# footprint, including the size and configuration thereof, will be sufficient to accommodate a substantial #non-residential# or #mixed building#;

- (4) 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;

- (5) 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;;

- (6) 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.

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

- (3) 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

- (4) 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 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37- 51 (Amount of Pedestrian Circulation Space) or the curb cut and loading berth provisions of Section 81-676 (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)

(e) 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;

(5) 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:

(iv) 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:

(v) fronts upon a #street# or a pedestrian circulation space in close proximity to and full view of an adjoining sidewalk; and

(vi) 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);

(6) 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;

(7) 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:

(iv) 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;

(v) 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

(vi) 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;

(7) 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

(8) 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.

(f) 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:

(iii) 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;

(iv) 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;

(7) any below-grade improvements required as part of the proposed #development# pursuant to condition (b)(3) of this Section shall:

(iv) 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;

(v) 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

(vi) 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;

(8) 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#;

(9) 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

(10) 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#.

(e) 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:

(4) no more than 40 percent of the #building's floor area# shall be allocated to #residential use#; and

(5) 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	C5-2.5	C5-3	C6-4.5	C6-6
A	Basic Maximum FAR	15	12	15	15	12	15	12	15
B	Additional FAR for provision of a #public plaza# (Section 81-631)	-	-	-	1	1	1	1	1
C	Total as-of-right FAR	15	12	15	16	13	16	13	16
D	Additional FAR for subway station improvements through special permit (Section 81-632)	3	2.4	3	3	2.4	3	2.4	3
E	Maximum FAR of a #landmark or other structure# for transfer purposes (Sections 81-633, 81-634, 81-635, 81-636 and 81-637)	15	12	15	15	12	15	-	-
F	Maximum FAR of a #landmark or other structure# for transfer purposes (Section 74-79)	15	12	15	16	13	16	13	16
G	Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on:								
	1 an #adjacent lot# (Sections 74-79)	No limit	2.4	No limit	No limit	2.4	No limit	2.4	No limit
	2 a #receiving lot# in Grand Central Subarea through certification by Chairperson of the CPC (Section 81-634)	1	1	1	-	-	-	-	-
	3 a #receiving lot# in Grand Central Subarea through special permit (Section 81-635)	6.6	9.6	6.6	-	-	-	-	-
	4 a #receiving lot# in the Northern Subarea through authorization (Section 81-636)	-	-	-	3	2.4	3	-	-
	5 a #receiving lot# in the Northern Subarea through special permit (Section 81-637)	-	-	-	6.6	-	-	-	-
H	Maximum FAR permitted	No limit	21.6	No limit	No limit	14.4	No limit	14.4	No limit

**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

(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.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).

(e) 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#;

(4) 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.

(f) 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:

(vi) 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#;

(vii) 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;

(viii) 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.

(g) 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:

(v) 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;

(vi) 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;

(vii) 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

(viii) 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:

- (c) 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.
- (d) 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:

- (c) 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.

- (d) 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

(iii) 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.

(iv) 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:

(e) 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;

(f) 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

(g) 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.

(h) 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.

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.

(c) 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).

(d) 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).

(e) 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:

(c) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):

(i) 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#;

(ii) #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

(iii) 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:

(iii) 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

(iv) the #street frontage zone# calculation along Madison Avenue shall not include Vanderbilt Avenue; and

(d) 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#.

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

\*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:

(c) For the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):

(1) the computation of daylight evaluation shall not include any daylight blockage, 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

(d) 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:

**81-652 Special street wall requirements along narrow streets**  
#Buildings# that front upon #narrow streets# within the

- (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).

- (b) Mandatory sidewalk widenings
  - (3) 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#.
  - (4) 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.

- (d) 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.
- (e) 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:

- (c) 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:
  - (4) such mass transit access is improved to the standards set forth in Section 81-48 (Off-street Improvement of Access Rail Mass Transit Facility);
  - (5) 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
  - (6) 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);

- (d) 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.

- (d) 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).
- (e) 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.
- (f) 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.

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

- (3) 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:
- (3) Within sidewalk widenings, a minimum level of illumination of two horizontal foot candles shall be maintained between sunset and sunrise; and
- (4) 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:

- (b) 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:
- (iv) a #building# existing on (date of adoption) containing #residences#;
- (v) a #non-residential building# existing on (date of adoption) that is three or more #stories# in height; or
- (vi) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or
- (3) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.
- (c) 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:

- (g) 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.
- (h) 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.
- (i) 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;
- (j) 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;
- (k) 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;
- (l) 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 (b) 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), 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 1 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.

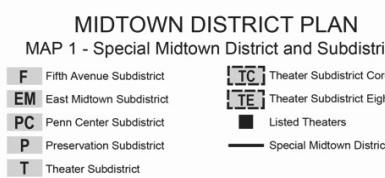
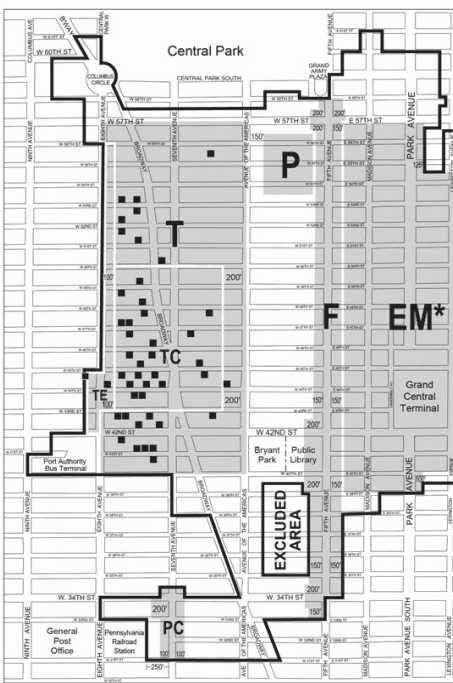
Prior to the grant of a special permit, the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land, 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.

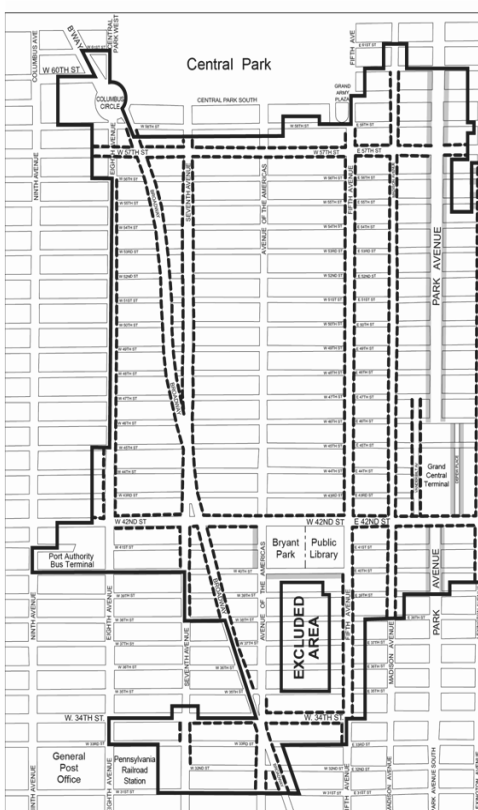
Appendix A Midtown District Plan Maps

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



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

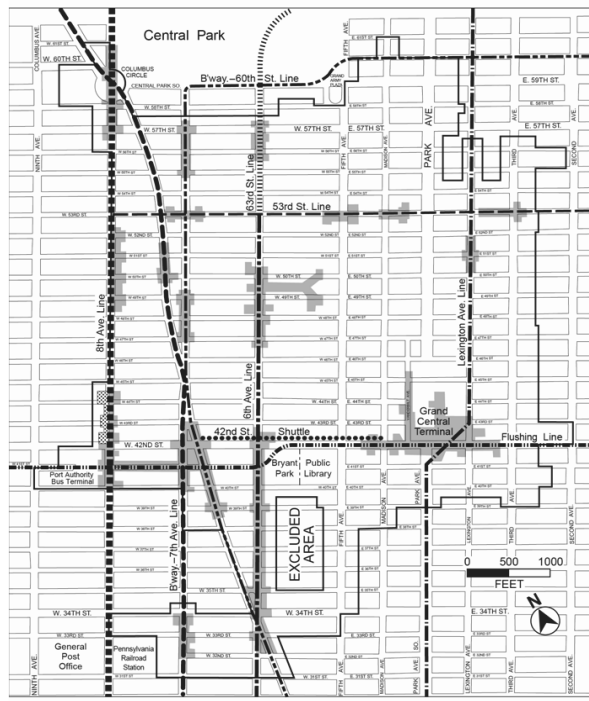
Map 2: Retail and Street Wall Continuity [REPLACE EXISTING MAP]



MIDTOWN DISTRICT PLAN MAP 2 - Retail and Street Wall Continuity

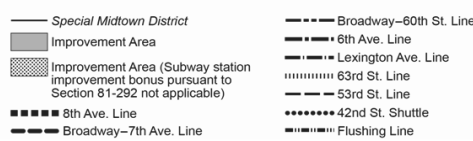


Map 3: Subway Station and Rail Mass Transit Facility Improvement Areas [REPLACE EXISTING MAP]

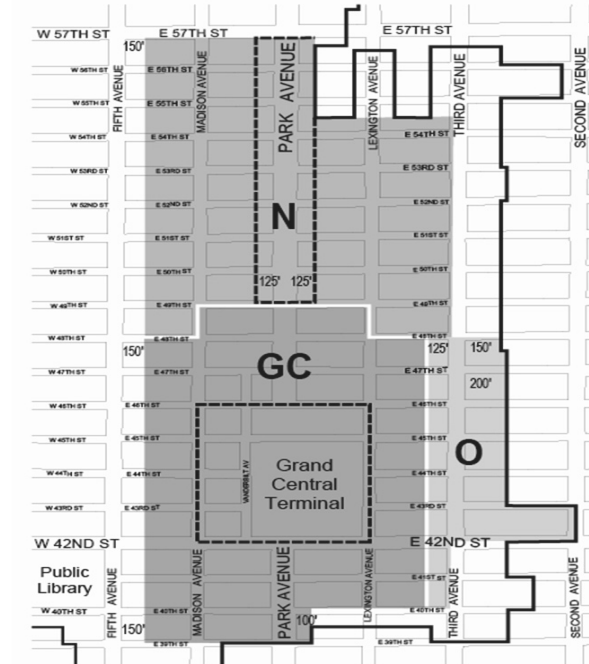


MIDTOWN DISTRICT PLAN

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



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

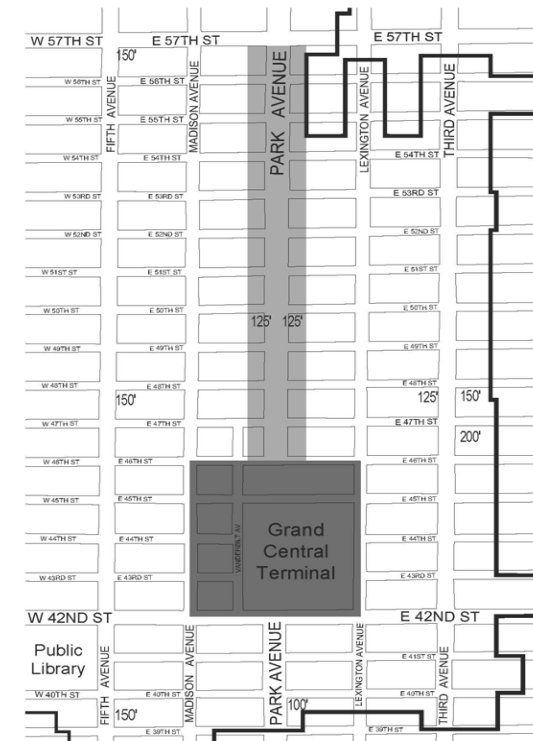


MIDTOWN DISTRICT PLAN

MAP 4 - East Midtown Subareas and Subarea Cores



Map 5: Applicability of special permit for superior developments [NEW MAP]



MIDTOWN DISTRICT PLAN

MAP 5 - Applicability of special permit for superior developer



NOTICE

On Wednesday, August 7, 2013, at 9:00 A.M., in the National Museum of the American Indian at the historic Alexander Hamilton U.S. Custom House located at One Bowling Green, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by the New York City Department of City Planning (DCP) for zoning map and zoning text amendments, and a potential change to the City Map (collectively, the "Proposed Action") affecting an approximately 70-block area within East Midtown, in Manhattan Community

Districts 5 and 6. The rezoning area is generally bounded by East 39th Street to the south, East 57th Street to the north, Second and Third Avenues to the east and a line 150 feet east of Fifth Avenue to the west. The Proposed Action would ensure that East Midtown's stature as a preeminent commercial district and one of the world's best business addresses is retained, while providing for pedestrian network improvements in the area. The public hearing will also consider a modification to the Proposed Action, (ULURP No. N 130247(A) ZRM). Written comments on the DEIS are requested and would be received and considered by the Lead Agency until Monday, August 19, 2013.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 13DCP011M.

CITYWIDE Nos. 10 & 11 FLOOD RESILIENCE TEXT AMENDMENT No. 10

CITY WIDE N 130331 ZRY IN THE MATTER OF an application by the Department of City Planning pursuant to Section 200 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, pertaining to enabling flood resilient construction within flood zones.

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.

ARTICLE I GENERAL PROVISIONS

Chapter 1 Title, Establishment of Controls, and Interpretation of Regulations

11-339 Post-Hurricane Sandy construction

The provisions of this Section are subject to all of provisions of Appendix G of the Building Code of the City of New York including those pertaining to expiration, reinstatement, revocation and suspension.

(a) Applications for approval of construction documents approved pursuant to Executive Order

If an application for approval of construction documents has been approved on or before (date of adoption) pursuant to Executive Order No. 230, "Emergency Order to Suspend Zoning Provisions to Facilitate Reconstruction in Accordance with Enhanced Flood Resistant Construction Standards" and its successors, relating to Hurricane Sandy as defined in section 64-11 of this Resolution, a building permit authorizing such construction may be issued pursuant to the regulations of this Resolution in effect at the time of such approval of construction documents, and such construction may continue until a date six years after (date of adoption).

(b) Applications for approval of construction documents approved pursuant to prior versions of #flood maps#

If an application for approval of construction documents has been approved within one year prior to or after the date the Federal Emergency Management Agency issues new #flood maps#, a building permit authorizing such construction may be issued pursuant to the regulations of this Resolution in effect at the time of such approval of construction documents, except that the provisions of Article VI, Chapter 4 shall be deemed modified so as to refer to #flood map# in effect on the date of approval of such construction documents, and such construction may continue until a date six years after (date of adoption).

(c) Provisions applying in the event that Flood Resilience Zoning Text Amendment expires

This provision shall become effective only upon the expiration of Article VI, Chapter 4 (Special Regulations Applying in the Flood Hazard Area), adopted on (date of adoption). If an application for approval of construction documents has been approved on or before the expiration of the Flood Resilience Zoning Text Amendment, a building permit authorizing such construction may be issued pursuant to Article VI, Chapter 4, and such construction may continue until a date six years after the expiration of such Flood Resilience Zoning Text Amendment.

Chapter 2 Construction of Language and Definitions

12-10 DEFINITIONS

Base plane

The “base plane” is a plane from which the height of a #building or other structure# is measured as specified in certain Sections. For #buildings#, portions of #buildings# with #street walls# at least 15 feet in width, or #building segments# within 100 feet of a #street line#, the level of the #base plane# is any level between #curb level# and #street wall line level#. Beyond 100 feet of a #street line#, the level of the #base plane# is the average elevation of the final grade adjoining the #building# or #building segment#, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation. In either case, ~~where the #base flood elevation# is higher than grade, in the #flood zone#, either the #base flood elevation# may be the level of the #base plane# or #building# height may be measured from the #flood-resistant construction elevation#, as provided in Article VI, Chapter 4.~~ For the purposes of this definition, #abutting buildings# on a single #zoning lot# may be considered a single #building#. In addition, the following regulations shall apply:

**Flood Maps**

“Flood Maps” shall be the most recent advisory or preliminary maps or map data released by the Federal Emergency Management Agency (FEMA), until such time as the City of New York adopts new final Flood Insurance Rate Maps. When new final Flood Insurance Rate Maps are adopted by the City of New York to supersede the Flood Insurance Rate Maps in effect on October 28, 2012, “Flood Maps” shall be such new adopted final Flood Insurance Rate Maps.

**Flood Zone**

The “flood zone” is the area that has a one percent chance of flooding in a given year, as indicated on the effective Flood Insurance Rate Maps, plus any additional area that has a one percent chance of flooding in a given year, as indicated on the #flood maps#.

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

**Chapter 3**

**Residential Bulk Regulations in Residence Districts**

**23-00  
APPLICABILITY AND GENERAL PURPOSES**

**23-01  
Applicability of This Chapter**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**Chapter 4  
Bulk Regulations for Community Facilities in Residence Districts**

**24-00  
APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS**

**24-01  
Applicability of this Chapter**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**Chapter 5**

**Accessory Off-Street Parking and Loading Regulations**

**25-029  
Applicability of regulations in flood zones**

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

**32-00  
GENERAL PROVISIONS**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**Chapter 3**

**Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

**33-00  
APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS**

**33-01  
Applicability of this Chapter**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**Chapter 4  
Bulk Regulations for Residential Buildings in Commercial Districts**

**34-00  
APPLICABILITY AND DEFINITIONS**

**34-01  
Applicability of this Chapter**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**Chapter 5  
Bulk Regulations for Mixed Buildings in Commercial Districts**

**35-00  
APPLICABILITY AND DEFINITIONS**

**35-01  
Applicability of this Chapter**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**Chapter 6  
Accessory Off-Street Parking and Loading Regulations**

**36-028  
Applicability of regulations in flood zones**

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

**42-00  
GENERAL PROVISIONS**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**Chapter 3  
Bulk Regulations**

**43-00  
APPLICABILITY AND GENERAL PROVISIONS**

**43-01  
Applicability of this Chapter**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**Chapter 4  
Accessory Off-Street Parking and Loading Regulations**

**44-02  
Applicability**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**ARTICLE V  
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**Chapter 2  
Non-Conforming Uses**

**52-02  
Applicability of Article V, Chapter 2**

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

**Chapter 4  
Non-Complying Buildings**

**54-02  
Applicability of Article V, Chapter 4**

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

**ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 2  
Special Regulations Applying in the Waterfront Area**

**62-13  
Applicability of District Regulations**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Stapleton Waterfront District#.

The provisions of this Chapter shall not apply in the #Special Sheepshead Bay District# ~~shall be applicable~~, except that Section 94-061 (Uses permitted by right) shall be modified to permit all WD #uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

**62-341  
Developments on land and platforms**

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

- \* \* \*
- (3) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section 23-631 (Height and setback in R1, R2, R3, R4 or R5 Districts).

- (4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42, and, where applicable, Sections 64- 331, 64-332 or 64-432 shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

\* \* \*

**Article VI  
SPECIAL REGULATIONS APPLICABLE IN CERTAIN AREAS**

[ALL TEXT IN THIS CHAPTER IS NEW]

**Chapter 4  
Special Regulations Applying in Flood Hazard Areas**

**64-00  
GENERAL PURPOSES**

The provisions of this Chapter establish special regulations which are designed to encourage flood resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the federal government and the Building Code;
- (b) to enable buildings to be constructed pursuant to flood resistant-standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;
- (c) to mitigate the effects of elevated and floodproofed buildings on the streetscape and pedestrian activity; and
- (d) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s tax revenues.

