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June 24, 1992/Calendar No. 27

N 920260 ZRM

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**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York relating to Sections 81-00, 81-04, 81-06, 81-211, 81-61, 81-62 to 81-625, and 81-63 to 81-635 in the Special Midtown District.

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The application for amendments to the Zoning Resolution was filed by the Department of City Planning on December 23, 1991. The proposed amendments to Sections 81-00, 81-60 and other related sections would create the Grand Central Subdistrict within the Special Midtown District.

**BACKGROUND**

The Department of City Planning has proposed the creation of a fourth subdistrict within the Special Midtown District in order to ensure that future development enhances both the functional and physical environment of the Grand Central Terminal area. The proposed Grand Central Subdistrict ("Subdistrict") would refine the urban design and site planning regulations of the Special Midtown District in order to reinforce the existing built form of the area and facilitate pedestrian movement, and create new provisions for the transfer of development rights from designated landmarks in order to aid in both the preservation of the Terminal building and any other landmarks as well as the area's character.

The proposal builds upon the Terminal's vital importance as a transportation hub and a symbolic center of New York City. Over 500,000 people pass through the station each business day, many using the extensive underground and street-level pedestrian circulation network that connects the Terminal with the nearby high-density commercial developments.

**Existing Zoning Regulations**

Currently, development within the Grand Central area is governed by the regulations of the Special Midtown District ("Midtown"). The Terminal and surrounding lots are in a C5-3 district

which permits a base of 15 FAR; the C5-2.5 districts mapped in the midblocks permit a base of 12 FAR. A small section of C6-6 (15 FAR) is in the northeast corner of the Subdistrict. Sites in these zoning districts can achieve a bonus of 1 FAR for an urban plaza and a bonus of up to 20 percent of the base floor area ratio for providing a major improvement to an adjacent subway station.

Midtown regulations mandate a streetwall at the street line for buildings fronting on 42nd Street and a streetwall within 10 feet of the street line for those on Madison, Park, and Lexington avenues. A new building on these avenues and 42nd Street must have a minimum streetwall height of 85 feet and may have a maximum of 120, 125 or 150 feet depending on the width of the street upon which it fronts. The building mass above the required streetwall is governed by the height and setback regulations of the Special Midtown District. Along 42nd Street, and Madison and Lexington avenues, retail uses are mandated at the street level and the width of lobby entrances is limited.

### Planning Context

A critical planning and development issue is the potential impact that the use of development rights from Grand Central Terminal could have on the surrounding area. As a designated New York City landmark, the Terminal could potentially transfer some or all of its approximately 1.7-1.9 million square feet of unused development rights. (In addition to the Terminal building itself, there are three other designated New York City landmarks within a few blocks of the Terminal complex: the Helmsley Building between 45th and 46th streets at Park Avenue, the Chrysler Building on the northeast corner of 42nd Street and Lexington Avenue, and the Chanin Building on the southwest corner of 42nd Street and Lexington Avenue. All but the Terminal building contain more floor area than is now permitted by zoning and therefore do not have any development rights to transfer.) The current development rights transfer mechanism, Section 74-79 of the Zoning Resolution, allows, by special permit of the City Planning Commission, transfers to those sites immediately adjacent to the landmark or in a chain of ownership. Under Section 74-79, an adjacent lot is one which is contiguous to, or across a street or intersection from, a lot occupied by a landmark. This transfer mechanism was used in 1979 when the City Planning

Commission and Board of Estimate approved a special permit for the conveyance of 74,655 square feet of development rights from Grand Central Terminal to a site on the southwest corner of 42nd Street and Park Avenue to facilitate the construction of the Philip Morris headquarters. The approved special permit allowed for a building of 21.6 FAR.