**64-10  
GENERAL PROVISIONS**

The provisions of this Chapter shall be in effect until one year after the adoption by the City of New York of new Flood Insurance Rate Maps succeeding the Flood Insurance Rate Maps in effect on October 28, 2012.

**64-11  
Definitions**

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

**Basement**

For #buildings# or portions thereof that comply with #flood-resistant construction standards#, a “basement” is a #story# (or portion of a #story#) partly below #flood-resistant construction elevation#, with at least one-half of its height (measured from floor to ceiling) above #flood-resistant construction elevation#.

**Cellar**

For #buildings# or portions thereof that comply with #flood-resistant construction standards#, a #cellar# is a space wholly or partly below the #flood-resistant construction elevation#, with more than one-half its height (measured from floor to ceiling) below the #flood-resistant construction elevation#.



Flood-resistant construction elevation

The “flood-resistant construction elevation” is the greater of:

- (a) the Design Flood Elevation determined pursuant to Appendix G of the Building Code for a building’s structural occupancy category; or
- (b) the base flood elevation indicated on the #Flood Maps#, plus the additional elevation required above base flood elevation for the applicable occupancy category when determining the Design Flood Elevation pursuant to Appendix G of the Building Code.

Flood-Resistant Construction Standards

“Flood-resistant construction standards” shall:

- (a) comply with the standards of Appendix G of the New York City Building Code for “Post-FIRM Construction,” whether construction voluntarily complies with standards for “Post-FIRM Construction” or is required to comply; and
- (b) substitute the base flood elevation and flood hazard area designation of the #Flood Maps# for the base flood elevation and flood hazard area designation of the Flood Insurance Rate Maps in effect on October 28, 2012.

Lowest occupiable floor

The “lowest occupiable floor” shall be the finished floor level of the lowest #story# that is not used solely for parking, storage, building access or crawl space, where any space below such #lowest occupiable floor# is wet flood-proofed in accordance with #flood resistant construction# standards and used only for parking, storage or building access, or otherwise is not occupiable space.

Hurricane Sandy

A severe storm of October 28, 2012 causing heavy flooding, power outages, property damage, and disruption of public transportation and other vital services.

Predominant or predominantly

“Predominant” or “predominantly” shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or on the #zoning lot#, as applicable.

**64-12 Applicability**

The provisions of this Chapter shall apply only within the #flood zone#, as follows:

- (a) Except where otherwise stated, all #buildings# or portions thereof shall comply with #flood-resistant construction standards# as a condition of construction pursuant to the following optional provisions, inclusive:

Section 64-10	GENERAL PROVISIONS
Section 64-20	SPECIAL USE REGULATIONS
Section 64-30	SPECIAL BULK REGULATIONS
Section 64-40	SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012
Section 64-50	SPECIAL PARKING REGULATIONS
Section 64-70	SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS
Section 64-80	MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS
Section 64-90	SPECIAL APPROVALS

- (b) The provisions of Section 64-60 (DESIGN REQUIREMENTS) shall apply to all #developments#, all horizontal #enlargements# with new #street walls#, or alterations that increase the height of #street walls#, except that Section 64-65 (Design Requirements for Parking Areas Below Buildings) shall apply to all #buildings# as provided therein.

- (c) Where a #zoning lot# is located partially within a #flood zone#, the regulations of this Chapter shall apply where any portion of a #building# on such #zoning lot# is within a #flood zone#.

**64-13 Applicability of District Regulations**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict in the #flood zone# between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**64-131 Measurement of height**

All measurements of height shall be from the #flood-resistant construction elevation#. This provision shall not apply to #buildings# that are #accessory# to #single-# or #two-family residences#, or to fences, #signs# not affixed to #buildings#, or other structures that are not #buildings#.

**64-20 SPECIAL USE REGULATIONS**

**64-21 Ground Floor Use**

- (a) In all districts, where compliance with the elevation and wet floodproofing requirements of Appendix G of Building Code would result in a #lowest

occupiable floor# that is above a level required by the Zoning Resolution absent the provisions of this Section, such requirements shall be modified so that the level of such ground floor shall be the lowest level permitted for uses other than parking, storage and building access as if it were “Post-FIRM Construction” as defined by Appendix G of Building Code, using elevation and wet floodproofing techniques.

C1 C2 C4

- (b) In the districts indicated in the Borough of Staten Island, where #flood-resistant construction elevation# is more than 10 feet above #curb level#, the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall be modified to allow enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, on the ground floor within 30 feet of the #street wall# of the #building#, provided that the standards of Section 64-641 (Design requirements ) are met.

**64-22 Transparency Requirements**

In all districts, as an alternative to #street wall# transparency regulations, the following optional provisions may apply, except where #buildings# are governed by the provisions of Section 64-64 (Design Requirements for Non-residential and Mixed Buildings in Commercial and Manufacturing Districts).

#Street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between the level of the first finished floor above #curb level# and a height 12 feet above such level.

**64-30 SPECIAL BULK REGULATIONS**

**64-31 Special Floor Area Regulations**

**64-311 Entryways in single- and two-family residences**  
For #single-# and #two-family residences#, with enclosed entryways below #flood-resistant construction elevation# up to 10 square feet of such entryway may be excluded from the definition of #floor area# for each foot of difference between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area of ramps, stairs, lifts and elevators between grade and the first finished floor, plus an initial entry area of no more than 12 square feet.

**64-312 Entryways in all other buildings**  
For all #buildings# with enclosed publicly accessible entryways below #flood-resistant construction elevation#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area at each publicly accessible entryway of ramps, stairs, lifts and elevators plus an initial entry area of no more than 100 square feet for each entryway.

**64-313 Mechanical systems in low density districts**  
Floor space used for #accessory# mechanical equipment in R1-2A, R2A, R2X, R3, R4, or R5 Districts may be excluded from the definition of #floor area# without the limitations provided in the definition of #floor area#, Section 12-10 (DEFINITIONS), paragraphs (m) and (8).

**64-32 Special Yard Regulations**  
The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

**64-321 Level of Required Yards**  
Underlying #yard# regulations shall be modified to allow #yards# to be higher than #curb level# but in no event higher than #flood-resistant construction elevation#. In addition, the following regulations shall apply:

- (a) In Residence Districts and C1 through C6 Districts, #yards# higher than #curb level# shall comply with the following standards:
  - (1) Final grade shall not penetrate a plane that begins 30 inches above #curb level# at each #lot line# and has a slope extending perpendicular to #lot lines# of one foot vertical for each 2.5 feet horizontal;
  - (2) Retaining walls shall be permitted above #curb level# in #yards# provided the maximum height of each wall above adjacent grade does not exceed 30 inches;
  - (3) In Residence Districts, portions of fences greater than 4 feet above #curb level# shall be required to be no more than 50 percent opaque;
- (b) In C7 and C8 Districts and in Manufacturing Districts, #yards# are permitted to a maximum of grade equal to #flood-resistant construction elevation#. However, for portions of #zoning lots# where Sections 33-29 and 43-30 (Special Provisions Applying along District Boundaries) apply, #yards# are permitted above #curb level# only pursuant to paragraph (a) of this Section.

Nothing in this Section shall be construed so as to permit the creation of spaces sub-grade on all sides in a manner inconsistent with Appendix G of the Building Code.

**64-322 Permitted Obstructions in Required Yards, Courts and Open Space**

- (a) For #single-# and #two-family residences#, where #flood-resistant construction elevation# is five feet or more above #curb level#, roofed porches shall be permitted obstructions in any #open space# required on the #zoning lot# and in #yards#.
- (b) For #single-# and #two-family residences#, lifts for persons with disabilities shall be permitted obstructions in any #open space# required on the #zoning lot# and in #courts#, #yards# and #rear yard equivalents#, provided that in #front yards#, such lifts are unenclosed.
- (c) For all #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be a permitted obstruction in #rear yards# and #rear yard equivalents#, provided that such equipment is:
  - (1) located above #flood-resistant construction elevation#;
  - (2) enclosed within a #building# or portion thereof, or within a #structure# that provides screening on all sides by walls consisting of at least 50 percent opaque materials;
  - (3) in R3, R4 or R5 Districts, limited to a height of 10 feet above #flood-resistant construction elevation#, including the apex of a pitched roof;
  - (4) in R6, R7, R8, R9 or R10 Districts, limited to a height of 14 feet above #flood-resistant construction elevation#; or
  - (5) in Commercial or Manufacturing Districts, limited to a height of 23 feet above #flood-resistant construction elevation#;

In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard# or #rear yard equivalent#.

Furthermore, #accessory# mechanical equipment located in #rear yards# or #rear yard equivalents# and meeting the standards of this Section shall be a permitted obstruction in any #open space# required on the #zoning lot#, provided that the total area occupied by a #building# used for both enclosed parking and such mechanical equipment does not exceed 20 percent of the total required #open space# on the #zoning lot#.

**64-323 Flood panels in Required Yards and Open Space**

Temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in #yards# and #rear yard equivalents#, #courts# and #open space# during such storm event and for a reasonable period prior to and after such storm event, as determined by the Department of Buildings.

**64-33 Special Height and Setback Regulations**

**64-331 Permitted obstructions for multi-family buildings in R3-2 and R4 Districts**

The provisions this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

In the districts indicated, for all #buildings# or portions thereof subject to Section 23-60 (HEIGHT AND SETBACK REGULATIONS), except #single-# and #two-family residences#, the following shall be considered permitted obstructions to height and setback regulations:

Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:

- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- (2) all mechanical equipment shall be screened on all sides;
- (3) the #lot coverage# of all such obstructions and screening does not exceed 10 percent of the #lot coverage# of the #building#; and

- (4) such obstructions are limited to a height of 15 feet above the maximum height of perimeter walls.

**64-332****Permitted obstructions for buildings in medium and high density districts**

The provisions this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in all #commercial# and #manufacturing districts#, for all #buildings#, the underlying regulations governing permitted obstructions to height and setback shall be modified to increase the permitted volume for elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, from a maximum #lot coverage# of 20 percent of the #lot coverage# of the #building to a maximum #lot coverage# of 30 percent of the #lot coverage# of the #building#, provided that where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

**64-333****Street wall location in certain districts**

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

In all districts, where underlying #street wall# location regulations require the ground floor of a #street wall# to extend along the entire #street frontage# of a #zoning lot# and be located on the #street line#, such regulations are modified as follows:

- (a) Recesses, not to exceed five feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#, and
- (b) Up to 30 percent of the #aggregate width# of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. However, no recesses shall be permitted within 30 feet of the intersection of two #street lines#.

**64-344****Alternate height measurement for single- and two-family residences**

R1 R2 R3 R4 R5

In the districts indicated, as an alternate to Section 64-131 (Measurement of height), for #single-# and #two-family residences# where #flood-resistant construction elevation# is between six and nine feet above #curb level#, #building# height may be measured from a reference plane nine feet above #curb level#, provided that at least two mitigating elements are provided from the list in Section 64-61 (Design Requirements for Single- and Two-Family Residences).

**64-345****Alternate height measurement for other buildings in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, as an alternate to Section 64-131 (Measurement of height), for all #buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) are met.

**64-346****Alternate height measurement in Commercial and Manufacturing Districts**

C1 C2 C3 C4 C5 C6

- (a) In the districts indicated, as an alternate to Section 64-131 (Measurement of height), for all #residential buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) are met.

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

- (b) In the districts indicated, as an alternate to Section 64-131 (Measurement of height), for all #buildings# other than #residential buildings# and #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#, where #flood-resistant construction elevation# is between five and 12 feet above #curb level#, #building# height may be measured from a reference plane 12 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-642 (Transparency requirements for buildings utilizing alternative height measurement) are met.

**64-40****SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012**

The following provisions shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#.

**64-41****Special Floor Area Regulations for Buildings Existing on October 28, 2012****64-411****Floors below the flood-resistant construction elevation**

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability). This Section shall not apply to #buildings# containing any non-#residential uses# where the #flood-resistant construction elevation# is less than two feet above the level of the first finished floor above #curb level#.

Where the level of any finished floor that existed on October 28, 2012 is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that the #story# at that level, as well as any space below such #story#, complies with the wet floodproofing requirements for #flood resilient construction#. The certificate of occupancy, if required, shall note that such #story# has been wet floodproofed and must comply with the provisions of Appendix G of the Building Code.

Furthermore, the #floor area# which has been wet floodproofed pursuant to the provisions of this section need not be rebuilt prior to sign-off or certificate of occupancy for such alteration to the wet floodproofed #story# in order for such #floor area# to be preserved as long as an application for construction documents for the reconstruction of such #floor area# has been approved by the Department of Buildings prior to the issuance of such sign-off or certificate of occupancy for the alteration associated with the wet floodproofing. Such construction documents shall acknowledge that the #non-complying floor area# is being preserved and shall depict its use within the same #building# at or above the #flood-resistant construction elevation#.

**64-412****Lowest story of a residential building**

In all districts, where the #floor area# of a #single-or-two-family residence# existing on October 28, 2012 did not include the lowest #story# because such #story# complied with the criteria set forth in paragraph (9) of the definition of "floor area" in Section 12-10, any space used for dwelling purposes within such #story# shall continue to be exempt from the definition of #floor area#, notwithstanding such criteria, provided such #story# is elevated or reconstructed at or above the #flood-resistant construction elevation#.

**64-42****Yards, Courts and Open Space for Buildings Existing on October 28, 2012****64-421****Permitted obstructions**

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

- (a) For existing #single-# and #two-family residences#, and for the reconstruction of such #residences#, mechanical equipment including but not limited to #accessory# heating and cooling equipment and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment is:

- (1) located above #flood-resistant construction elevation#;
- (2) within a #structure# that provides screening on all sides by walls consisting of at least 50 percent opaque materials;
- (3) located no more than seven feet from the wall of a #building#;
- (4) located at least five feet from any #lot line#; and
- (5) limited to a height of no more than 10 feet above #flood-resistant construction elevation#.

In addition, such mechanical equipment may be considered a permitted obstruction when located above #flood-resistant construction elevation# within a detached garage, provided that it is covered by a roof that does not exceed a height of 14 feet above the adjoining grade, measured to the midpoint of a sloping roof.

- (b) For existing #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be permitted obstructions in #courts# and #open space#, provided such equipment is:

- (1) located above #flood-resistant construction elevation#;
- (2) within a #structure# that provides screening on all sides by walls consisting of at least 50 percent opaque materials;
- (3) limited to a height established in Section 64-322 (Permitted Obstructions in Required Yards, Courts and Open Space), paragraph (c), for mechanical equipment as permitted obstructions in a #rear yard#; and
- (4) located at least 30 feet from any #legally required window#.

- (c) For existing #buildings#, except #single-# and #two-family residences#, lifts for persons with disabilities, where permitted pursuant to provisions of the Building Code, shall be permitted obstructions in #yards#, #courts# and #open space#.

**64-422****Front yard planting requirement**

R1 R2 R3 R4 R5

In the districts indicated, the provisions of Section 23-451 (Planting requirement) are modified for existing #buildings#, where the distance between the #street wall# and the #street line# is six feet or less, to allow stairs, ramps or lifts that access the #lowest occupiable floor# to be counted as planted area for the purposes of fulfilling the requirements of such provisions.

**64-43****Special Height and Setback Regulations for Buildings Existing on October 28, 2012****64-431****For existing single- and two-family residences**

#Single-# and #two-family residences# existing on October 28, 2012 may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest floor level containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#, and in doing so, may create a #non-compliance# as to height and setback to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#.

This Section shall not preclude the construction of complying #enlargements# or other #complying structures# on the #zoning lot#.

#Buildings# that were complying on October 28, 2012 and vertically elevated or reconstructed to a higher elevation pursuant to this Section shall be considered legal #non-complying buildings#.

**64-432****Permitted obstructions for certain existing buildings**

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in #commercial# and #manufacturing districts#, for all existing #buildings#, the underlying regulations governing permitted obstructions to height and setback shall be modified to increase the permitted volume for elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, as follows:

- (a) Where the maximum #building# height is less than 120 feet, the maximum permitted height of such volume may be increased from 25 feet to 33 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage of the #building#, and
- (b) Where the maximum #building# height 120 feet or greater, the maximum permitted height of such volume may be increased from 40 feet to 55 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage of the #building#.

**64-44****Special Minimum Distance Regulations for Buildings Existing on October 28, 2012**

For #single-# and #two-family residences# existing on October 28, 2012, if such #buildings# are elevated, relocated or reconstructed pursuant to Sections 64-131 (Measurement of building height), 64-722 (Single- and two-family residences in required front yards) and 64-331 (Special height and setback provisions for single- and two-family residences), the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply.

**64-50****SPECIAL PARKING REGULATIONS**

Sections 64-51 (For Residential Buildings with Below-Grade Parking) and 64-52 (For Elevated Buildings) shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#. Section 64-51 shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

Section 64-53 (Surfacing) shall apply to all #zoning lots# within the #flood zone#.

The underlying parking location, curb cut spacing, permitted obstruction and surfacing regulations are modified in accordance with the provisions of this Section.

**64-51****For Residential Buildings with Below-Grade Parking**

R1 R2 R3 R4 R5

In the districts indicated, other than R4B and R5B Districts, where below-grade garages within #residential buildings# are eliminated in order to comply with Appendix G of the Building Code, #accessory# off-street parking spaces may be relocated from such garages to the side or rear of such #buildings#, or to the #front yard# driveway that accessed the former garage, or to a shared driveway along a common #side lot line#. Where such parking spaces are so relocated, each such space shall have a dimension at least 18 feet long and eight feet wide, and such spaces shall be allowed without regard to underlying parking location, curb cut spacing, or permitted obstruction regulations. No modifications of the number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut shall be allowed. Where eliminated garages were accessed by a driveway less than 18 feet long, such driveway and curb cut shall be eliminated, and the former driveway planted to the extent necessary to comply, or increase compliance, with the provisions of Section 23-451 (Planting requirement) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

In the event there is no way to arrange relocated required parking spaces on the #zoning lot# in compliance with the

provisions of this Section, as determined by the Department of Buildings, and given that existing #buildings# may remain, the Commissioner of Buildings shall waive such spaces.

**64-52**  
**For Elevated Buildings**  
R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, for #zoning lots# with #single-# or #two-family residences# where #flood-resistant construction elevation# is at least nine feet above #curb level# and at least two #accessory# off-street parking spaces are provided beneath such floor, such spaces shall be allowed without regard to the underlying parking location, curb cut spacing, or permitted obstruction regulations. However, no modifications of the number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut shall be allowed.

**64-53**  
**Surfacing**  
R1 R2 R3 R4 R5

In the districts indicated, Section 25-65 (Surfacing) shall be modified to allow gravel driveways that access one #single-# or #two-family residence# on a #zoning lot#, provided that all portions of such driveway located between the curb and the #front lot line# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick, and public sidewalks shall be constructed to Department of Transportation standards.

**64-60**  
**DESIGN REQUIREMENTS**

The following Sections shall apply to all #developments# and to all horizontal #enlargements# with new #street walls# or alterations increasing the height of #street walls#, or as otherwise cross-referenced within this Chapter:

Section 64-61	Design Requirements for Single- and Two-family Residences
Section 64-62	Design Requirements for Other Buildings in Residence Districts
Section 64-63	Design Requirements for Residential Buildings in Commercial Districts
Section 64-64	Design Requirements for Non-residential and Mixed Buildings in Commercial and Manufacturing Districts

Section 64-65 (Design Requirements for Parking Areas Within or Below Buildings) shall apply to any #zoning lot# occupied by a #building#, other than a #single-# or #two-family residence# constructed after (date of amendment). Any #zoning lot# occupied by a #building# constructed prior to such date shall not be altered in any way that will either create new #non-compliance# or increase the degree of #non-compliance# with the provisions of Section 64-65.

**64-61**  
**Design Requirements for Single- and Two-family Residences**  
R1 R2 R3 R4 R5

In the districts indicated, for #single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, where the level of the lowest habitable floor is five feet or more above #curb level#, at least one of the following visual mitigation elements shall be provided. For such #residences# where the level of the lowest habitable floor is nine feet or more above #curb level#, at least two of the following visual mitigation elements shall be provided.

- (a) Porch  
Where provided as a mitigating element, a porch shall have a finished floor at least six inches below the lowest habitable floor and have a width at least 70 percent of the aggregate width of all #street walls# within 25 feet of the #street line#. The depth of the porch must be at least five feet, and the porch may not be closer to the #street line# than five feet. Open porches shall count as one mitigating element and roofed porches shall count as two mitigating elements, provided that for such roofed porches, all structural elements have a minimum width or depth of at least three inches and such roof has a depth of at least five feet measured perpendicular to the #street wall#.
- (b) Stair direction change  
Where provided as a mitigating element, stairs shall be provided between grade and the first lowest habitable floor or porch, as applicable, which change direction at least 90 degrees in plan at a point no lower or higher than two feet from the beginning and end of the stair run.
- (c) Raised front yard  
Where provided as a mitigating element, the grade between the #street line# and #street walls# within 25 feet of the #street line#, and their prolongations, shall be elevated above #curb level# so that a line drawn midway between the #street line# and such #street walls# and prolongations is at least 18 inches above #curb level# at all points, except for pedestrian ways, vehicular access and off-street parking spaces permitted pursuant to Section 64-50 (SPECIAL PARKING REGULATIONS). The area with final grade above #curb level# must be greater than 50 percent of the total area between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Such raised #yards# shall be planted to comply with Section 23-451 (Planting requirement).
- (d) Trees or shrubs at least three feet high  
Where provided as a mitigating element, trees or shrubs that attain a height of at least three feet shall be provided between the #street line# and #street walls# within 25 feet of the #street line#

and their prolongations. Planting beds must be at least three feet wide in plan, measured parallel and perpendicular to the #street line#. The length of each planted area may be measured by inscribing each planted area within a rectangle and measuring the longest dimension of such rectangle. The total length of planted areas must be greater than 60 percent of the #lot width#, and be planted to screen at least 50 percent of the #street wall#.

However, no mitigation shall be required where more than 50 percent of the #street wall# of a #building# is closer than three feet from the #street line#.

**64-62**  
**Design Requirements for Other Buildings in Residence Districts**  
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, for all #buildings#, except #single-# and #two-family residences#, where #street walls# are within 50 feet of the #street line#, and where the level of the first habitable floor is ten feet or more above #curb level#, the following visual mitigation elements shall be provided.

- (a) Lobby or #non-residential use#  
A lobby with a minimum width of 20 feet shall be provided along the #street wall# at the level of the adjoining sidewalk, with a depth of at least 20 feet. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such lobby width shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet above the level of the adjoining sidewalk and a height ten feet above the level of the first finished floor above #curb level#.

Any permitted #non-residential use#, other than #accessory# off-street parking or storage may be substituted for lobby area required pursuant to this Section, provided that required width, depth, and transparency shall apply to such #use#.

However, where #flood-resistant construction standards# prohibit glazing, the glazing requirements of this Section shall not apply.

- (b) Trees or shrubs at least three feet high

The entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, with trees or shrubs that attain a height of at least three feet, except that such trees or shrubs shall not be required at a depth of more than six feet from the #street wall# and its prolongations, at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. The required planting bed shall have a depth of at least three feet.

**64-63**  
**Design Requirements for Residential Buildings in Commercial Districts**  
C1 C2 C3 C4 C5 C6

In the districts indicated, and in #Special Mixed Use Districts#, for all #residential buildings#, except #single-# and #two-family residences#, where #street walls# are within 50 feet of the #street line#, and where the level of the first habitable floor is ten feet or more above #curb level#, the provisions of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) shall apply.

**64-64**  
**Design Requirements for Non-residential and Mixed Buildings in Commercial and Manufacturing Districts**

**64-641**  
**Transparency requirements**  
C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

The provisions of this Section shall apply in the districts indicated to all #buildings#, other than:

- (a) #residential buildings#; and
- (b) In C8 and M Districts, other than #Special Mixed Use Districts#, #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#.

Where #street walls# are within 50 feet of the #street line#, and where #flood-resistant construction elevation# is ten feet or more above #curb level#, a portion of the #street wall# with a minimum of 20 feet in width shall provide transparent glazing materials occupying a minimum of 50 percent of the surface area of such #street wall# portion, measured between a height of two feet above the level of the adjoining sidewalk and a height 12 feet above the level of the first finished floor above #curb level#. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such transparent portion of the #street wall# shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet.

However, where #flood-resistant construction standards# prohibit glazing, the glazing requirements of this Section shall not apply.

**64-642**  
**Transparency requirements for buildings utilizing alternative height measurement**  
C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

In the districts indicated, for all #buildings# utilizing the provisions of Section 64-346 (Alternate height measurement in Commercial and Manufacturing Districts), paragraph (b), the following provisions shall apply.

#Street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between a height of two feet above the level of the adjoining sidewalk and a height of 12 feet above the level of the first finished floor above #curb level#.

**64-65**  
**Screening Requirements for Parking Within or Below Buildings**

The provisions of this Section shall apply to all #buildings#, other than:

- (a) #single# or #two-family residences#; and
- (b) In C8 and M Districts, other than #Special Mixed Use Districts#, #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#.

Where the #flood-resistant construction elevation# is five or more feet above #curb level# and the #street wall# of a #building# is within 50 feet of the #street line#, for any level where off-street parking is provided within or below a #building#, such parking shall be screened from the #street line# with a #street wall# that is at least 50 percent opaque. Each one-foot square portion of such #street wall# shall comply individually with this requirement.

In case of a conflict between the provisions of this Section and the provisions of another Chapter, the more restrictive provisions shall apply.

**64-70**  
**SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**64-71**  
**Non-Conforming Uses**

**64-711**  
**Reconstruction of buildings damaged more than 50 percent**

Section 52-53 (Buildings or Other Structures in All Districts) shall be modified to allow the reconstruction of a #non-conforming use# where a #building# containing such #use# is damaged to the extent of 50 percent or more due to the effects of Hurricane Sandy, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year following the City's adoption of new Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps.

However, this provision shall not apply to #non-conforming residences# in C8 Districts or #Manufacturing Districts#, or to #non-conforming manufacturing uses# located in #Residence Districts# or #Commercial Districts# other than C8 Districts.

**64-72**  
**Non-Complying Buildings**

**64-721**  
**Reconstruction of buildings damaged more than 75 percent**

Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall be modified to allow the reconstruction of a #non-complying building# where such #building# is damaged to the extent of 75 percent or more due to the effects of Hurricane Sandy, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year following the City's adoption of new Flood Insurance Rate Maps that superseded the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps.

**64-722**  
**Single- and two-family residences in required front yards**

The provisions of Article V, Chapter 4 shall be modified in order to accommodate stair access in a #front yard#. #Single-# and #two-family residences# with #non-complying front yards# existing on October 28, 2012, may be relocated or reconstructed in a location further from the #front lot line# on the same #zoning lot#, and thereby create or increase an encroachment in a #side yard#, #rear yard# or #rear yard equivalent#, provided that:

- (a) any encroachment or further encroachment into a required #side# or #rear yard# or #rear yard equivalent# at the rear of the original #building# location is limited to a depth equal to the reduction of encroachment of the #building#, excluding stairs in the #front yard#;
- (b) a distance of at least eight feet shall be maintained between the rear wall of the #building# and all other #residences# on the same or adjoining #zoning lots#; and
- (c) at least four feet of a #rear yard# shall be free of any encroachment, measured perpendicular to the #rear lot line#, or in a #rear yard equivalent#, at least 8 feet shall be free of encroachment.

**64-723**  
**Non-complying single- and two-family residences**  
The provisions of Article V, Chapter 4 shall be modified to permit #single-# and #two-family residences# that are #non-complying# and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation in order to raise the lowest floor level containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#. Such vertical elevation or reconstruction may create a new #non-compliance# as to height and setback, or increase any

existing #non-compliances# as to height and setback, required #open space# and #yard# regulations to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#. However, all other provisions of Article V, Chapter 4 shall apply without modification.

This Section shall not preclude the construction of complying #enlargements# or other complying #buildings# or other structures# on the #zoning lot#.

Furthermore, the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply to such elevated, relocated or reconstructed #buildings#.

#### 64-724

**Special provisions for other buildings within flood zones**  
#Non-complying buildings# may be elevated or reconstructed to an increased height, which at all points does not exceed the difference between #flood-resistant construction elevation# and the applicable datum from which height is measured pursuant to the underlying regulations. Such elevation or reconstruction may create a new #non-compliance# or increase the degree of an existing #non-compliance#.

#### 64-80

##### MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS

The following regulations shall apply in #flood zones# and shall modify regulations set forth in Article VI, Chapter 2 (Special Regulations Applying in Waterfront Areas).

#### 64-81

##### Modification of Waterfront Public Access and Visual Corridors Regulations for Substantially Damaged Buildings

Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-811 (Waterfront public access and visual corridors) shall not apply to the reconstruction of #buildings# that sustained substantial damage, as defined in Appendix G of Building Code, due to the effects of #Hurricane Sandy#, provided that:

- such #buildings# had no more than 20,000 square feet of #floor area# prior to October 28, 2012;
- the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012;
- if such #building# is repositioned on the #zoning lot#, such repositioning does not newly encroach, or further encroach into a required #yard#, #rear yard equivalent#, #visual corridor# or existing #public access area#, as defined in Article VI, Chapter 2; and
- the reconstruction does not result in a change of #use# from that existing on October 28, 2012.

The provisions of this Section shall apply to #buildings# that are the subject of an Application for Approval of Construction Documents that has been approved by the Department of Buildings no later than one year after the adoption of new Flood Insurance Rate Maps that supersede the maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps.

#### 64-82

**Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor**  
The provisions of paragraphs (a) and (b) of this Section shall apply to all #zoning lots#, without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

Within the area that has a one percent chance of flooding in a given year, as determined by FEMA in #Flood Maps# or by earlier adopted Flood Insurance Rate Maps, certain provisions regarding #waterfront yards# and visual corridors#, as defined in Section 62-11 (Definitions), and ground floor #uses#, are modified as follows.

- #Waterfront yards#

Section 62-332 (Rear yards and waterfront yards) shall be modified to allow the level of a #waterfront yard# to be raised above the elevation of the top of the adjoining existing bulkhead, existing stabilized natural shore or mean high water line, as applicable, provided that:

- where a #waterfront yard# terminates at a #lot line#, the grade of the #waterfront yard# shall be no higher than the grade of the adjacent #street# or #zoning lot#, except that natural grade need not be disturbed to comply with this requirement; and
  - the maximum grade of the #waterfront yard#, measured parallel to the #shoreline#, shall not exceed three percent.
- #Visual corridors#

Section 62-512 (Dimensions of visual corridors) shall be modified as follows:

The lowest level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation three feet above #curb level# with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, upland edge of a raised #waterfront yard#, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not

prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation three feet above #curb level# at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a raised #waterfront yard#, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

- Ground floor #uses#

Section 62-341 (Developments on land and platforms), paragraph (c)(6) shall be modified as follows:

“Ground floor level” shall mean the lowest level permitted for habitable use as if it were “Post-FIRM Construction” as defined by Appendix G of Building Code, using elevation and wet floodproofing techniques, provided that where such lowest permitted level would be less than five feet above the finished level of the adjacent sidewalk, such level need not be lower than five feet above the finished level of the adjacent sidewalk.

#### 64-90

##### SPECIAL APPROVALS

#### 64-91

##### Modification of Certain Certification Requirements in the Special South Richmond Development District

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

In the #Special South Richmond Development District#, Sections 107-22 (Designated Open Space), inclusive, and Section 107-23 (Waterfront Esplanade) shall not apply to the reconstruction or repair of #buildings# that were damaged due to the effects of Hurricane Sandy, provided that:

- the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012; and
- there is no increase in impervious surfaces on the #zoning lot#.

In addition, the provisions of Section 107-22, inclusive, shall not apply to a #site alteration# that is not a #development# or #enlargement# where the Commissioner of Buildings determines it is the minimum necessary to enable the reconstruction of a #building#.

These provisions shall not affect the terms of a certification previously made by the City Planning Commission. The provisions of this Section shall apply to #buildings# that are the subject of an Application for Approval of Construction Documents that has been approved by the Department of Buildings no later than one year after the adoption of new Flood Insurance Rate Maps that supersede the maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps.

#### 64-92

##### Special Permit for Modification of Certain Zoning Regulations

In order to allow for the alteration of existing #buildings# in compliance with #flood resistant construction standards# and for #developments# and #enlargements# in compliance with #flood resistant construction standards#, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the #bulk# regulations of Sections 64-30 (SPECIAL BULK REGULATIONS), 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable #bulk# regulations of the Zoning Resolution, except #floor area ratio# regulations, provided the following findings are made:

- that there would be a practical difficulty in complying with #flood-resistant construction standards# without such modifications, and that such modifications are the minimum necessary to allow for an appropriate #building# in compliance with #flood-resistant construction standards#;
- that any modification of #bulk# regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from #flood-resistant construction elevation#, whichever is less; and
- the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with #flood-resistant construction standards#.

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

#### Article VIII - Special Purpose Districts

##### Chapter 7

##### Special Harlem River Waterfront District

\* \* \*

#### 87-02

##### General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations

of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*

#### Chapter 8

##### Special Hudson Square District

\* \* \*

#### 88-02

##### General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*

#### Article IX - Special Purpose Districts

##### Chapter 1

##### Special Lower Manhattan District

\* \* \*

#### 91-01

##### General Provisions

Except as modified by the express provisions of the #Special Lower Manhattan District#, the regulations of the underlying zoning districts shall remain in effect.

\* \* \*

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to all areas of the #waterfront area# within the #Special Lower Manhattan District#, except as otherwise provided in Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*

#### Chapter 3

##### Special Hudson Yards District

\* \* \*

#### 93-02

##### General Provisions

The provisions of this Chapter shall apply within the #Special Hudson Yards District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*

#### Chapter 4

##### Special Sheepshead Bay District

\* \* \*

#### 94-02

##### General Provisions

In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in regulations of the underlying zoning districts remain in effect.

In the #waterfront area#, the provisions of the #Special Sheepshead Bay District# are modified in accordance with the provisions of Section 62-13 (Applicability of District Regulations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*

#### Chapter 6

##### Special Clinton District

\* \* \*

#### 96-02

##### General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters “CL-MiD.”

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*

**Chapter 8  
Special West Chelsea District**

**98-02  
General Provisions**

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Sections 98-11 (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and 98-17 (Air Space over a Railroad or Transit Right-of-way or Yard) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Article X - Special Purpose Districts**

**Chapter 4  
Special Manhattanville Mixed Use District**

**104-02  
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**104-30  
SPECIAL HEIGHT AND SETBACK REQUIREMENTS**  
In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section, inclusive, shall apply in C6 Districts. In Subdistrict B, special height regulations for the underlying M1-2 District are set forth in Section 104-31, et seq.

In Subdistrict A, the height of all #buildings or other structures# shall be measured from the #base plane#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B of this Chapter. However, in #flood zones#, the level of the #base plane# shall be the #flood resistant construction elevation#.

**Chapter 6  
Special Coney Island Mixed Use District**

**106-02  
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Coney Island Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Coney Island Mixed Use District# shall replace and supersede the existing district regulations. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 7  
Special South Richmond Development District**

**107-02  
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 8  
Special Hunts Point District**

**108-01  
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and #enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Article XI - Special Purpose Districts**

**Chapter 1  
Special Tribeca Mixed Use District**

**111-02  
General Provisions**

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 3  
Special Ocean Parkway District**

**113-01  
General Provisions**

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 6  
Special Stapleton Waterfront District**

**116-02  
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**116-221  
Special floor area regulations for mixed buildings**  
For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths; and
- (c) limitations on #floor area# occupied by certain #uses#.

In #flood zones#, the #floor area# exclusion permitted by this Section shall also apply to the area occupied by non-#residential uses# on the #lowest occupiable floor#, as defined in Section 64-11.

**Chapter 7  
Special Long Island City Mixed Use District**

**117-02  
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Article XII - Special Purpose Districts**

**Chapter 3  
Special Mixed Use District**

**123-10  
GENERAL PROVISIONS**

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Article XII - Special Purpose Districts**

**Chapter 4  
Special Willets Point District**

**124-01  
General Provisions**

The provisions of this Chapter shall apply within the #Special Willets Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 5  
Special Southern Hunters Point District**

**125-01  
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 6  
Special College Point District**

**126-01  
General Provisions**

The provisions of this Chapter shall apply within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 8  
Special St. George District**

**128-02  
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Article XIII - Special Purpose Districts**

**Chapter 1  
Special Coney Island District**

**131-01  
General Provisions**

The provisions of this Chapter shall apply within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**131-324  
Special floor area ratio regulations for entrances to stories above the base flood elevation**

Up to 300 square feet of an entranceway adjoining the #street wall# of a #building# that contains ramps, stairs or handicap accessible elevators providing access from a public sidewalk to the lowest #story# above the #base flood elevation# shall be exempt from the definition of #floor area#.

**131-325 324  
Lot coverage**

No. 11

**CITY WIDE** N 130331(A) ZRY  
**IN THE MATTER OF** an application by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, pertaining to enabling flood resilient construction within flood zones.

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.

**ARTICLE I  
GENERAL PROVISIONS**

Chapter 1
Title, Establishment of Controls, and Interpretation of Regulations

11-339
Post-Hurricane Sandy construction
The provisions of this Section are subject to all provisions of Title 28 of the Administrative Code of the City of New York and Appendix G of the Building Code of the City of New York including those pertaining to expiration, reinstatement, revocation and suspension.

(a) Applications for approval of construction documents approved pursuant to Executive Order
If an application for approval of construction documents has been approved on or before (date of adoption) pursuant to Executive Order No. 230, dated January 31, 2013, "Emergency Order to Suspend Zoning Provisions to Facilitate Reconstruction in Accordance with Enhanced Flood Resistant Construction Standards" and its successors, including Executive Order No. (number) in effect on (date of adoption), relating to Hurricane Sandy as defined in section 64-11 of this Resolution, a building permit authorizing such construction may be issued pursuant to the regulations of this Resolution in effect at the time of such approval of construction documents, and such construction may continue until a date six years after (date of adoption). After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply.