In taking a broader view of future transfers of development rights from Grand Central Terminal, the Department has considered the following factors:

- Due to the Terminal's relatively low profile and large lot size, a substantial amount of development rights is available for transfer.
- Current zoning regulations permit development rights to be distributed over an area defined primarily by ownership patterns rather than other planning criteria.
- In a 15 FAR zone, the Section 74-79 special permit mechanism does not place a specific limit on the amount of development rights which may be transferred to any one parcel. The amount of transfer permitted is at the discretion of the City Planning Commission and City Council in accordance with the required findings of Section 79-792.
- Opportunities to expand Grand Central Terminal's valuable pedestrian circulation network have not been maximized.

Collectively, these circumstances make it clear that the current regulations could lead to an ad hoc series of applications for the transfer of development rights from the Terminal under Section 74-79. The proposed Grand Central Subdistrict, however, would provide a comprehensive planning framework to govern the transfer of development rights from designated landmarks by:

- creating a mechanism for distributing development rights responsive to local conditions,
- reinforcing the established built form of the Grand Central area through urban design controls, and
- enhancing and, where possible, expanding the pedestrian circulation network which extends from Grand Central Terminal and is integral to the area's function and character.

### **Boundaries**

The proposed Subdistrict would extend from East 41st to 48th streets, generally from the midblock west of Madison Avenue to the midblock east of Lexington Avenue. Included within a

"core area" are properties that are currently connected, as well as those which may in the future be connected, to the pedestrian circulation network. The "core area" would be designated as the area between the center lines of Madison and Lexington avenues between East 41st to 48th streets. Those areas east and west of the core are referred to as the "wings."

### Urban Design Controls

A set of urban design controls would be mandated in order to ensure that all new development is compatible with the high coverage character of the existing buildings in the Grand Central area.

### Street Wall and Height and Setback

- The street wall of any development or enlargement within the Subdistrict must be within 10 feet of the street line of Park, Lexington, Madison and Vanderbilt Avenues or of Depew Place, except that on 42nd Street, the street wall must be at the street line.
- The minimum height of street walls on Park, Lexington, Madison and Vanderbilt Avenues, Depew Place, and 42nd Street must be 120 feet above curb level or the height of the building, whichever is less, and the maximum height may be 150 feet above curb level.

All developments or enlargements within the Subdistrict must comply with Midtown bulk requirements above the required streetwall. However, in order to permit higher streetwalls, the Midtown bulk regulations within the Subdistrict would be amended slightly for the applicable portion of the building below 150 feet.

- For corner lots located on Park, Lexington, Madison and Vanderbilt Avenues, Depew Place, and 42nd Street, the required street wall must extend 125 feet from the intersection of two streets or the full length of the street line along the narrow street, whichever is less. The length of the required street wall must be at least 80 percent of the length of the front lot line.
- The urban plaza bonus would be eliminated in order to reinforce the high streetwall character of the Terminal area.

The proposed streetwall and height and setback requirements for both as-of-right and transfer buildings are intended to complement the existing character of the district. The high streetwall requirements mandate that more of the bulk be located in the base of the buildings, thus ensuring

that the height of the new buildings reflects the established context of the district without restricting flexibility in design.

### Site Planning

One of the principal goals of the Subdistrict is to improve the pedestrian circulation system for Metro North commuters and subway riders as well as tourists and others who may only be passing through the area. The emphasis is on connecting new developments (whether as-of-right, by certification or by special permit) to the existing system; providing multiple and direct routes into, out of, and through buildings; and minimizing loading and trucking conflicts with pedestrians. These objectives complement the goals of Metro North's plan to reduce travel time for commuters with destinations north of the Terminal through the provision of "North End Access" passageways. They are also compatible with the initiatives undertaken by the Grand Central Partnership to improve the pedestrian environment in the area including improvements to Pershing Square and Vanderbilt Avenue.

The following controls would apply to all new developments and enlargements in the Subdistrict in order to improve pedestrian circulation:

- A building lobby entrance would be required for each street frontage of the zoning lot where the street frontage is greater than 75 feet in length. If a development has frontage on two or more streets, however, building entrances would only be required on two street frontages.
- Each required building entrance would have to lead directly to the building lobby. For developments on through-lots, if the required building entrances are connected by a through-block connection located within the building which is more than 50 feet from any street intersection, then the through-block connection would count toward the pedestrian circulation space requirement.
- For developments located on Madison or Lexington avenues or 42nd Street the length of a building entrance recess would not be greater than 40 feet parallel to the street line and there would be only one building entrance recess area allowed for each street frontage.