(b) Applications for approval of construction documents approved pursuant to prior versions of #flood maps#
If an application for approval of construction documents has been approved within one year prior to or after the date the Federal Emergency Management Agency issues new #flood maps#, a building permit authorizing such construction may be issued pursuant to the regulations of this Resolution in effect at the time of such approval of construction documents, except that the provisions of Article VI, Chapter 4 shall be deemed modified so as to refer to #flood map# in effect on the date of approval of such construction documents, and such construction may continue until a date six years after (date of adoption). After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply.

(c) Provisions applying in the event that Flood Resilience Zoning Text Amendment expires
This provision shall become effective only upon the expiration of Article VI, Chapter 4 (Special Regulations Applying in the Flood Hazard Area), adopted on (date of adoption). If an application for approval of construction documents has been approved on or before the expiration of the Flood Resilience Zoning Text Amendment, a building permit authorizing such construction may be issued pursuant to Article VI, Chapter 4, and such construction may continue until a date six years after the expiration of such Flood Resilience Zoning Text Amendment. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply.

Chapter 2
Construction of Language and Definitions

12-10
DEFINITIONS
Base plane

The "base plane" is a plane from which the height of a #building or other structure# is measured as specified in certain Sections. For #buildings#, portions of #buildings# with #street walls# at least 15 feet in width, or #building segments# within 100 feet of a #street line#, the level of the #base plane# is any level between #curb level# and #street wall line level#. Beyond 100 feet of a #street line#, the level of the #base plane# is the average elevation of the final grade adjoining the #building# or #building segment#, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation. In either case, where the #base flood elevation# is higher than grade, in the #flood zone#, either the #base flood elevation# may be the level of the #base plane# or #building# height may be measured from the #flood-resistant construction elevation#, as provided in Article VI, Chapter 4. For the purposes of this definition, #abutting buildings# on a single #zoning lot# may be considered a single #building#. In addition, the following regulations shall apply:

Flood Maps
"Flood Maps" shall be the most recent advisory or preliminary maps or map data released by the Federal Emergency Management Agency (FEMA) after October 28, 2012, until such time as the City of New York adopts new final Flood Insurance Rate Maps. When new final Flood Insurance Rate Maps are adopted by the City of New York superseding the Flood Insurance Rate Maps in effect on October 28, 2012, "Flood Maps" shall be such new adopted final Flood Insurance Rate Maps.

Flood Zone
The "flood zone" is the area that has a one percent chance of flooding in a given year, as indicated on the effective Flood Insurance Rate Maps, plus any additional area that has a one percent chance of flooding in a given year, as indicated on the #flood maps#.

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Residential Bulk Regulations in Residence Districts

23-00
APPLICABILITY AND GENERAL PURPOSES

23-01
Applicability of This Chapter
Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 4
Bulk Regulations for Community Facilities in Residence Districts

24-00
APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

24-01
Applicability of this Chapter
Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 5
Accessory Off-Street Parking and Loading Regulations

25-029
Applicability of regulations in flood zones

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

Chapter 2
Use Regulations

32-00
GENERAL PROVISIONS
Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 3
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-00
APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

33-01
Applicability of this Chapter
Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 4
Bulk Regulations for Residential Buildings in Commercial Districts

34-00
APPLICABILITY AND DEFINITIONS

34-01
Applicability of this Chapter
Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

35-00
APPLICABILITY AND DEFINITIONS

35-01
Applicability of this Chapter
Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 6
Accessory Off-Street Parking and Loading Regulations

36-028
Applicability of regulations in flood zones

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS

Chapter 2
Use Regulations

42-00
GENERAL PROVISIONS

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.
Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 3
Bulk Regulations

43-00
APPLICABILITY AND GENERAL PROVISIONS

43-01
Applicability of this Chapter

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 4
Accessory Off-Street Parking and Loading Regulations

44-02
Applicability

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter 2
Non-Conforming Uses

52-02
Applicability of Article V, Chapter 2

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

Chapter 4
Non-Complying Buildings

54-02
Applicability of Article V, Chapter 4

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2
Special Regulations Applying in the Waterfront Area

62-13
Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

- #Special Battery Park City District#
#Special Stapleton Waterfront District#

The provisions of this Chapter shall not apply in the #Special Sheepshead Bay District# shall be applicable, except that Section 94-061 (Uses permitted by right) shall be modified to permit all WD #uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

62-341
Developments on land and platforms

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

- (3) Measurement of height
The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4. For #buildings#

with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section 23-631 (Height and setback in R1, R2, R3, R4 or R5 Districts).

(4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42, and where applicable, Sections 64- 331, 64-332 or 64-432 shall apply. In addition, the following regulations regarding permitted obstructions shall apply:  
\* \* \*

**Article VI  
SPECIAL REGULATIONS APPLICABLE IN CERTAIN AREAS**  
\* \* \*

[ALL TEXT IN THIS CHAPTER IS NEW]

**Chapter 4  
Special Regulations Applying in Flood Hazard Areas**

**64-00  
GENERAL PURPOSES**

The provisions of this Chapter establish special regulations which are designed to encourage flood resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the federal government and the Building Code;
- (b) to enable buildings to be constructed pursuant to flood resistant-standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;
- (c) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity; and
- (d) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

**64-10  
GENERAL PROVISIONS**

The provisions of this Chapter shall be in effect until one year after the adoption by the City of New York of new Flood Insurance Rate Maps superseding the Flood Insurance Rate Maps in effect on October 28, 2012.

**64-11  
Definitions**

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

**Basement**  
For #buildings# or portions thereof that comply with #flood-resistant construction standards#, a "basement" is a #story# (or portion of a #story#) partly below #flood-resistant construction elevation#, with at least one-half of its height (measured from floor to ceiling) above #flood-resistant construction elevation#.

**Cellar**  
For #buildings# or portions thereof that comply with #flood-resistant construction standards#, a #cellar# is a space wholly or partly below the #flood-resistant construction elevation#, with more than one-half its height (measured from floor to ceiling) below the #flood-resistant construction elevation#.

Flood-resistant construction elevation

The "flood-resistant construction elevation" is the greater of:

- (a) the Design Flood Elevation determined pursuant to Appendix G of the Building Code for a building's structural occupancy category; or
- (b) the base flood elevation indicated on the #Flood Maps#, plus the additional elevation required above base flood elevation for the applicable occupancy category when determining the Design Flood Elevation pursuant to Appendix G of the Building Code.

Flood-resistant construction standards

"Flood-resistant construction standards" shall:

- (c) comply with the standards of Appendix G of the New York City Building Code for "Post-FIRM Construction," whether construction voluntarily complies with standards for "Post-FIRM Construction" or is required to comply; and
- (d) utilize the higher base flood elevation and the more stringent flood hazard area designation, as applicable, of the #Flood Maps# or the Flood Insurance Rate Maps in effect on October 28, 2012,

Lowest occupiable floor

The "lowest occupiable floor" shall be the finished floor level of the lowest floor that is not used solely for parking, storage, building access or crawl space, where any space below such #lowest occupiable floor# is wet flood-proofed in accordance with #flood resistant construction standards# and used only for parking, storage or building access, or otherwise is not occupiable space.

**Hurricane Sandy**  
A severe storm on October 28, 2012 causing heavy flooding, power outages, property damage, and disruption of public

transportation and other vital services.

Predominant or predominantly  
"Predominant" or "predominantly" shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or on the #zoning lot#, as applicable.

**64-12  
Applicability**

The provisions of this Chapter shall apply only within the #flood zone#, as follows:

- (a) Except where otherwise stated, all #buildings# or portions thereof shall comply with #flood-resistant construction standards# as a condition of construction pursuant to the following optional provisions, inclusive:

- Section 64-10 GENERAL PROVISIONS
- Section 64-20 SPECIAL USE REGULATIONS
- Section 64-30 SPECIAL BULK REGULATIONS
- Section 64-40 SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012
- Section 64-50 SPECIAL PARKING REGULATIONS
- Section 64-70 SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS
- Section 64-80 MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS
- Section 64-90 SPECIAL APPROVALS

- (b) The provisions of Section 64-60 (DESIGN REQUIREMENTS) shall apply to all #developments#, all horizontal #enlargements# with new #street walls#, or alterations that increase the height of #street walls#, except that Section 64-65 (Design Requirements for Parking Areas Below Buildings) shall apply to all #buildings# as provided therein.

- (c) Where a #zoning lot# is located partially within a #flood zone#, the regulations of this Chapter shall apply where any portion of a #building# on such #zoning lot# is within a #flood zone#.

**64-13  
Applicability of District Regulations**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict in the #flood zone# between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**64-131  
Measurement of height**

All measurements of height shall be from the #flood-resistant construction elevation#. This provision shall not apply to #buildings# that are #accessory# to #single-# or #two-family residences#, or to fences, #signs# not affixed to #buildings#, or other structures that are not #buildings#.

Where different #flood-resistant construction elevations# apply to different portions of a #building#, the highest of such #flood-resistant construction elevations# may apply to the entire #building#.

For #buildings# located partially within and partially outside of the #flood zone#, all measurements of height shall be in accordance with only one of the following provisions:

- (a) the #flood resistant construction elevation# shall apply to the entire #building#;
- (b) the height of the portion of the #building# within the #flood zone# shall be measured from the #flood-resistant construction elevation#, and the height of the portion of the #building# outside of the #flood zone# shall be measured from an elevation determined in accordance with the underlying applicable regulations; or
- (c) the elevation of each such portion of the #building# from where height is measured shall be multiplied by the percentage of the total #lot coverage# of the #building# to which such elevation applies. The sum of the products thus obtained shall be the elevation from which the height of the entire #building is measured.

**64-20  
SPECIAL USE REGULATIONS**

**64-21  
Ground Floor Use**

- (a) In all districts, where compliance with the elevation and wet flood-proofing requirements of Appendix G of Building Code would result in a #lowest occupiable floor# that is above a level required by the Zoning Resolution absent the provisions of this Section, such requirements shall be modified so that the level of such ground floor shall be the lowest level permitted for uses other than parking, storage and building access as if it were "Post-FIRM Construction" as defined by Appendix G of Building Code, using elevation and wet flood-proofing techniques.

C1 C2 C4

- (b) In the districts indicated in the Borough of Staten Island, where #flood-resistant construction elevation# is more than 10 feet above #curb level#, the provisions of Section 32-433 (Ground floor use

in C1, C2 and C4 Districts in the Borough of Staten Island) shall be modified to allow enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, on the ground floor within 30 feet of the #street wall# of the #building#, provided that the standards of Section 64-641 (Design requirements ) are met.

**64-22  
Transparency Requirements**

In all districts, as an alternative to #street wall# transparency regulations, the following optional provisions may apply, except where #buildings# are governed by the provisions of Section 64-64 (Design Requirements for Non-residential and Mixed Buildings in Commercial and Manufacturing Districts).

#Street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between the level of the first finished floor above #curb level# and a height 12 feet above such level.

**64-30  
SPECIAL BULK REGULATIONS**

**64-31  
Special Floor Area Regulations**

**64-311  
Entryways in single- and two-family residences**  
For #single-# and #two-family residences#, with enclosed entryways below #flood-resistant construction elevation# up to 10 square feet of such entryway may be excluded from the definition of #floor area# for each foot of difference between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area of ramps, stairs, lifts and elevators between grade and the first finished floor, plus an initial entry area of no more than 12 square feet.

**64-312  
Entryways in all other buildings**  
For all #buildings# other than #single-# and #two-family residences#, with enclosed publicly accessible entryways below #flood-resistant construction elevation#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area at each publicly accessible entryway of ramps, stairs, lifts and elevators plus an initial entry area of no more than 100 square feet for each entryway.

**64-313  
Mechanical systems in low density districts**  
Floor space used for #accessory# mechanical equipment in R1-2A, R2A, R2X, R3, R4, or R5 Districts may be excluded from the definition of #floor area# without the limitations provided in the definition of #floor area#, Section 12-10 (DEFINITIONS), paragraphs (m) and (8).

**64-32  
Special Yard Regulations**

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

**64-321  
Level of Required Yards**

Underlying #yard# regulations shall be modified to allow #yards# to be higher than #curb level# but in no event higher than #flood-resistant construction elevation#. In addition, the following regulations shall apply:

- (a) In Residence Districts and C1 through C6 Districts, #yards# higher than #curb level# shall comply with the following standards:
  - (1) Final grade shall not penetrate a plane that begins 30 inches above #curb level# at each #lot line# and has a slope extending perpendicular to #lot lines# of one foot vertical for each 2.5 feet horizontal;
  - (2) Retaining walls shall be permitted above #curb level# in #yards# provided the maximum height of each wall above adjacent grade does not exceed 30 inches;
  - (3) In Residence Districts, portions of fences greater than 4 feet above #curb level# shall be required to be no more than 50 percent opaque;
- (b) In C7 and C8 Districts and in Manufacturing Districts, #yards# are permitted to a maximum grade equal to #flood-resistant construction elevation#. However, for portions of #zoning lots# where Sections 33-29 and 43-30 (Special Provisions Applying along District Boundaries) apply, #yards# are permitted above #curb level# only pursuant to paragraph (a) of this Section.

Nothing in this Section shall be construed so as to permit the creation of spaces sub-grade on all sides in a manner inconsistent with Appendix G of the Building Code.

**64-322  
Permitted Obstructions in Required Yards, Courts and Open Space**

- (a) For #single-# and #two-family residences#, where #flood-resistant construction elevation# is five feet or more above #curb level#, roofed porches shall be permitted obstructions in any #open space# required on the #zoning lot# and in #yards#. Balconies for such #residences# may exceed the width and depth standards of 23-13 (Balconies) where such balconies are located directly above a porch.
- (b) For #single-# and #two-family residences#, lifts for persons with disabilities shall be permitted

obstructions in any #open space# required on the #zoning lot# and in #courts#, #yards# and #rear yard equivalents#, provided that in #front yards#, such lifts are unenclosed.

(c) For all #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be a permitted obstruction in #rear yards# and #rear yard equivalents#, provided that such equipment is:

- (1) located above #flood-resistant construction elevation#;
- (2) enclosed within a #building# or portion thereof, or within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
- (3) in R3, R4 or R5 Districts, limited to a height of 10 feet above #flood-resistant construction elevation#, including the apex of a pitched roof;
- (4) in R6, R7, R8, R9 or R10 Districts, limited to a height of 14 feet above #flood-resistant construction elevation#; or
- (5) in Commercial or Manufacturing Districts, limited to a height of 23 feet above #flood-resistant construction elevation#;

In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard# or #rear yard equivalent#.

Furthermore, #accessory# mechanical equipment located in #rear yards# or #rear yard equivalents# and meeting the standards of this Section shall be a permitted obstruction in any #open space# required on the #zoning lot#, provided that the total area occupied by a #building# used for both enclosed parking and such mechanical equipment does not exceed 20 percent of the total required #open space# on the #zoning lot#.

#### 64-323

##### Flood panels in Required Yards and Open Space

Temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in #yards# and #rear yard equivalents#, #courts# #open space#, #waterfront yards# as defined in Article VI, Chapter 2, #public plazas# and all other publicly accessible open areas during such storm event and for a reasonable period prior to and after such storm event, as determined by the Department of Buildings.

#### 64-33

##### Special Height and Setback Regulations

#### 64-331

##### Permitted obstructions for multi-family buildings in R3-2 and R4 Districts

R3-2 R4

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

In the districts indicated, for all #buildings# or portions thereof subject to Section 23-60 (HEIGHT AND SETBACK REGULATIONS), except #single-# and #two-family residences#, the following shall be considered permitted obstructions to height and setback regulations:

Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:

- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#;
- (2) all mechanical equipment shall be screened on all sides;
- (3) the #lot coverage# of all such obstructions and screening does not exceed 250 square feet or 10 percent of the #lot coverage# of the #building#, whichever is greater; and
- (4) such obstructions are limited to a height of 15 feet above the maximum height of perimeter walls.

#### 64-332

##### Permitted obstructions for buildings in medium and high density districts

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in all #commercial# and #manufacturing districts#, for all #buildings#, the underlying regulations governing permitted obstructions to height and setback shall be modified to increase the permitted volume for elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, from a maximum #lot coverage# of 20 percent of the #lot coverage# of the #building# to a maximum #lot coverage# of 30 percent of the #lot coverage# of the #building#, provided that where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a

#building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

#### 64-333

##### Street wall location in certain districts

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

In all districts, where underlying #street wall# location regulations require the ground floor of a #street wall# to extend along the entire #street frontage of a #zoning lot# and be located on the #street line#, such regulations are modified as follows:

- (a) Recesses, not to exceed five feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#, and
- (b) Up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. However, no recesses shall be permitted within 30 feet of the intersection of two #street lines#.

#### 64-334

##### Alternative height measurement for single- and two-family residences

R1 R2 R3 R4 R5

In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for #single-# and #two-family residences# where #flood-resistant construction elevation# is between six and nine feet above #curb level#, #building# height may be measured from a reference plane nine feet above #curb level#, provided that at least two mitigating elements are provided from the list in Section 64-61 (Design Requirements for Single- and Two-Family Residences).

#### 64-335

##### Alternative height measurement for other buildings in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for all #buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-622 (Lobby or non-residential use) shall be met.

#### 64-336

##### Alternative height measurement in Commercial and Manufacturing Districts

C1 C2 C3 C4 C5 C6

- (a) In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for all #residential buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-622 (Lobby or non-residential use) shall be met.

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

- (b) In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for all #buildings# other than #residential buildings# and #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#, where #street walls# are within 50 feet of a #street line# and #flood-resistant construction elevation# is between five and 12 feet above #curb level#, #building# height may be measured from a reference plane 12 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-642 (Transparency requirements for buildings utilizing alternative height measurement) shall be met.

#### 64-40

##### SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012

The following provisions shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#.

#### 64-41

##### Special Floor Area Regulations for Buildings Existing on October 28, 2012

#### 64-411

##### Floors below the flood-resistant construction elevation

- (a) Dry flood-proofing

In C1 and C2 districts mapped within R1 through R6 districts, and in C3, C4-1, C4-2 and C4-3 districts, where the level of any finished floor above adjacent grade that existed on October 28, 2012 is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for dry flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been dry flood-proofed and must comply with the provisions of Appendix G of the Building Code, and that the number of #dwelling units# or #rooming

units# shall be limited to no more than the number existing on October 28, 2012.

In addition, the following provisions shall apply:

- (1) such floor space exempted from the definition of #floor area# shall not exceed 10,000 square feet;
  - (2) such floor space exempted from the definition of #floor area# shall be used for a #community facility use# or #commercial use# permitted by the underlying zoning districts;
  - (3) no floor space shall be exempted if parking spaces are located within 30 feet of the #street wall#; and
  - (4) the #building# shall not contain more #dwelling units# or #rooming units# than existed on October 28, 2012.
- (b) Wet flood-proofing

In all districts, the provisions of paragraph (b) shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability). This paragraph (b) shall not apply to #buildings# containing any non-#residential uses# where the #flood-resistant construction elevation# is less than two feet above the level of the first finished floor above #curb level#.

Where the level of any finished floor above adjacent grade that existed on October 28, 2012 is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for wet flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been wet flood-proofed and must comply with the provisions of Appendix G of the Building Code.

The #floor area# which has been flood-proofed pursuant to the provisions of this section need not be rebuilt prior to sign-off or certificate of occupancy for such alteration to the flood-proofed floor space in order for such #floor area# to be preserved as long as an application for construction documents for the reconstruction of such #floor area# has been approved by the Department of Buildings prior to the issuance of such sign-off or certificate of occupancy for the alteration associated with the flood-proofing. Such construction documents shall acknowledge that the #non-complying floor area# is being preserved and shall depict its use within the same #building# in a manner complying with #flood-resistant construction standards#.

#### 64-412

##### Lowest story of a residential building

In all districts, where the #floor area# of a #single-# or #two-family residence# existing on October 28, 2012 did not include the lowest #story# because such #story# complied with the criteria set forth in paragraph (9) of the definition of "floor area" in Section 12-10, any space used for dwelling purposes within such #story# shall continue to be exempt from the definition of #floor area#, notwithstanding such criteria, provided such #story# is elevated or reconstructed at or above the #flood-resistant construction elevation#.

#### 64-42

##### Yards, Courts and Open Space for Buildings Existing on October 28, 2012

#### 64-421

##### Permitted obstructions

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

- (a) For existing #single-# and #two-family residences#, and for the reconstruction of such #residences#, mechanical equipment including but not limited to #accessory# heating and cooling equipment and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment is:

- (1) located above #flood-resistant construction elevation#;
- (2) located at least five feet from any #lot line#;
- (3) screened on all sides by walls consisting of at least 50 percent opaque materials;
- (4) in compliance with the standards of either paragraph (5) or paragraph (6) of this paragraph (a);
- (5) the mechanical equipment and all structure and screening are located no more than seven feet from the wall of a #building# and limited to a height of no more than 10 feet above #flood-resistant construction elevation#; or
- (6) the mechanical equipment is located within a detached garage or on the roof of a detached garage, provided that:
  - (i) where covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance, no portion of the roof shall exceed a height of 14 feet above the adjoining grade, measured to the midpoint of a sloping roof; or



- (ii) for all other conditions, no portion of the garage, screening or the mechanical equipment shall exceed a height of 12 feet above the adjoining grade.
- (b) For existing #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be permitted obstructions in #courts# and #open space#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#;
  - (2) within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
  - (3) limited to a height established in Section 64-322 (Permitted Obstructions in Required Yards, Courts and Open Space), paragraph (c), for mechanical equipment as permitted obstructions in a #rear yard#; and
  - (4) located at least 30 feet from any #legally required window#.
- (c) For existing #buildings#, except #single-# and #two-family residences#, lifts for persons with disabilities, where permitted pursuant to provisions of the Building Code, shall be permitted obstructions in #yards#, #courts# and #open space#.

#### 64-422 Front yard planting requirement R1 R2 R3 R4 R5

In the districts indicated, the provisions of Section 23-451 (Planting requirement) are modified for existing #buildings#, where the distance between the #street wall# and the #street line# is six feet or less, to allow stairs, ramps or lifts that access the #lowest occupiable floor# to be counted as planted area for the purposes of fulfilling the requirements of such provisions.

#### 64-43 Special Height and Setback Regulations for Buildings Existing on October 28, 2012

##### 64-431 For existing single- and two-family residences

#Single-# and #two-family residences# existing on October 28, 2012 may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest floor level containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#, and in doing so, may create a #non-compliance# as to height and setback to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#.

Where the elevation requirements of Appendix G apply to the lowest horizontal structural member, #single-# and #two-family residences# existing on October 28, 2012 may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#, and in doing so, may create a #non-compliance# as to height and setback to the extent that such lowest horizontal structural member is elevated or reconstructed to #flood-resistant construction elevation#.

This Section shall not preclude the construction of complying #enlargements# or other #complying structures# on the #zoning lot#.

#Buildings# that were complying on October 28, 2012 and vertically elevated or reconstructed to a higher elevation pursuant to this Section shall be considered legal #non-complying buildings#.

##### 64-432 Permitted obstructions for certain existing buildings

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in #commercial# and #manufacturing districts#, for all existing #buildings#, the underlying regulations governing permitted obstructions to height and setback shall be modified to increase the permitted volume for elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, as follows:

- (c) Where the maximum #building# height is less than 120 feet, the maximum permitted height of such volume may be increased from 25 feet to 33 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage of the #building#, and
- (d) Where the maximum #building# height 120 feet or greater, the maximum permitted height of such volume may be increased from 40 feet to 55 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage of the #building#.

##### 64-44 Special Minimum Distance Regulations for Buildings Existing on October 28, 2012

For #single-# and #two-family residences# existing on October 28, 2012, if such #buildings# are elevated, relocated or reconstructed pursuant to Sections 64-131 (Measurement of building height), 64-722 (Single- and two-family residences

in required front yards) and 64-331 (Special height and setback provisions for single- and two-family residences), the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply.

#### 64-50 SPECIAL PARKING REGULATIONS

Sections 64-51 (For Residential Buildings with Below-Grade Parking) and 64-52 (For Elevated Buildings) shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#. Section 64-51 shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

Section 64-53 (Surfacing) shall apply to all #zoning lots# within the #flood zone#.

The underlying parking location, curb cut spacing, permitted obstruction and surfacing regulations are modified in accordance with the provisions of this Section.

#### 64-51 For Residential Buildings with Below-Grade Parking R1 R2 R3 R4 R5

In the districts indicated, other than R4B and R5B Districts, where below-grade garages within #residential buildings# are eliminated in order to comply with Appendix G of the Building Code, #accessory# off-street parking spaces may be relocated from such garages to the side or rear of such #buildings#, or to the #front yard# driveway that accessed the former garage, or to a shared driveway along a common #side lot line#. Where such parking spaces are so relocated, each such space shall have a dimension at least 18 feet long and eight feet wide, and such spaces shall be allowed without regard to underlying parking location, curb cut spacing, or permitted obstruction regulations. No modifications of the number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut shall be allowed. Where eliminated garages were accessed by a driveway less than 18 feet long, such driveway and curb cut shall be eliminated, and the former driveway planted to the extent necessary to comply, or increase compliance, with the provisions of Section 23-451 (Planting requirement) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

In the event there is no way to arrange relocated required parking spaces on the #zoning lot# in compliance with the provisions of this Section, given that existing #buildings# will remain, the Commissioner of Buildings may waive such spaces.

#### 64-52 For Elevated Buildings R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to #single-# or #two-family residences# with a #flood-resistant construction elevation# at least nine feet above #curb level#, and to other #single-# or #two-family residences# utilizing the provisions of Section 64-344 (Alternative height measurement for single- and two-family residences). For such #residences#, where at least two #accessory# off-street parking spaces are provided beneath the #lowest occupiable floor#, such spaces shall be allowed without regard to the underlying parking location, curb cut spacing, or permitted obstruction regulations. However, no modifications of the number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut shall be allowed.

#### 64-53 Surfacing R1 R2 R3 R4 R5

In the districts indicated, Section 25-65 (Surfacing) shall be modified to allow dustless gravel driveways that access one #single-# or #two-family residence# on a #zoning lot#, provided that all portions of such driveway located between the curb and the #front lot line# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick, and public sidewalks shall be constructed to Department of Transportation standards.

#### 64-60 DESIGN REQUIREMENTS

The following Sections shall apply to all #developments# and to all horizontal #enlargements# with new #street walls# or alterations increasing the height of #street walls#, or as otherwise cross-referenced within this Chapter:

Section 64-61	Design Requirements for Single- and Two-family Residences
Section 64-62	Design Requirements for Other Buildings in Residence Districts
Section 64-63	Design Requirements for Residential Buildings in Commercial Districts
Section 64-64	Design Requirements for Non-residential and Mixed Buildings in Commercial and Manufacturing Districts

Section 64-65 (Design Requirements for Parking Areas Within or Below Buildings) shall apply to any #zoning lot# occupied by a #building#, other than a #single-# or #two-family residence# constructed after (date of amendment). Any #zoning lot# occupied by a #building# constructed prior to such date shall not be altered in any way that will either create new #non-compliance# or increase the degree of #non-compliance# with the provisions of Section 64-65.

#### 64-61 Design Requirements for Single- and Two-family Residences R1 R2 R3 R4 R5 R6

In R1- R5 Districts, for #single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, and in R6 Districts, for #detached# and #semi-detached single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, where the

level of the #lowest occupiable floor# is five feet or more above #curb level#, at least one of the following visual mitigation elements shall be provided. For such #residences# where the level of the #lowest occupiable floor# is nine feet or more above #curb level#, at least two of the following visual mitigation elements shall be provided.

- (a) Porch  
Where provided as a mitigating element, a porch shall have a finished floor at least six inches below the #lowest occupiable floor # and have a width at least 70 percent of the aggregate width of all #street walls# within 25 feet of the #street line#. The depth of the porch must be at least five feet, and the porch may not be closer to the #street line# than five feet. Open porches shall count as one mitigating element and roofed porches shall count as two mitigating elements, provided that for such roofed porches, all structural elements have a minimum width or depth of at least three inches, such roof has a depth of at least five feet measured perpendicular to the #street wall#, extends along at least 70 percent of the width of the #street wall#. A balcony directly above a porch and a trellis or arbor with structural members spaced no further than 30 inches on center that cover such porch may be considered a porch roof for the purposes of this section.
- (b) Stair direction change  
Where provided as a mitigating element, stairs shall be provided between grade and the #lowest occupiable floor# or porch, as applicable, which change direction at least 90 degrees in plan at a point no lower or higher than two feet from the beginning and end of the stair run.
- (c) Raised front yard  
Where provided as a mitigating element, the grade between the #street line# and #street walls# within 25 feet of the #street line#, and their prolongations, shall be elevated above #curb level# so that a line drawn midway between the #street line# and such #street walls# and prolongations is at least 18 inches above #curb level# at all points, except for pedestrian ways, vehicular access and off-street parking spaces permitted pursuant to Section 64-50 (SPECIAL PARKING REGULATIONS). The area with final grade above #curb level# must be greater than 50 percent of the total area between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Such raised #yards# shall be planted to comply with Section 23-451 (Planting requirement).
- (d) Trees or shrubs at least three feet high  
Where provided as a mitigating element, trees or shrubs that attain a height of at least three feet shall be provided between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Planting beds shall be at least three feet wide in plan, measured parallel and perpendicular to the #street line#. The length of each planted area shall be measured by inscribing each planted area within a rectangle and measuring the longest dimension of such rectangle. The total length of planted areas shall be greater than 60 percent of the #lot width#, and be planted to screen at least 50 percent of the length of the #street wall#.

However, no mitigation shall be required where more than 50 percent of the #street wall# of a #building# is within three feet of the #street line#.

#### 64-62 Design Requirements for Other Buildings in Residence Districts R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, for all #buildings#, except #single-# and #two-family residences#, where #street walls# are within 50 feet of the #street line#, the provisions of this Section 64-62, inclusive, shall apply.

#### 64-621 Planting requirement

Where the level of the #lowest occupiable floor# is five or more feet above #curb level#, the area between the #street line# and all #street walls# of the #building# shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground. Such planting shall consist of trees or shrubs within six feet of the #street wall# that attain a height of at least three feet. Such planting shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. Any such planted area shall have a depth of at least three feet. Where ramps or stairs are located parallel to a #street wall# and within six feet of such #street wall#, minimum planting beds shall be provided between such ramps or stairs and the #street line#.

However, where #street wall# location rules would require a #street wall# to be located such that planting beds would be less than three feet in width, the provisions of this section shall not apply.

#### 64-622 Lobby or non-residential use

Where the #flood-resistant construction elevation# is ten or more feet above #curb level#, a lobby with a minimum width of 20 feet shall be provided along the #street wall# at the level of the adjoining sidewalk or other publicly accessible open area, with a depth of at least 20 feet. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such lobby width shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet. For #zoning lots# with less than 25 feet of frontage along a #street#, a five-foot wide service corridor may be exempted from the requirements of this Section. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet above the level of the adjoining

sidewalk or other publicly accessible open area and a height ten feet above the level of the first finished floor above #curb level#.

Any permitted #non-residential use#, other than #accessory# off-street parking or storage, may be substituted for lobby area required pursuant to this Section, provided that the required width, depth, and transparency shall apply to such #use#.

However, where #flood-resistant construction standards# prohibit glazing due to the location of the #building# in a zone subject to wave action as indicated on #flood maps#, the glazing requirements of this Section shall not apply.

**64-63  
Design Requirements for Residential Buildings in Commercial Districts**  
C1 C2 C3 C4 C5 C6

In the districts indicated, and in #Special Mixed Use Districts#, for all #residential buildings#, except #single# and #two-family residences#, where #street walls# are within 50 feet of the #street line#, and where the level of the #lowest occupiable floor# is five feet or more above #curb level#, the provisions of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) shall apply.

**64-64  
Design Requirements for Non-residential and Mixed Buildings in Commercial and Manufacturing Districts**

**64-641  
Transparency requirements**  
C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

The provisions of this Section shall apply in the districts indicated to all #buildings#, other than:

- (c) #residential buildings#; and
- (d) In C8 and M Districts, other than #Special Mixed Use Districts#, #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#.

Where #street walls# are within 50 feet of the #street line#, and where #flood-resistant construction elevation# is ten feet or more above #curb level#, a portion of the #street wall# with a minimum of 20 feet in width shall provide transparent glazing materials occupying a minimum of 50 percent of the surface area of such #street wall# portion, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent glazing materials shall not exceed the level of the window sill for a depth of at least 4 feet, as measured perpendicular to the #street wall#. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such transparent portion of the #street wall# shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet.

However, where #flood-resistant construction standards# prohibit glazing due to the location of the #building# in a zone subject to wave action as indicated on #flood maps#, the glazing requirements of this Section shall not apply.

**64-642  
Transparency requirements for buildings utilizing alternative height measurement**  
C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

In the districts indicated, for all #buildings# utilizing the provisions of Section 64-346 (Alternative height measurement in Commercial and Manufacturing Districts), paragraph (b), the following provisions shall apply.

#Street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height of 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent glazing materials shall not exceed the level of the window sill for a depth of at least 4 feet, as measured perpendicular to the #street wall#.

**64-65  
Screening Requirements for Parking Within or Below Buildings**  
The provisions of this Section shall apply to all #buildings#, other than:

- (c) #single# or #two-family residences#; and
- (d) In C8 and M Districts, other than #Special Mixed Use Districts#, #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#.

#Buildings# in existence prior to (date of amendment) shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

Where the #flood-resistant construction elevation# is five or more feet above #curb level# and the #street wall# of a #building# is within 50 feet of the #street line#, for any level where off-street parking is provided within or below a #building#, such parking shall be screened from the #street line# with a #street wall# that is at least 50 percent opaque. Each one-foot square portion of such #street wall# shall comply individually with this requirement.

In case of a conflict between the provisions of this Section and the provisions of another Chapter, the more restrictive provisions shall apply.

**64-70  
SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**64-71  
Non-Conforming Uses**

**64-711  
Reconstruction of buildings damaged more than 50 percent**

Section 52-53 (Buildings or Other Structures in All Districts) shall be modified to allow the reconstruction of a #non-conforming use# where a #building# containing such #use# is damaged to the extent of 50 percent or more due to the effects of Hurricane Sandy, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year following the City's adoption of new Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the zoning resolution.

However, this provision shall not apply to #non-conforming residences# in C8 Districts or #Manufacturing Districts#, or to #non-conforming manufacturing uses# located in #Residence Districts# or #Commercial Districts# other than C8 Districts.

**64-712  
Single- and two-family buildings**

For #non-conforming single# and #two-family residences#, except #non-conforming residences# in C8 Districts or #Manufacturing Districts#, reconstruction shall be permitted, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than six years following the City's adoption of new Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date ten years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the zoning resolution.

**64-72  
Non-Complying Buildings**

**64-721  
Reconstruction of buildings damaged more than 75 percent**

Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall be modified to allow the reconstruction of a #non-complying building# where such #building# is damaged to the extent of 75 percent or more due to the effects of Hurricane Sandy, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year following the City's adoption of new Flood Insurance Rate Maps that superseded the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the zoning resolution.

**64-722  
Single- and two-family residences in required front yards**

The provisions of Article V, Chapter 4 shall be modified in order to accommodate stair access in a #front yard#. #Single# and #two-family residences# with #non-complying front yards# existing on October 28, 2012, may be relocated or reconstructed in a location further from the #front lot line# on the same #zoning lot#, and thereby create or increase an encroachment in a #side yard#, #rear yard# or #rear yard equivalent#, provided that:

- (a) any encroachment or further encroachment into a required #side# or #rear yard# or #rear yard equivalent# at the rear of the original #building# location is limited to a depth equal to the reduction of encroachment of the #building#, excluding stairs in the #front yard#;
- (b) a distance of at least eight feet shall be maintained between the rear wall of the #building# and all other #residences# on the same or adjoining #zoning lots#; and
- (c) at least four feet of a #rear yard# shall be free of any encroachment, measured perpendicular to the #rear lot line#, or in a #rear yard equivalent#, at least 8 feet shall be free of encroachment.

**64-723  
Non-complying single- and two-family residences**

- (a) The provisions of Article V, Chapter 4 shall be modified to permit #single# and #two-family residences# that are #non-complying# and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation in order to raise the lowest floor level containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#.

Where the elevation requirements of Appendix G apply to the lowest horizontal structural member, the provisions of Article V, Chapter 4 shall be modified to permit #single# and #two-family residences# that are #non-complying# and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#.

Such vertical elevation or reconstruction may create a new #non-compliance# as to height and

setback, or increase any existing #non-compliance# as to height and setback, required #open space# and #yard# regulations to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#. However, all other provisions of Article V, Chapter 4 shall apply without modification.

This Section shall not preclude the construction of complying #enlargements# or other complying #buildings or other structures# on the #zoning lot#.

Furthermore, the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply to such elevated, relocated or reconstructed #buildings#.

- (b) For #non-complying single# and #two-family residences#, reconstruction shall be permitted, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than six years following the City's adoption of new Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date ten years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the zoning resolution.

**64-724  
Special provisions for other buildings within flood zones**

#Non-complying buildings# may be elevated or reconstructed to an increased height, which at all points does not exceed the difference between #flood-resistant construction elevation# and the applicable datum from which height is measured pursuant to the underlying regulations. Such elevation or reconstruction may create a new #non-compliance# or increase the degree of an existing #non-compliance#.

**64-80  
MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS**

The following regulations shall apply in #flood zones# and shall modify regulations set forth in Article VI, Chapter 2 (Special Regulations Applying in Waterfront Areas).

**64-81  
Modification of Waterfront Public Access and Visual Corridors Regulations for Substantially Damaged Buildings**

Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-811 (Waterfront public access and visual corridors) shall not apply to the reconstruction of #buildings# that sustained substantial damage, as defined in Appendix G of Building Code, due to the effects of #Hurricane Sandy#, provided that:

- (a) such #buildings# had no more than 20,000 square feet of #floor area# prior to October 28, 2012;
- (b) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012;
- (c) if such #building# is repositioned on the #zoning lot#, such repositioning does not newly encroach, or further encroach into a required #yard#, #rear yard equivalent#, #visual corridor# or existing #public access area#, as defined in Article VI, Chapter 2; and
- (d) the reconstruction does not result in a change of #use# from that existing on October 28, 2012.