- Within the Subdistrict, a sidewalk widening along an avenue frontage of a development or enlargement would be allowed only if the length of the sidewalk widening extended for the full length of the avenue frontage of the zoning lot.
- For interior through-lots, the required loading berth would 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) would be 15 feet for one-way traffic and 25 feet for two-way traffic. Loading would not be permitted on 45th and 47th streets between Madison and Park avenues as these are expected pedestrian routes for future North End Access users.

### **Density and Transfer Provisions**

The proposed Subdistrict would increase the number of sites eligible for transfer of development rights from landmarks as follows:

1. All sites within the Subdistrict would be eligible, by certification of the City Planning Commission, to receive up to 1 FAR of development rights from designated landmarks. Approval of a certification would be conditioned upon the establishment of a program for the continuing maintenance of the landmark.
2. Sites within the "core area" would be eligible for a transfer of development rights up to a maximum of 21.6 FAR by City Planning Commission special permit contingent upon (a) improvements to, including expansion of, the existing pedestrian network and (b) a program for continuing maintenance of the landmark. The "core area" reflects the primary area served by the pedestrian circulation network and potential development sites are, or can be, connected directly with that network.
3. Sites currently eligible under Section 74-79 would retain their eligibility for a special permit. Section 74-79 also allows the City Planning Commission to require where appropriate, that the design of a development include improvements to pedestrian passageways.

### **Administration of the Subdistrict**

#### **Certification**

All zoning lots located 50 percent or more within the Subdistrict would be subject to the urban design regulations and eligible for the transfer provisions as outlined above.

Developments utilizing the 1 FAR transfer by certification would be subject to a City Planning Commission ministerial review to account for the development rights transferred and accept the program for continuing maintenance of the landmark. This is comparable to the level of review currently required for the 1 FAR plaza bonus which would be eliminated under the Subdistrict.

In addition, the floor area allowed in the midblock 12 FAR zone may be increased by up to 20 percent through the movement of floor area from the 15 FAR avenue zone across the zoning district boundary. This regulation is similar to that governing movement of floor area across district boundaries in effect for the Theater Subdistrict and allows for broader utilization of the development rights from designated landmarks.

#### Special Permit

Special permits for transfers in the core area would be discretionary approvals by the CPC and each would be subject to site-specific environmental review. The Commission would be required to find:

- (a) that a program for the continuing maintenance of the landmark had been established;
- (b) that the improvement to the surface and subsurface pedestrian circulation network provided by the development increases public accessibility to and from Grand Central Terminal;
- (c) 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 pedestrian congestion on surrounding streets;
- (d) that the modification of bulk regulations, regulations governing zoning lots divided by district boundaries, or the permitted transfer of floor area would not unduly increase the bulk of any new 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 in the surrounding area;
- (e) that the modifications of height and setback and site planning requirements for an enlargement to an existing building 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.

The Commission would also be able to prescribe any other appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### Pedestrian Network

As a condition for granting a special permit for the transfer of development rights in the core area, the design of the development or enlargement would be required to include a major improvement to the surface or subsurface pedestrian circulation network in the Subdistrict as stated in finding (b) above. The improvement should increase the general accessibility and security of the network, reduce points of pedestrian congestion, and improve the environment of the network through connections into planned expansions of the network such as North End Access. The improvement might include 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.

### ENVIRONMENTAL REVIEW

This application (N 920260 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.*, and the New York City Environmental Quality Review (CEQR) procedures set forth in Executive Order No. 91 of 1977. The designated CEQR number is 92-045M.

The Department of City Planning submitted to the Commission for its consideration the results of its study of the potential environmental impact of the proposed action. A negative declaration was issued on January 10, 1992.