The provisions of this Section shall apply to #buildings# that are the subject of an Application for Approval of Construction Documents that has been approved by the Department of Buildings no later than one year after the adoption of new Flood Insurance Rate Maps that supersede the maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the zoning resolution.

**64-82  
Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor**  
The provisions of paragraphs (a) and (b) of this Section shall apply to all #zoning lots#, without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

Within the area that has a one percent chance of flooding in a given year, as determined by FEMA in #Flood Maps# or by earlier adopted Flood Insurance Rate Maps, certain provisions regarding #waterfront yards# and visual corridors#, as defined in Section 62-11 (Definitions), and ground floor #uses#, are modified as follows.

- (a) #Waterfront yards#  
Section 62-332 (Rear yards and waterfront yards) shall be modified to allow the level of a #waterfront yard# to be raised above the elevation of the top of the adjoining existing bulkhead, existing stabilized natural shore or mean high water line, as applicable, provided that:
  - (1) where a #waterfront yard# terminates at a #lot line#, the grade of the #waterfront yard# shall be no higher than the grade of the adjacent #street# or #zoning lot#, except that natural grade need not be disturbed to comply with this requirement; and

(2) the maximum grade of the #waterfront yard#, measured parallel to the #shoreline#, shall not exceed three percent, or the maximum permitted grade of the circulation path, whichever is greater.

(b) #Visual corridors#

Section 62-512 (Dimensions of visual corridors) shall be modified as follows:

The lowest level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation three feet above #curb level# with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, upland edge of a raised #waterfront yard#, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation three feet above #curb level# at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a raised #waterfront yard#, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

(c) Ground floor #uses#

Section 62-341 (Developments on land and platforms), paragraph (c)(6) shall be modified as follows:

“Ground floor level” shall mean the lowest level permitted for habitable use as if it were “Post-FIRM Construction” as defined by Appendix G of Building Code, using elevation and wet flood-proofing techniques, provided that where such lowest permitted level would be less than five feet above the finished level of the adjacent sidewalk, such level need not be lower than five feet above the finished level of the adjacent sidewalk.

**64-90  
SPECIAL APPROVALS**

**64-91  
Modification of Certain Certification Requirements in the Special South Richmond Development District**

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

In the #Special South Richmond Development District#, Sections 107-22 (Designated Open Space), inclusive, and Section 107-23 (Waterfront Esplanade) shall not apply to the reconstruction or repair of #buildings# that were damaged due to the effects of Hurricane Sandy, provided that:

- (a) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012; and
- (b) there is no increase in impervious surfaces on the #zoning lot#.

In addition, the provisions of Section 107-22, inclusive, shall not apply to a #site alteration# that is not a #development# or #enlargement# where the Commissioner of Buildings determines it is the minimum necessary to enable the reconstruction of a #building#.

These provisions shall not affect the terms of a certification previously made by the City Planning Commission. The provisions of this Section shall apply to #buildings# that are the subject of an Application for Approval of Construction Documents that has been approved by the Department of Buildings no later than one year after the adoption of new Flood Insurance Rate Maps that supersede the maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the zoning resolution.

**64-92  
Special Permit for Modification of Certain Zoning Regulations**

In order to allow for the alteration of existing #buildings# in compliance with #flood resistant construction standards# and for #developments# and #enlargements# in compliance with #flood resistant construction standards#, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the #bulk# regulations of Sections 64-30 (SPECIAL BULK REGULATIONS), 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all

other applicable #bulk# regulations of the Zoning Resolution, except #floor area ratio# regulations, provided the following findings are made:

- (a) that there would be a practical difficulty in complying with #flood-resistant construction standards# without such modifications, and that such modifications are the minimum necessary to allow for an appropriate #building# in compliance with #flood-resistant construction standards#;
- (b) that any modification of #bulk# regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from #flood-resistant construction elevation#, whichever is less; and

(c) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood’s potential development in accordance with #flood-resistant construction standards#.

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

\* \* \*  
**Article VIII - Special Purpose Districts**

**Chapter 7  
Special Harlem River Waterfront District**

\* \* \*  
**87-02  
General Provisions**  
In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*  
**Chapter 8  
Special Hudson Square District**

\* \* \*  
**88-02  
General Provisions**  
In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*  
**Article IX - Special Purpose Districts**

**Chapter 1  
Special Lower Manhattan District**

\* \* \*  
**91-01  
General Provisions**  
Except as modified by the express provisions of the #Special Lower Manhattan District#, the regulations of the underlying zoning districts shall remain in effect.

\* \* \*  
The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to all areas of the #waterfront area# within the #Special Lower Manhattan District#, except as otherwise provided in Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*  
**Chapter 3  
Special Hudson Yards District**

\* \* \*  
**93-02  
General Provisions**  
The provisions of this Chapter shall apply within the #Special Hudson Yards District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*  
**Chapter 4  
Special Sheepshead Bay District**

\* \* \*  
**94-02  
General Provisions**  
In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in this Chapter. Except as modified by the express provisions of this Special District, the regulations of the underlying zoning districts remain in effect.

In the #waterfront area#, the provisions of the #Special Sheepshead Bay District# are modified in accordance with the provisions of Section 62-13 (Applicability of District Regulations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*  
**Chapter 6  
Special Clinton District**

\* \* \*  
**96-02  
General Provisions**

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters “CL-Mid.”

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*  
**Chapter 8  
Special West Chelsea District**

**98-02  
General Provisions**  
The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Sections 98-11 (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and 98-17 (Air Space over a Railroad or Transit Right-of-way or Yard) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*  
**Article X - Special Purpose Districts**

**Chapter 4  
Special Manhattanville Mixed Use District**

\* \* \*  
**104-02  
General Provisions**  
In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*  
**104-30  
SPECIAL HEIGHT AND SETBACK REQUIREMENTS**  
In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section, inclusive, shall apply in C6 Districts. In Subdistrict B, special height regulations for the underlying M1-2 District are set forth in Section 104-31, *et seq.*

In Subdistrict A, the height of all #buildings or other structures# shall be measured from the #base plane#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B of this Chapter. However, in #flood zones#, the level of the #base plane# shall be the #flood resistant construction elevation#.

\* \* \*  
**Chapter 6  
Special Coney Island Mixed Use District**

\* \* \*  
**106-02  
General Provisions**  
In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Coney Island Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Coney Island Mixed Use District# shall replace and supersede the existing district regulations. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*  
**Chapter 7  
Special South Richmond Development District**

\* \* \*  
**107-02  
General Provisions**  
In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*

**Chapter 8  
Special Hunts Point District**

\* \* \*

**108-01  
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and #enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Article XI - Special Purpose Districts**

**Chapter 1  
Special Tribeca Mixed Use District**

\* \* \*

**111-02  
General Provisions**

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 3  
Special Ocean Parkway District**

**113-01  
General Provisions**

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*

**Chapter 6  
Special Stapleton Waterfront District**

\* \* \*

**116-02  
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

\* \* \*

**116-221  
Special floor area regulations for mixed buildings**  
For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths; and
- (c) limitations on #floor area# occupied by certain #uses#.

In #flood zones#, the #floor area# exclusion permitted by this Section shall also apply to the area occupied by non-#residential uses# on the #lowest occupiable floor#, as defined in Section 64-11.

**Chapter 7  
Special Long Island City Mixed Use District**

\* \* \*

**117-02  
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Article XII - Special Purpose Districts**

**Chapter 3  
Special Mixed Use District**

\* \* \*

**123-10  
GENERAL PROVISIONS**

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Article XII - Special Purpose Districts**

**Chapter 4  
Special Willets Point District**

\* \* \*

**124-01  
General Provisions**

The provisions of this Chapter shall apply within the #Special Willets Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 5  
Special Southern Hunters Point District**

\* \* \*

**125-01  
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 6  
Special College Point District**

\* \* \*

**126-01  
General Provisions**

The provisions of this Chapter shall apply within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 8  
Special St. George District**

\* \* \*

**128-02  
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Article XIII - Special Purpose Districts**

**Chapter 1  
Special Coney Island District**

\* \* \*

**131-01  
General Provisions**

The provisions of this Chapter shall apply within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**131-324  
Special floor area ratio regulations for entrances to stories above the base flood elevation**

Up to 300 square feet of an entranceway adjoining the #street wall# of a #building# that contains ramps, stairs or handicap accessible elevators providing access from a public sidewalk to the lowest #story# above the #base flood elevation# shall be exempt from the definition of #floor area#.

**131-325 324  
Lot coverage**

\* \* \*

**No. 12  
WEST END-COLLEGIATE HISTORIC DISTRICT  
EXTENSION**

**CD 7 N 140005 HKM**  
**IN THE MATTER OF** a communication dated July 5, 2013, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the West End-Collegiate Historic District Extension, designated by the Landmarks Preservation Commission on June 25, 2013 (List 465, LP-2462). The district boundaries are:

**Area I** of the West End-Collegiate Historic District Extension consists of the property bounded by a line beginning at the southeast corner of West 77th Street and Riverside Drive, easterly along the southern curblineline of West 77th Street to a point on a line extending southerly from the eastern property line of 323-327 West 77th Street, northerly along said line and the eastern property line of 323-327 West 77th Street, westerly along part of the northern property line of 323-327 West 77th Street, northerly along the eastern property line of 53-54 Riverside Drive (aka 324-340 West 78th Street) to the southern curblineline of West 78th Street, easterly along the southern curblineline of West 78th Street to a point on a line extending southerly from the eastern property line of 317-331 West 78th Street, northerly along said line and the eastern property line of 317-331 West 78th Street, easterly along the southern property lines of 302-306 West 79th Street and 391-393 West End Avenue (aka 300 West 79th Street) to the western curblineline of West End Avenue, southerly along the western curblineline of West End Avenue, easterly along the southern curblineline of West 77th Street to a point on a line extending northerly from the eastern property line of 262 West 77th Street, northerly along said line to the northern curblineline of West 77th Street, easterly along the northern curblineline of West 77th Street, northerly along the western curblineline of Broadway, westerly along the northern curblineline of West 79th to a point on a line extending southerly from the western property line of 307 West 79th Street (aka 307-313 West 79th Street), southerly along said line to the southern curblineline of West 79th Street, westerly along the southern curblineline of West 79th Street, and southerly along the eastern curblineline of Riverside Drive, to the point of beginning.

**Area II** of the West End-Collegiate Historic District Extension consists of the property bounded by a line beginning at the northeast corner of Riverside Drive and West 74th Street, extending southerly along the eastern curblineline of Riverside Drive to the southern curblineline of West 72nd Street, westerly along the southern curblineline of West 72nd Street to a point on a line extending northerly from the western property line of 344 West 72nd Street (aka 353-357 West 71st Street), southerly along said line and the western property lines of 344 West 72nd Street (aka 353-357 West 71st Street) and 350-352 West 71st Street, easterly along the southern property lines of 350-352 West 71st Street through 342-344 West 71st Street, northerly along the eastern property line of 342-344 West 71st Street to the northern curblineline of West 71st Street, westerly along the northern curblineline of West 71st Street to a point on a line extending southerly from part of the eastern property line of 344 West 72nd Street (aka 353-357 West 71st Street), northerly along said line and part of the eastern property line of 344 West 72nd Street (aka 353-357 West 71st Street), easterly along part of the southern property line of 340-342 West 72nd Street and the southern property lines of 338 through 310-318 West 72nd Street, southerly along part of the western property lines of 251-255 West End Avenue through 241-247 West End Avenue (aka 301-303 West 71st Street) to the northern curblineline of West 71st Street, westerly along the northern curblineline of West 71st Street to a point on a line extending northerly from the western property line of 229-235 West End Avenue (aka 300-308 West 71st Street), southerly along said line and the western property line of 229-235 West End Avenue (aka 300-308 West 71st Street), easterly along part of the southern property line of 229-235 West End Avenue (aka 300-308 West 71st Street), southerly along the western property line of 301-303 West 70th Street (aka 221- 227 West End Avenue) to the northern curblineline of West 70th Street, easterly along the northern curb line of West 70th Street to a point on a line extending southerly from the eastern property line of 211 West 70th Street, northerly along said line and the eastern property line of 211 West 70th Street, westerly along part of the northern property line of 211 West 70th Street, northerly along the eastern property line of 212 West 71st Street to the northern curblineline of West 71st Street, easterly along the northern curblineline of West 71st Street to a point on a line extending southerly from part of the eastern property line of 213 West 71st Street, northerly along said line and northerly, westerly, and northerly along the eastern property line of 213 West 71st Street, westerly along the northern property lines of 213 through part of 217 West 71st Street, northerly along the eastern property line of 214 West 72nd Street to the southern curblineline of West 72nd Street, westerly along the southern curblineline of West 72nd Street to a point on a line extending southerly from the eastern property line of 233 West 72nd Street, northerly along said line and the eastern property line of 233 West 72nd Street, easterly along part of the southern property line of Lot 43, northerly and easterly along part of the eastern property line of Lot 43, easterly along the southern property line of 236 West 73rd Street, northerly along the eastern property line of 236 West 73rd Street to the southern curblineline of West 73rd Street, westerly along the southern curblineline of West 73rd Street to a line extending southerly from the eastern property line of 251 West 73rd Street, northerly along said line and the eastern property lines of 251 West 73rd Street and 232 West 74th Street to the northern curblineline of West 74th Street, easterly along the northern curblineline of West 74th Street to a point on a line extending southerly from the eastern property line of 231 West 74th Street, northerly along said line and the eastern property lines of 231 West 74th Street and 228 West 75th Street to the northern curblineline of West 75th Street, easterly along the northern curblineline of West 75th Street, northerly along the western curblineline of Broadway to point on a line extending easterly from the northern property line of 2169 Broadway (aka 235-241 West 76th Street), westerly along said line and the northern property line of 2169 Broadway (aka 235-241 West 76th Street), southerly along the western property line of 2169 Broadway (aka 235-241 West 76th

Street) to the northern curblin of West 76th Street, westerly along the northern curblin of West 76th Street, southerly along the western curblin of West End Avenue, westerly along the northern curblin of West 75th Street to point on a line extending northerly from the western property line of 302-304 West 75th Street, southerly along said line and the western property line of 302-304 West 75th Street, easterly along the southern property line of 302-304 West 75th Street, southerly along part of the western property line of 301-311 West End Avenue (aka 301 West 74th Street) to the northern curblin of West 74th Street, and westerly along the northern curblin of West 74th Street, to the point of beginning.

**YVETTE V. GRUEL, Calendar Officer**  
**City Planning Commission**  
**22 Reade Street, Room 2E**  
**New York, New York 10007**  
**Telephone (212) 720-3370**

☛ jy24-a7

## CITY PLANNING

### NOTICE

#### NOTICE OF PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (CEQR No. 13DCP011M)

##### East Midtown Rezoning and Related Actions

<b>Project Identification</b>	<b>Lead Agency</b>
CEQR No. 13DCP011M	City Planning Commission (CPC)
ULURP Nos. N 130247 ZRM,	22 Reade Street, Room 1W
130248 ZMM, and 130247(A) ZRM	New York, New York 10007
SEQRA Classification: Type I	

#### Contact Person

Robert Dobruskin, AICP, Director (212) 720-3423  
 Environmental Assessment and Review Division (EARD)  
 New York City Department of City Planning (DCP)

**Please note that the Notice of Public Hearing that appeared in the July 22nd issue of the City Record had an incorrect starting time for the August 7th public hearing. The correct starting time is 9:00 A.M. as stated below.**

The CPC, acting as lead agency, issued a Notice of Completion on April 19, 2013, for a Draft Environmental Impact Statement (DEIS) for the proposed East Midtown Rezoning and Related Actions in accordance with Article 8 of the Environmental Conservation Law. **A public hearing on the DEIS will be held on Wednesday, August 7, 2013, at 9:00 A.M., in the George Gustav Heye Center, National Museum of the American Indian, Alexander Hamilton U.S. Custom House, One Bowling Green, New York, NY 10004, in conjunction with the CPC's citywide public hearing pursuant to ULURP. The public hearing will also consider a modification to the Proposed Action, (ULURP No. 130247(A) ZRM), as described below. Comments will be requested on the DEIS and will be accepted until Monday, August 19, 2013.**

The applicant, DCP, is requesting zoning map and zoning text amendments, and a potential change to the City Map (collectively, the "Proposed Action") affecting an approximately 70-block area within East Midtown, in Manhattan Community Districts 5 and 6. The rezoning area is generally bounded by East 39th Street to the south, East 57th Street to the north, Second and Third Avenues to the east and a line 150 feet east of Fifth Avenue to the west. Since the issuance of the DEIS, DCP has proposed a modification to the proposed text amendment, pursuant to ULURP No. 130247(A) ZRM. The modification to the proposed text amendment will be fully analyzed as an alternative in the FEIS. A preliminary screening indicates that development under the proposed text amendment would not have the potential to result in new or significant adverse impacts.

Copies of the DEIS may be obtained from EARD, DCP, 22 Reade Street, 4E, New York, New York 10007, Robert Dobruskin, Director (212) 720-3423; or from the Mayor's Office of Environmental Coordination, 100 Gold Street, 2nd Floor, New York, New York 10038, Robert Kulikowski, Director (212) 788-9956; and on DCP's website: [http://www.nyc.gov/html/dcp/html/env\\_review/eis.shtml](http://www.nyc.gov/html/dcp/html/env_review/eis.shtml).

☛ jy24

## COMMUNITY BOARDS

### PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

#### BOROUGH OF QUEENS

COMMUNITY BOARD NO. 08 - Tuesday, July 30, 2013 at 7:30 P.M., Community Board 8 Offices, 197-15 Hillside Avenue, Hollis, NY

#### Public Hearing

Fiscal Year 2015 Capital and Expense new Budget Requests.

☛ jy24-30

## LANDMARKS PRESERVATION COMMISSION

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **August 6, 2013 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF STATEN ISLAND 14-3676 - Block 120, lot 20-160 Heberton Avenue - P.S. 20 Annex - Individual Landmark**  
 A Romanesque Revival style public school building with neo-Classical style detailing, built in 1891, with an addition designed by James Warriner Moulton and built in 1897-98. Application is to replace windows. Community District 1.

#### BINDING REPORT

**BOROUGH OF THE BRONX 12-2653-Block 5900, lot 150-6000 Broadway-Van Cortlandt Mansion - Interior Landmark & Individual Landmark**  
 A Georgian style manor house built in 1748-49. Application is to alter the finishes in the dining room. Community District 7,8,12.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF BROOKLYN 13-8460 - Block 2367, lot 38-17 Fillmore Place-Fillmore Place Historic District**  
 An Italianate style flats building built c.1853. Application is to construct a rear yard addition. Zoned R6B / M1-2. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF BROOKLYN 13-3522 -Block 326, lot 56-288 Court Street -Cobble Hill Historic District**  
 An altered commercial building built in the 1930's. Application is to install new storefront infill and signage. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF BROOKLYN 14-3002 - Block 444, lot 4-339 Hoyt Street - Carroll Gardens Historic District**  
 A late Italianate style house built in 1873. Application is to demolish an existing rear yard addition and construct a new rear yard addition. Zoned R6B. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF BROOKLYN Block 1143, lot 38-578 Carlton Avenue-Prospect Heights Historic District**  
 An altered Italianate style rowhouse built prior to 1855. Application is to reconstruct the secondary facades, replace the front entrance hood, construct a rear yard addition, and excavate the cellar and the rear yard. Zoned R6B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 14-2846 - Block 172, lot 23-70 Lafayette Street, aka 40 Franklin Street-The Ahrens Building-Individual Landmark**  
 A Romanesque Revival style commercial building designed by George H. Griebel and built in 1894-95. Application is to install storefront infill and install roll-down security gates. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 14-3909 - Block 574, lot 63-37 West 10th Street-Greenwich Village Historic District**  
 A Greek Revival style townhouse designed by Andrew Lockwood and altered in the 1920's. Application is to excavate the areaway, alter the entrance, and enlarge a window. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 14-3980 - Block 608, lot 58-133 West 12th Street-Greenwich Village Historic District**  
 A transitional late Greek Revival/Italianate style rowhouse built in 1851. Application is to construct a rooftop addition and modify a rear yard addition. Zoned R6. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 145385 - Block 1285, lot 7501-611 Fifth Avenue-Saks Fifth Avenue - Individual Landmark**  
 A classically inspired department store building designed by Starrett & Van Vleck and built 1922-1924. Application is to replace windows. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 14-5104 - Block 859, lot 26-30 East 30th Street, aka 27-31 East 29th Street- Martha Washington Hotel-Individual Landmark**  
 A Renaissance Revival style hotel built in 1901-03 and designed by Robert W. Gibson. Application is to modify the ground floor facade and install storefront infill and signage. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 14-5757 - Block 1121, lot 6-65 West 68th Street-Upper West Side/Central Park West Historic District**  
 A Renaissance Revival style rowhouse designed by Edward Kilpatrick and built in 1893-94. Application is to install a barrier-free access lift. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 14-5765 - Block 1229, lot 35-452 Amsterdam Avenue-Upper West Side/ Central Park West Historic District**  
 A Romanesque Revival style flats building designed by Gilbert A. Schellenger and built in 1891. Application is to replace storefront infill. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 13-8845 - Block 1409, lot 69-815 Park Avenue-Upper East Side Historic District**  
 A neo-Georgian style apartment building designed by W.L. Rouse and L.A. Goldstone and built in 1917. Application is to establish a master plan governing the future replacement of windows. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 14-3566 - Block 1502, lot 45-66 East 91st Street-Carnegie Hill Historic District**  
 A Romanesque Revival style rowhouse designed by James Henderson and built in 1887-89, and altered in 1909 with the addition of neo-Classical style elements in 1909 by Snelling & Potter, and altered by William A. Boring in 1910. Application is to modify the areaway, demolish an existing rear yard addition, and construct a new rear yard addition and install rooftop mechanical equipment. Zoned R8B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 14-4488 - Block 1387, lot 62-18 East 73rd Street-Upper East Side Historic District**  
 A townhouse built c. 1866, and altered in the neo-Georgian style by William Lawrence Bottomley in 1922-23. Application is to alter the mansard roof, construct a rear yard addition, modify masonry openings, and excavate the rear yard. Zoned R8B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 14-3218 - Block 1406, lot 12-127 East 71st Street-Upper East Side Historic District**  
 A house originally built circa 1865 and modified in the Modern Style by Joseph D. Weiss in 1955. Application is to alter to the front facade and areaway. Community District 8.

☛ jy24-a6

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

#### NOTICE

#### ASSET MANAGEMENT PROPOSED LEASES OF CERTAIN NEW YORK CITY REAL PROPERTY PUBLIC LEASE AUCTION BY SEALED BID

PUBLIC NOTICE IS HEREBY GIVEN THAT the Department of Citywide Administrative Services, Asset Management proposes to offer leases at public auction by sealed bid for the below listed properties.

In accordance with Section 384 of the New York City Charter, a public hearing will be held regarding the proposed leases on Wednesday, September 25, 2013, 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M.

These properties will be leased in accordance with the Standard Terms and Conditions and the Special Terms and Conditions printed below.

If approved for lease by the Mayor of the City of New York, the time and place of the sealed bid lease auction will be separately advertised in *The City Record*.

Further information, including public inspection of the Terms and Conditions and the proposed leases, may be obtained at 1 Centre Street, 20th Floor North, New York, New York 10007. To schedule an inspection, please contact Shelley Goldman at (212) 386-0608 or [sgoldman@dcas.nyc.gov](mailto:sgoldman@dcas.nyc.gov).

Note: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than **SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING**. TDD users should call Verizon relay services.

PREMISES ADDRESS: 127 East 105th Street  
 LOCATION: East 105th Street between Park Avenue and Lexington Avenue  
 BOROUGH: Manhattan  
 BLOCK: 1633  
 LOT: 13  
 PROPERTY TYPE: 3 Story Building  
 SQUARE FOOTAGE: Approximately 8,800  
 USE: Community Facility  
 ZONE: R7-2/C1-5  
 LEASE TERM: Five (5) Years  
 RENEWAL TERMS: One (1) five (5) year renewal term  
 MINIMUM ANNUAL BID: \$85,824

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement Date.

SPECIAL TERM AND CONDITION: There is presently a boiler (the "boiler") in the cellar of 127 East 105th Street that can be accessed by way of an underground tunnel, which connects the cellars of 127 East 105th Street and 1680 Lexington Avenue. This boiler operates as a shared utility for both buildings. Pursuant to a Declaration of Restrictions dated April 27, 2011, which shall be made part of the proposed long term lease, the boiler shall be shall be maintained and repaired by the fee owner or agent of 1680 Lexington Avenue. The fee owner or agent of 1680 Lexington Avenue shall be permitted to enter through the underground tunnel to make necessary repairs and perform regular maintenance. If the boiler is replaced, it will be of a similar make model and performance, and shall stand upon the same location. In the event that either 1680 Lexington Avenue, or 127 East 105th Street, shall come under separate ownership, the cost of repair or replacement of the boiler shall be equally borne by the fee owners of each building. This special term and condition will continue in perpetuity or until such time that a separate boiler is installed in 1680 Lexington Avenue. A copy of the proposed long term lease and the Declaration of Restrictions is available at the offices of DCAS.

PREMISES ADDRESS: 8501 Fifth Avenue  
 LOCATION: East side of Fifth Avenue, approximately 18 feet south of 85th Street  
 BOROUGH: Brooklyn  
 BLOCK: 6036  
 LOT: Part of Lot 1  
 PROPERTY TYPE: Ground floor retail store and basement space  
 SQUARE FOOTAGE: Approximately 2,352 square feet on ground floor and 2,352 square feet of basement space  
 USE: As of Right  
 ZONE: C4-2A  
 LEASE TERM: Five (5) Years  
 RENEWAL TERMS: Two (2) five (5) year renewal terms  
 MINIMUM ANNUAL BID: \$90,240

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement Date.

SPECIAL TERM AND CONDITION: At the request of the highest qualified bidder, the City and said bidder will enter into a Revocable License Agreement (the "License") in form

as acceptable to the City, for use of the Premises for the sole and exclusive purpose of conducting activities to prepare the Premises for occupancy pursuant to the contemplated long term lease. Use of the Premises under the License shall be strictly limited to architectural, engineering and construction work of a non-structural nature, and for no other purpose. The License fee shall be Ten Dollars (\$10.00) per month and shall not exceed sixty (60) calendar days. The day after the expiration of such License shall be the Commencement Date of the Lease.

PREMISES ADDRESS: 195-05 Linden Boulevard  
LOCATION: Northeast Corner of Linden Boulevard and 195th Street  
BOROUGH: Queens  
BLOCK: 11067  
LOT: 40  
PROPERTY TYPE: 2 Story Building  
SQUARE FOOTAGE: Approximately 17,400  
USE: Community Facility  
ZONE: R5B, C1-3  
LEASE TERM: Five (5) Years  
RENEWAL TERMS: One (1) five (5) year renewal term  
MINIMUM ANNUAL BID: \$96,960

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement.

jy22-s25

## CITYWIDE PURCHASING

### NOTICE

The Department of Citywide Administrative Services, Office of Citywide Purchasing is currently selling surplus assets on the internet. Visit

<http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>. To begin bidding, simply click on 'Register' on the home page. There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more. Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Purchasing, 1 Centre Street, 18th Floor, New York, NY 10007.

jy24-d1

## POLICE

### OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

### INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

### FOR MOTOR VEHICLES

(All Boroughs):

- \* Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

### FOR ALL OTHER PROPERTY

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

## PROCUREMENT

**"Compete To Win" More Contracts!**  
Thanks to a new City initiative - "Compete to Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

- Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)

"The City of New York is committed to achieving excellence in the design and construction of its capital

**program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."**

## AGING

### AWARDS

#### Human / Client Services

**NATURALLY OCCURRING RETIREMENT COMMUNITIES (NORC) SERVICES** – Negotiated Acquisition – Available only from a single source – These vendors have been awarded a contract by the Department for the Aging for the provisions of Naturally Occurring Retirement Communities (NORC) services targeting low and moderate-income residents age 60 or over living in the NORC. The contract terms will be from July 1, 2013 to June 30, 2014.

Hellenic American Neighborhood Action Center, Inc.  
49 West 45th Street, 4th Floor, New York, NY 10036  
PIN#: 12514NCNAN46 - \$211,456

Henry Street Settlement  
265 Henry Street, New York, NY 10002  
PIN#: 12514NCNAN35 - \$250,565

Hudson Guild  
441 West 26th Street, New York, NY 10001  
PIN# 12514NCN3D - \$218,365

Isabella Geriatric Center, Inc.  
515 Audubon Avenue, New York, NY 10040  
PIN# 12514NCNAN3E - \$161,628

jy24

**LEGAL SERVICES** – Negotiated Acquisition – Available only from a single source – These vendors have been awarded a contract by the Department for the Aging for the provisions of legal services for persons 60 years or older. The contract term will be from July 1, 2013 to June 30, 2014.

The Legal Aid Society  
199 Water Street, 6th Floor  
New York, New York 10038  
PIN#: 12514LGNA243 - \$279,402

Jewish Association for Services for the Aged  
247 West 37th Street, 9th Floor  
New York, New York 10018  
PIN#: 12514LGNA40A - \$434,482

Legal Services NYC  
40 Worth Street, Suite 606  
New York, New York 10013  
PIN#: 12514LGNA22D - 62,313

LSNY Bronx Corporation  
579 Courtlandt Avenue  
Bronx, New York 10451  
PIN#: 12514LGNA1AA - \$241,737

MFY Legal Services, Inc.  
299 Broadway  
New York, New York 10007  
PIN#: 12514LGNA32V - \$233,628

jy24

**HEMOCARE SERVICES** – Negotiated Acquisition – Available only from a single source – These vendors have been awarded a contract by the Department for the Aging for the provisions of home care services comprised of Homemaker/Personal Care, Housekeeper and Emergency Home Care services to frail older adults residing in their homes. The contract term will be from July 1, 2013 to June 30, 2014.

Personal Touch Home Care of New York, Inc.  
222-15 Northern Blvd., Bayside, NY 11361  
PIN#: 12514HC103HC - \$1,156,407

Personal Touch Home Care of New York, Inc.  
222-15 Northern Blvd., Bayside, NY 11361  
PIN#: 12514HC103HB - \$1,202,135

Ridgewood Bushwick Senior Citizens Homecare Council, Inc.  
533 Bushwick Avenue, Brooklyn, NY 11206  
PIN#: 12514HC102HD - \$1,482,953

jy24

## CHIEF MEDICAL EXAMINER

### AGENCY CHIEF CONTRACTING OFFICER

#### AWARDS

#### Goods & Services

**EMERGENCY PORTABLE GENERATOR** – Renewal – PIN# 81614ME0011 – AMT: \$61,960.00 – TO: National Grid Energy Management, LLC, 119 Green Street, Brooklyn, NY 11222.

jy24

## CITYWIDE ADMINISTRATIVE SERVICES

### CITYWIDE PURCHASING

#### SOLICITATIONS

#### Services (Other Than Human Services)

**PUBLIC SURPLUS ONLINE AUCTION** – Other – PIN# 0000000000 – DUE 12-31-14.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Citywide Administrative Services,  
66-26 Metropolitan Avenue, Queens Village, NY 11379.  
Donald Lepore (718) 417-2152; Fax: (212) 313-3135;  
[dlepor@dcaas.nyc.gov](mailto:dlepor@dcaas.nyc.gov)

s6-f25

## MUNICIPAL SUPPLY SERVICES

### VENDOR LISTS

#### Goods

**EQUIPMENT FOR DEPARTMENT OF SANITATION** – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j2-d31

## COMPTROLLER

### BUREAU OF INFORMATION SYSTEMS

#### INTENT TO AWARD

#### Services (Other Than Human Services)

**MY MONEY - CHECKBOOK 2.0 AND MWBE WEB APPLICATIONS** – Negotiated Acquisition – Judgment required in evaluating proposals – PIN# 01514BIS001 – DUE 08-06-13 AT 5:00 P.M. – Seeking to enter into negotiations with REI Systems Inc. to provide ongoing services (operations and maintenance support, software enhancements and hosting services) that are required to maintain the My Money - Checkbook 2.0 and MWBE web applications and the data which comprises these business domains. The systems are updated on a daily basis with new data sent from New York City's Financial Management System, Payroll System, and Comptroller's Office OASIS System. REI created the web applications and has the specific expertise to support, maintain and update these websites in the most cost effective manner based on their understanding of our business requirements and the complex code structure created to deliver the desired results. Contract term from January 1, 2013 through June 30, 2016.

Any firm which believes it can provide these required services in a future procurement is invited to express interest via email to [BIS\\_Solicitations@comptroller.nyc.gov](mailto:BIS_Solicitations@comptroller.nyc.gov).

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Comptroller's Office, 1 Centre Street, Room 2230, New York, NY 10007. Caroline Wisniewski (212) 669-8218;  
Fax: (212) 815-8507; [cwisnie@comptroller.nyc.gov](mailto:cwisnie@comptroller.nyc.gov)

jy22-26

## EDUCATION

### CONTRACTS AND PURCHASING

#### SOLICITATIONS

#### Goods

**PEDIAVISION VISION SCANNERS** – Competitive Sealed Bids – PIN# Z2339040 – DUE 08-08-13 AT 4:00 P.M. – This is a requirement contract for furnishing and delivering PediaVision Vision Scanners. Vendors must be able to supply this product within 15 days after receipt of order to the Office of Safety and Health under the jurisdiction of the Board of Education of the City of New York. If you cannot download this BID, please send an e-mail to [VendorHotline@schools.nyc.gov](mailto:VendorHotline@schools.nyc.gov) with the BID number and title in the subject line of your e-mail. For all questions related to this BID, please send an e-mail to Marc Eiselman at [MEiselman@schools.nyc.gov](mailto:MEiselman@schools.nyc.gov). with the BID number a title in the subject line of your e-mail.

Bid Due Date and Time: August 8, 2013 by 4:00 P.M.

Bid Opening Date and Time: August 9, 2013 at 11:00 A.M.

The New York City Department of Education (DOE) strives to give all businesses, including Minority and Women-Owned Business Enterprises (M/WBE's), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including M/WBEs, from all segments of the community. The DOE works to enhance the ability of M/WBEs to compete for contracts. DOE is committed to ensuring that M/WBEs fully participate in the procurement process.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300;  
[vendorhotline@schools.nyc.gov](mailto:vendorhotline@schools.nyc.gov)

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## HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

## SOLICITATIONS

*Services (Other Than Human Services)*

**COMMERCIAL SALES DEVELOPMENT SERVICES** – Request for Proposals – PIN# 100912R101 – DUE 08-07-13 AT 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*MetroPlus Health Plan, 160 Water Street, 3rd Floor, New York, NY 10038. Kathleen Nolan (212) 908-8730; Fax: (212) 908-8620; nolank@nychhc.org*

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## HEALTH AND MENTAL HYGIENE

## AGENCY CHIEF CONTRACTING OFFICER

## AWARDS

## HOUSING PLACEMENTS FOR LOW-INCOME PERSONS LIVING WITH HIV/AIDS – Negotiated

Acquisition – Judgment required in evaluating proposals - PIN# 14AE007501R0X00 – AMT: \$175,000.00 – TO: AIDS Center of Queens County, 161-21 Jamaica Avenue, 6th Floor, Queens, NY 11432.

● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE008401R0X00 – AMT: \$511,658.00 – TO: Catholic Charities Neighborhood Services, Inc., 191 Joralemon Street, Brooklyn, NY 11201.

● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE007601R0X00 – AMT: \$239,970.00 – TO: AIDS Center of Queens County, Inc., 161-21 Jamaica Avenue, 6th Floor, Jamaica, NY 11432.

● **CONDUCT COLONOSCOPY SCREENINGS TO THE UNINSURED** – BP/City Council Discretionary – PIN# 13CI045601R0X00 – AMT: \$156,250.00 – TO: Ralph Lauren Center for Cancer Care and Prevention, 1919 Madison Avenue, New York, NY 10035.

● **CANCER MOBILE MAMMOGRAPHY PROGRAM** – BP/City Council Discretionary – PIN# 13CI022501R0X00 – AMT: \$274,219.00 – TO: American-Italian Cancer Foundation, 112 East 71st Street, #2B, New York, NY 10021.

● **VIDEO PRODUCER** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13PC015001R0X00 – AMT: \$1,000,000.00 – TO: Lovett Productions, Inc., 155 Sixth Avenue, New York, NY 10013.

● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE007901R0X00 – AMT: \$216,000.00 – TO: Ali Forney Center, 224 West 35th Street, New York, NY 10001.

● **INFANT MORTALITY REDUCTION INITIATIVE** – BP/City Council Discretionary – PIN# 13FN033801R0X00 – AMT: \$196,250.00 – TO: The Bronx Health Link, Inc., 851 Grand Concourse, Bronx, NY 10451.

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## HOUSING AUTHORITY

## SOLICITATIONS

*Construction / Construction Services*

**EXTERIOR BRICKWORK RESTORATION AND ROOFING REPLACEMENT AT COOPER PARK HOUSES** – Competitive Sealed Bids – PIN# BW1318758 – DUE 08-16-13 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA. Documents can also be obtained by registering with I-supplier and downloading documents.

A pre-bid conference is scheduled for August 2, 2013 at 11:00 A.M. at Cooper Park Houses Management Office at 40 Debevoise Avenue, Brooklyn, New York. Although attendance is not mandatory, it is strongly recommended that you attend. NYCHA Staff will be available to address all inquiries relevant to this contract.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Housing Authority, 90 Church Street, New York, NY 10007. Latrena Johnson (212) 306-3223; Fax: (212) 306-5151; latrena.johnson@nycha.nyc.gov*

☛ jy24

## PARKS AND RECREATION

## CAPITAL PROJECTS

## INTENT TO AWARD

*Construction Related Services*

**MODIFICATION OF PIER 84 FOUNTAIN** – Government to Government – PIN# 8462013T0006 – DUE 08-08-13 AT 4:30 P.M. – Department of Parks and Recreation, Capital Project Division, intends to enter into a Government to Government Memorandum of Agreement with The Hudson River Park Trust for necessary modification of the mechanical, electrical and plumbing features of Pier 84 Fountain to comply with public health law, in the Hudson River Park, located along Route 9A and the Hudson River between Battery Place and 59th Street in Manhattan.