## **PUBLIC REVIEW**

On January 6, 1992, this text change application was referred to Community Boards No. 5 and No. 6 in Manhattan and the Borough President of Manhattan for information and review in accordance with the procedures for referring non-ULURP matters.

### **Community Board Review**

On April 9, 1992, Community Board No. 5 adopted the following resolution by a vote of 20 in favor, 2 opposed with 1 abstention:

**Whereas, Community Board #5 is concerned about the extremely sensitive environmental condition of the Grand Central area due to its very high development densities and existing violations of air quality and pedestrian and vehicular traffic congestion standards, and,**

**Whereas, the designation of a special Grand Central Subdistrict presents both the opportunity and obligation on the part of the Department of City Planning, the City Planning Commission, and the City Council to present their carefully considered vision for the appropriate future development of the Grand Central area which will provide both potential applicants and the public with a clear statement of goals for future development, and,**

**Whereas, the preservation of the landmarked Grand Central Terminal and the efficient and sensible distribution of at least some of its surplus development rights represent legitimate and vital public goals:**

**Now therefore be it resolved, that although Community Board #5 welcomes and approves the preparation of urban design guidelines, a coordinated and enhanced pedestrian circulation system, and the creation of a rationalized and orderly mechanism for the transfer of some of Grand Central Terminal's excess development rights; Community Board #5 strongly recommends the temporary suspension of Planning Commission action on the proposed Grand Central subdistrict. No adequate environmental analysis has been performed or presented to indicate that 21.6 FAR development in the district is an environmentally acceptable density even though such development densities are clearly anticipated and encouraged by the proposed text change.**

**Be it further resolved, that Community Board #5 proposes studying capping development within the proposed subdistrict at 18 FAR to permit both expanded opportunities for significant development rights transfers for the landmark terminal**

and also to demonstrate reasonable concern for the likely environmental impacts of possible future development which should be allowed to proceed with a minimal amount of uncertainty and procedural obstacles.

**Be It further resolved**, that the creation of any mechanism which might permit development right transfers yielding increases beyond 20% of a development site's base FAR (a total of 18 FAR in the proposed subdistrict core) be preceded by detailed environmental studies indicating that proposed allowable development densities would be tolerable in light of existing hazardous conditions.

On May 13, 1992, Community Board No. 6 adopted the following resolution by a vote of 29 in favor, 6 opposed and no abstentions:

**Whereas**, the Department of City Planning has proposed a special subdistrict for transfer of building air rights from Grand Central Terminal, designated as a Landmark Building, and

**Whereas**, the subdistrict allows for increased FAR in areas outside the area into which Grand Central is presently able to transfer air rights, now

**Therefore be it resolved**, Community Board 6 opposes the creation of a special planning subdistrict at this time for the Grand Central area.

#### **Borough President's Review**

The Manhattan Borough President's recommendation on the proposed Subdistrict was presented as testimony at the public hearing on May 20, 1992. A complete copy of the statement is attached. In part, the testimony stated:

This zoning text takes us another important step in protecting this wonderful public resource. We must work to entrust the terminal's eventual future in public hands. But meanwhile, these rules are sound and I commend the Department staff, the Landmarks Preservation Commission and the Law Department for the hard work that went into preparing the text for review. This proposal also offers more options for the owner of the terminal.

The subdistrict urban design controls, including the elimination of the plaza bonus — a precedent I hope we can soon extend — will produce new development and enlargements compatible with the established character of the Grand Central area.

These controls will also enhance pedestrian circulation near the terminal, and will create a rational, orderly mechanisms for the transfer for excess development rights. I enthusiastically support these measures.

The affected Community Boards and others have raised a number of worthwhile questions which merit further attention. While no property owner should have an expectation of achieving every square foot of development rights that may exist under any current zoning, I am not yet certain that there are a sufficient number of good receiving sites to provide an adequate outlet for the terminal's available rights. On the one hand, I am quite opposed to any extension of the subdistrict over to Fifth Avenue, where there is an equally significant and quite different context to be protected. On the other hand, there may be suitable sites along the west side of Third Avenue between East 42nd and 44th Streets, so I have asked the Department of City Planning to examine carefully the applicability of this proposal to such sites.