Any firms that would like to express their interest in providing services for similar projects in the future may do so. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available on-line at NYC.gov/selltonyc" and in hard copy by calling the Vendor Enrollment Center (212) 857-1680.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, Olmsted Center, Room 60, Flushing Meadows Corona Park, Flushing, NY 11368. Grace Fields-Mitchell (718) 760-6687; Fax: (718) 760-6885; grace.fields-mitchell@parks.nyc.gov*

jy22-26

## REVENUE AND CONCESSIONS

## SOLICITATIONS

*Services (Other Than Human Services)*

**RENOVATION, OPERATION, AND MAINTENANCE OF AN AMUSEMENT CENTER** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# R-13-BA-2013 – DUE 08-28-13 AT 3:00 P.M. – At 855 Arthur Kill Road, Staten Island.

There will be a recommended proposer meeting and site tour on Tuesday, August 13, 2013 at 11:30 A.M. We will be meeting at the proposed concession site, which is located at 855 Arthur Kill Road and Richmond Avenue, Staten Island. We will be meeting in the parking lot facing the amusement center. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, 830 5th Avenue, Rm. 407, New York, NY 10065. Alexander Han (212) 360-1397; Fax: (212) 360-3434; Alexander.Han@parks.nyc.gov*

jy23-a5

## AWARDS

*Services (Other Than Human Services)*

**SALE OF FOOD FROM A NON-PROCESSING PUSH CART** – Competitive Sealed Bids – PIN# B159-C – The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Mohammed Islam for the Sale of Food from a non-processing pushcart at Mount Prospect Park, in the borough of Brooklyn, New York. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term. Compensation to the City is as follows: in each operating year of the permit, permittee shall pay the City a fee consisting of a minimum annual fee: Year 1: \$8,000; Year 2: \$9,000; Year 3: \$10,000; Year 4: \$11,000; Year 5: \$12,000.

☛ jy24

## TRIBOROUGH BRIDGE &amp; TUNNEL AUTHORITY

## PROCUREMENT

## SOLICITATIONS

*Services (Other Than Human Services)*

**OVERHAUL, REPAIR, REFURBISH AND REWIND OF ELECTRICAL INDUCTION FAN MOTORS AT THE HUGH L. CAREY AND QUEENS MIDTOWN TUNNELS** – Competitive Sealed Bids – PIN# 13MNT2915000 – DUE 08-16-13 AT 3:00 P.M. – A pre-bid conference is scheduled for 7/31/13 at 10:00 A.M. Reservations must be made by contacting Robin Golubow, Contract Manager, at (646) 252-7322 no later than noon the preceding work day.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Triborough Bridge and Tunnel Authority, 2 Broadway, 23rd Floor, New York, NY 10004. Victoria Warren (646) 252-7092; Fax: (646) 252-7077; vprocure@mtabt.org*

☛ jy24

## AGENCY RULES

## HEALTH AND MENTAL HYGIENE

## NOTICE

## NOTICE OF ADOPTION OF A NEW CHAPTER 30 IN TITLE 24 OF THE RULES OF THE CITY OF NEW YORK

In compliance with §§1043(a) and 389 (b) of the New York City Charter, a notice of public hearing and notice of intent to add a new Chapter 30 ("Volatile Organic Compounds in Carpet and Carpet Cushion") to Title 24 of the Rules of the City of New York was published in the City Record on May 9, 2013, and a public hearing was held June 10, 2013. No one testified at the hearing but four written comments were received. The proposed rule was modified in response to the comments.

## Statement of Basis and Purpose

## Statutory authority

These amendments to Title 24 of the Rules of the City of New York are issued pursuant to §§556 and 1043 of the New York City Charter (the "Charter"), and §§17-1405 and 17-1407 of the Administrative Code of the City of New York (the "Administrative Code").

Pursuant to Section 556 of the Charter, the Department of Health and Mental Hygiene (the "Department" or "DOHMH") has jurisdiction to regulate all matters affecting health in the City of New York. Section 1043 of the Charter gives the Department rulemaking powers. Chapter 14 of Title 17 of the Administrative Code authorizes rulemaking by the Commissioner of the Department with regard to volatile organic compound emissions from carpet products.

## Basis and purpose of the rule

Volatile organic compounds (VOCs) are common chemical contaminants that easily evaporate into the air. Some VOCs may have short- or long-term adverse health effects. U.S. EPA studies have consistently found that VOC levels can be two to five times higher indoors than outdoors. Their

presence can be noticed as an odor from new building materials including carpet, carpet backing, carpet cushion and adhesives. Carpet products that limit VOC emissions protect public health by improving the indoor air quality in homes and workplaces.

On January 17, 2012, the Mayor signed into law Local Law 2 of 2012, adding Chapter 14 (Limits on Volatile Organic Compound Emissions in Carpet and Carpet Cushion) to Title 17 of the Administrative Code. Effective July 1, 2013, Chapter 14 requires a carpet business, defined as any person engaged in the business of selling or installing carpet or carpet cushion, to comply with the Administrative Code limits for volatile organic compound (VOC) emissions when selling, offering for sale or installing carpet or carpet cushion. Building owners, tenants and lessees, and any other persons with a controlling interest in any building or premises are also required to install carpets and carpet cushions that comply with the VOC emissions limits. Carpets and carpet cushions installed before July 1, 2013 are not affected by this law.

Local Law 2 of 2012 ("Local Law 2") requires carpet businesses, upon receiving a request from a consumer, the City Department of Consumer Affairs or the Department of Health and Mental Hygiene, to provide documentation showing that carpet or carpet cushion complies with the Administrative Code's VOC emission limits. In addition, Local Law 2 requires carpet businesses to post a notice regarding the requirements of Local Law 2 in a conspicuous location on the premises of any carpet business within the City and to provide such notice to consumers where carpet is sold outside the City for installation in the City.

These rules should facilitate compliance with the Chapter 14 recordkeeping and notice requirements. The rules do not repeat provisions of Chapter 14 and anyone required to comply with the requirements for VOC emission limits should read the rules together with Chapter 14.

The rules set forth requirements regarding the following:

1. Recordkeeping requirements for carpet businesses and requirements to provide receipts upon request;
2. Information to be provided by carpet businesses to consumers of carpet and carpet cushion; and
3. Notices to be provided by carpet businesses.

The rules require that carpet businesses keep records received from manufacturers for at least six months after the sale or installation of carpet or carpet cushion showing that carpets and carpet cushions offered for sale, sold or being installed in New York City meet the Administrative Code VOC emissions limits. The rules also specify the text of the required notice to consumers stating that carpets and carpet cushions being offered for sale or installation must comply with the VOC limits. The rules require carpet businesses to provide a paper copy of the notice to consumers if these items are sold outside the City for installation in the City, and, for internet sales, to also provide an electronic copy of the notice.

## Changes made in response to comments.

The Carpet Cushion Council (CCC) and the Carpet and Rug Institute (CRI), two industry associations representing manufacturers of these products asked for clarification as to the nature of the documentation required to show that a product is certified as Green Label, Green Label Plus, or meets the Administrative Code VOC limits. Both noted that the Green Label certifications do not appear on the product itself, but may be on rolls, roll bags or wrappers, sample bags or boards, displays, brochures, product literature, bulletins, specification sheets, corporate web sites, print ads, stationery, etc. Where the product is not certified, the proof of compliance with Administrative Code limits appears only on test results of samples tested in accordance with the ASTM standard. Accordingly, the Department has amended §30-03 to clarify that the seller may provide whatever specific proof the manufacturer has provided to show compliance with emission standards.

A second comment requested clarification on the font size for the text of the notice required to be posted by sellers in §30-04, requesting guidance on the font size related to the font used. The Department is not, however, specifying the kind of font, only that any font used result in one-half inch letters. However, the wording and spacing were amended to be more concise and more easily readable. In addition the Department of Consumer Affairs, which will be enforcing the signage requirements in retail stores, requested that the minimum size of the sign be increased from 8½" x 11" to at least 8½" x 14" to make it readily visible.

The rule is as follows. Matter underlined is new.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 24 of the Rules of the City of New York is amended by adding a new Chapter 30 (Volatile Organic Compounds in Carpet and Carpet Cushion) to read as follows:

CHAPTER 30  
VOLATILE ORGANIC COMPOUNDS IN CARPET AND CARPET CUSHION

## §30-01. Scope and applicability.

## §30-02. Definitions.

## §30-03. Recordkeeping and receipts.

## §30-04. Notice.

**§30-01. Scope and applicability.** This chapter applies to the sale and installation of carpet and carpet cushion in the City of New York and should be read in conjunction with Chapter 14 of Title 17 of the Administrative Code of the City of New York.

**§30-02. Definitions.** When used in this Chapter, terms that are defined in Administrative Code §17-1401 have the same meanings as they do in Administrative Code §17-1401.

**§30-03. Recordkeeping and receipts.** Labels and documentation must be maintained by carpet businesses. (a) *Documentation required.* Carpet businesses must obtain documentation from the manufacturer of any carpet or carpet cushion sold, offered for sale, or installed in New York City showing that it complies with the volatile organic compound (VOC) emissions limits in Administrative Code §17-1404 or has Green Label or Green Label Plus certification. The documentation must also include: (i) the name and address of the manufacturer; (ii) the brand name; (iii) style name or number; and (iv) the model name or number for the carpet or carpet cushion, as well as product information provided by the manufacturer in any form to show compliance. Green Label or Green Label Plus product information may consist of, but not be limited to, labels from rolls of carpet cushion and

carpet products; roll bags or wrappers, sample bags or boards, displays, brochures, product literature, bulletins, specification sheets, corporate website printouts, print ads, stationery. Information for products with no Green Label or Green Label Plus certification must include results of testing samples using ASTM standard D5116-10 showing compliance with Tables 1 and 2 of Chapter 14 of Title 17 of the Administrative Code.

(b) *Documentation to be kept for six months.* A carpet business must keep the manufacturer's documentation required in subdivision (a) above for at least six months after sale or installation of carpet or carpet cushion.

(c) *Documentation to be provided on request.* A carpet business must provide the manufacturer's documentation required in subdivision (a) above for any carpet or carpet cushion to the consumer or to a representative of the Department or the Department of Consumer Affairs within three business days of receiving a request.

(d) *Consumer receipts.* The consumer must be given a receipt at the time of purchase which includes the (i) date of purchase, (ii) the name of the manufacturer, (iii) brand name, (iv) style name or number, and (v) model name or number of the carpet or carpet cushion purchased.

**§30-04 Notice.**

(a) *Form of notice.*

(1) *New York City sales.* In New York City, the notice required by Administrative Code §17-1407 must be posted conspicuously at the point of sale where carpet or carpet cushion is sold or offered for sale. When posted at the point of sale, the sign must be at least 8-1/2" by 14" in size with letters at least one-half inch high.

(2) *Sales outside New York City.* If carpet or carpet cushion is purchased outside New York City for installation in New York City, instead of posting, a paper copy of the notice must be given to the consumer by the installer prior to installation.

(3) *Internet sales.* The notice must also be provided electronically if a carpet business sells carpet or carpet cushion on a website and the carpet or carpet cushion will be installed in New York City.

(b) *Text of notice.* The notice must read as follows:

**NOTICE  
NEW YORK CITY CARPET EMISSION LIMITS**

After July 1, 2013, carpet sellers may only sell carpet or carpet cushion that complies with New York City laws for volatile organic compound ("VOC") emission limits. Carpet installers and building owners and occupants may only install VOC-compliant carpet or carpet cushion in any building.

A carpet business must provide documentation showing VOC compliance upon customer request. Call 311 if the carpet seller or installer does not give you this information. Keep your receipt to help track product information.

§2. The Table of Contents in Title 24 of the Rules of the City of New York is amended to read as follows:

**RULES OF THE CITY OF NEW YORK  
TITLE 24  
TABLE OF CONTENTS**

CHAPTER	SECTIONS
<b>Title 24 Department of Health and Mental Hygiene</b>	
1 Posting Regulations for Vendors of Alcoholic Beverages	(1-01-1-03)
* * *	
29 Animal Population Control Program	(29-01-29-03)
30 Volatile Organic Compounds in Carpet and Carpet Cushion	(30-01-30-04)

jy24

**SPECIAL MATERIALS**

**COMPTROLLER**

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on July 30, 2013, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
69	15837	1
70	15838	67
71	15838	63
72	15838	61
73	15838	59

Acquired in the proceeding, entitled: BEACH 46TH STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU  
Comptroller

jy16-30

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on August 1, 2013, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
74	15838	57
75	15838	55
76	15838	53
77	15838	51
78	15838	49

79	15838	48
80	15838	47

Acquired in the proceeding, entitled: BEACH 46TH STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU  
Comptroller

jy18-a1

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on July 29, 2013, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
59	15837	23
60	15837	19
61	15837	17
62	15837	15
63	15837	13
67	15837	7
68	15837	5

Acquired in the proceeding, entitled: BEACH 46TH STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU  
Comptroller

jy15-29

**OFFICE OF THE MAYOR**

**HOUSING RECOVERY OPERATIONS**

■ NOTICE

**OFFICE OF MANAGEMENT AND BUDGET  
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT- MULTI-FAMILY BUILDINGS  
COMMUNITY DEVELOPMENT BLOCK GRANT  
DISASTER RECOVERY (CDBG-DR)**

**COMBINED FINDING OF NO SIGNIFICANT IMPACT  
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of New York.

**REQUEST FOR RELEASE OF FUNDS**

The New York City Office of Management and Budget (NYCOMB) is the Responsible Entity for environmental reviews conducted under the CDBG-DR Program. On or about August 06, 2013 the city will submit to HUD its request for the release of CDBG-DR funds to undertake the NYC Build It Back: Multi-Family Buildings program for the purposes of addressing unmet housing needs associated with damages from Hurricane Sandy in the City's five boroughs for the amount of \$215,000,000. The NYC Multi-Family Buildings program will provide rehabilitation loans for multi-family (five units or more) housing, which includes 3-4 unit, non-owner-occupied buildings. Funds will be used throughout the City, and will serve a wide range of housing types, including market-rate properties, HUD-assisted properties, permanent housing for the homeless, and private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program. Some of the activities include:

- Rehabilitation and new build supportive housing projects and on-site supportive services serving chronically homeless individuals with special needs;
- Conversion of damaged nursing homes, rooming houses, and other facilities to supportive housing; and
- Rehabilitation and retrofit of existing affordable housing developments, including HUD-assisted housing (Section 202 senior housing, Low Income Housing Tax Credit projects, and State Mitchell-Lama program developments).

The CDBG-DR funding will convey loans as low- or no-interest, potentially forgivable, or as restricted grants. In addition, projects that will maintain the property as a viable housing resource in a storm-impacted community even if the scope items are non-storm related will be considered. The Department of Housing Preservation and Development will oversee the program.

**FINDING OF NO SIGNIFICANT IMPACT**

The City has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 is not required. Additional project information is contained in the Environmental Review Record on file with Mr. Calvin Johnson, Assistant Director, New York City Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007 and may be examined weekdays 10:00 A.M. to 5:00 P.M. or using the following link <http://www.nyc.gov/html/housingrecov> and then clicking on "Public Notices".

**PUBLIC COMMENTS**

Any individual, group or agencies disagreeing with this determination or wishing to comment on the project may submit written comments to NYCOMB to the above address or submitted via email to [CDBGDR-enviro@omb.nyc.gov](mailto:CDBGDR-enviro@omb.nyc.gov). All comments received by August 03, 2013 will be considered by NYC OMB prior the submission of the request for release of funds to HUD. Comments should reference which Notice they

are addressing.

**RELEASE OF FUNDS**

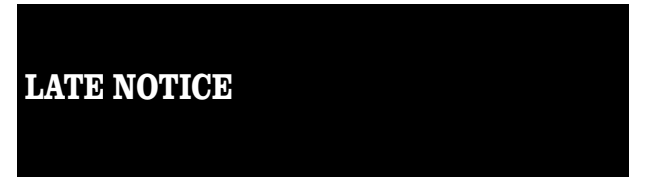
NYC OMB certifies to HUD that Mark Page, in his capacity as the Certifying Officer of the CDBG-DR Program consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City to use CDBG-DR program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

HUD will accept objections to its release of funds and the NYCOMB certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the NYCOMB; (b) NYCOMB has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to: Tennille S. Parker, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, HUD 451 7th Street SW, Rm 7272, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

City of New York, Office of Management and Budget,  
Mark Page, Director  
Date: July 19, 2013

jy19-29



**ECONOMIC DEVELOPMENT CORPORATION**

**CONTRACTS**

■ SOLICITATIONS

*Goods & Services*

**WILLOUGHBY SQUARE DEVELOPMENT RIGHTS** – Request for Proposals – PIN# 5154-0 – DUE 07-31-14 AT 4:00 P.M. – NYCEDC is offering to sell approximately 170,000 square feet of floor area development rights associated with Willoughby Square, an approximately 1.1-acre planned public space and underground garage located in Downtown Brooklyn. The sale is expected to be accomplished by the City by means of a zoning lot development agreement and a declaration of zoning lot restrictions with a lot adjacent to Willoughby Square. NYCEDC would also consider alternative transaction structures proposed by Respondents.

A Respondent that is not in possession of a site on which to transfer the Floor Area Development Rights at the time of RFP submission may still submit a Proposal for the Transaction. Respondent would be expected to timely enter into an agreement that would commit the requisite parties to complete the Transaction upon Respondent's acquisition of an Eligible Site, subject to all necessary approvals. An Option Agreement must identify a termination date. The sale will benefit the City by providing additional tax revenues and job creation associated with new construction generated by the Transaction.

NYCEDC plans to select a respondent on the basis of factors stated in the RFP which include, but are not limited to: purchase price, Transaction timing, Respondent team qualifications and economic impact on the community.

Companies who have been certified with the New York City Department of Small Business Services as Minority and Women Owned Business Enterprises ("M/WBE") are strongly encouraged to apply. To learn more about M/WBE certification and NYCEDC's M/WBE program, please visit [www.nycedc.com/opportunitymwd](http://www.nycedc.com/opportunitymwd).

Respondents must submit initial questions and/or requests clarification from NYCEDC by 5:00 P.M. on Wednesday, August 7, 2013. Answers to initial questions will be posted by August 14, 2013, to [www.nycedc.com/RFP](http://www.nycedc.com/RFP).

To download a copy of the solicitation documents please visit [www.nycedc.com/RFP](http://www.nycedc.com/RFP).

The RFP will have twelve monthly Submission Deadlines occurring on the last business day of each month, with the first on Friday, August 30, 2013. Responses are due no later than 4:00 P.M. on any monthly Submission Deadline. NYCEDC may also establish a Termination Date for the RFP at any time after the first Submission Deadline, after providing two weeks' prior notice. All proposals received up to the Termination Date will be considered.

Please submit three hardcopies and one electronic version of your proposal (pro forma financials should be submitted on a CD in excel format, including all formulas (not be hard-coded)).

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Economic Development Corporation, 110 William Street, 6th Floor, New York, NY 10038.  
Maryann Catalano (212) 312-3969; Fax: (212) 312-3918;  
WilloughbySquareDR@nycedc.com*

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