It may be problematic to establish a lower FAR cap, as so many lots are already built to the currently allowable bulk. But more can be done to meet community concerns. The proposal includes a special permit finding, Section 81-635(c), which looks at the detriment from any added bulk within "*the block or nearby blocks*". This standard is too narrow: the cumulative impact of reduced light and air extends over a much wider area than a mere couple of blocks. You should look carefully at expanding the reach of this finding, so that cumulative impact of excess bulk, and specifically of lost light and air, would be analyzed over a larger "*surrounding area*." 21.6 FAR must not become the norm, but rather, truly an outside limit.

I also ask that you look at the question of enlargements. These proposed design standards may not be sufficiently refined to address issues such as those raised today by Chemical Bank. The bank's proposals should be given careful consideration so that we can be assured that this text will create a fully workable mechanism. The basic support for this proposal from this and other property owners is certainly encouraging.

Lastly, Penn Central has also raised many issues that warrant further response. I am skeptical that as-of-right zoning can be sufficiently sensitive for this area, with its mix of very high density and major landmarks. But, given Penn Central's interest in funding further studies and the availability of such important new tools as the Environmental Simulation Center, I agree we should pursue other ideas on a tight time schedule, once the district has been adopted.

The City Planning Commission has also received a letter from the Borough President of Manhattan dated June 18, 1992, outlining a process for continued discussion of Grand Central area issues among the interested public and private parties including the Department of City Planning. The process outlined by the Borough President envisions a public/private effort to define the planning future of the Grand Central area, including both zoning and

non-zoning solutions, i.e. traffic control, pedestrian circulation enhancements (at-grade as well as below-grade), adequate enforcement of existing and future anti-congestion measures and historic preservation efforts.

### City Planning Commission Public Hearing

On April 22, 1992 (Calendar No. 3) the City Planning Commission scheduled May 6, 1992 for a public hearing on this application. On May 6, 1992 (Calendar No. 23), the hearing was laid over to May 20, 1992 due to a lack of graphic clarity in the map in the text showing the boundaries of the Subdistrict. The public hearing was duly held on May 20, 1992 (Calendar No. 29). There were a total of 21 speakers with 12 speakers in favor of the application, 7 speakers opposed, and 2 speakers providing information or commenting on the application but stating no position for or against the proposal.

Speakers in favor of the application included the Borough President of Manhattan, the Chair of the Landmarks Preservation Commission, a representative of Chemical Bank, a representative of the Municipal Art Society, the president of the Municipal Art Society, the Northeast Regional Director for the National Trust for Historic Preservation, a member of the Board of Directors for the National Center for Preservation Law, the acting Director of Real Estate for the Metropolitan Transportation Authority, a representative of the New York City Historic Districts Council, the Executive Director of the New York Landmarks Conservancy, a representative of the Preservation League of New York State and the Secretary of the Society for the Architecture of the City. Positive written testimony was also received from the Metropolitan Life Insurance Company, the Olympia & York Companies (U.S.A.), the Stahl Park Avenue Co., and Chemical Bank, all property owners within the proposed Subdistrict.

Those speaking in opposition included three consultants for the Penn Central Corporation, owner of Grand Central Terminal, a representative of the Grand Central Partnership, the Executive Director of the Citizens Housing and Planning Council, a representative of the Real Estate Board of New York, as well as one speaker representing himself. In addition,

written testimony in opposition to the proposal was received from the Chairman of Community Board No. 5.

An informational presentation was made by a representative of Metro North regarding the railroad's North End Access expansion plan. A representative of the Metro Chapter of the American Planning Association read a statement raising concerns but taking no formal position on the proposal. A resolution was also received from the City Club of New York expressing concerns but stating no position. The Environmental Defense Fund submitted testimony calling for further environmental review and implementation of traffic control measures for the area.

Those in favor of the Subdistrict endorsed the proposed urban design and pedestrian circulation text refinements, the cap of 21.6 FAR for core area developments, and noted that the Subdistrict would provide expanded opportunities for the transfer of development rights from Grand Central Terminal. Concerns were raised, however, regarding the flexibility of the text to accommodate enlargements to existing buildings and the predictability of the mechanism for meeting the requirement of providing a continuing maintenance program for the landmark. Several speakers encouraged the Department to undertake, as future actions, further environmental studies of the area and a study of expanding the boundaries of the Subdistrict toward Third Avenue.

Those in opposition to the Subdistrict had differing criticisms. Generally, representatives of the owner of the Terminal and other real estate interests questioned the effectiveness of the Subdistrict. They specifically doubted whether there were sufficient realistic development sites within the proposed boundaries and indicated that they perceived the required special permit and site-specific environmental impact statement (EIS) for core area transfers to be an impediment to the development process. Some speakers proposed expanding the boundaries of the Subdistrict and preparing a generic EIS with the goal of allowing as-of-right transfers. There were also questions raised concerning the specific requirements of the continuing maintenance of the landmark program. Opposition from civic and community

groups was centered on concerns about the impacts of future development in the area and the need to adequately address the existing traffic and air quality issues of the area.

### **CONSIDERATION**

The Commission believes that the proposed amendments are appropriate and represent a significant step toward achieving the development and preservation goals for the Terminal and surrounding area.

Grand Central Terminal holds a unique functional and symbolic position in New York City as a transportation hub and landmark. The convergence of subway and commuter rail lines in the center of the midtown business district make the surrounding area an ideal location for high density commercial development. Since the completion of the Terminal in 1913, the area has proven to be an attractive locale for development and many of the buildings in the Terminal area are built at or above the current base densities permitted. The Terminal building, itself, however, contains relatively little floor area despite the enormous amount of activity it generates. The potential use and distribution of the Terminal's unused development rights has emerged as a major planning issue for this area, both in terms of the future character of the area as well as the long-term preservation of the landmark Terminal building.

The existing mechanism for transferring development rights from landmarks, Section 74-79, allows for transfers without stated density limits to receiving sites determined by ownership patterns and proximity to the landmark. The Commission believes that the proposed Grand Central Subdistrict's urban design, density and procedural guidelines will provide the sound planning criteria necessary to direct future development in this area. The Commission further recognizes that the provision of a planning framework for the transfer of development rights is a significant step, although other efforts, both public and private, will be necessary to fully address the functional and preservation needs of the Terminal and this vital area of the city.

Discussion of the Subdistrict began in November 1989 when the Department of City Planning released a discussion document outlining the proposal to the public. The Department staff met numerous times with the local community boards, a working committee of the Municipal Art Society as well as with representatives of the Penn Central Corporation over the ensuing two years. During this time, staff refined the proposal and produced an environmental and planning report, Grand Central Subdistrict, released in November 1991. During these informal discussions and throughout the public review process, there has been a useful and spirited exchange regarding various elements of the proposed Subdistrict and how they relate to the preservation of the Terminal and future character of the area. The Commission recommends that the Department continue its discussions with interested parties and participate in determining a scope of possible future actions, both zoning and non-zoning, that can be taken to further enhance the Terminal and surrounding area. The Commission endorses the approach outlined by the Manhattan Borough President in her June 18, 1992 letter to the Chairman and requests that the Department periodically inform the Commission as to the status of these discussions.

Over the course of its review, the Commission focussed on certain elements of the Subdistrict that could be refined to provide a clearer, and therefore more predictable, special permit mechanism. These included the program for continuing maintenance of the landmark, the requirement for pedestrian network improvements for special permit transfers, and waiver of urban design requirements for enlargements to existing buildings. The Commission also considered the boundaries and maximum densities proposed for the Subdistrict.

#### **1. Report from the Landmarks Preservation Commission**

A requirement of application for both certification and special permit transfers is the submission of a report from the Landmarks Preservation Commission regarding the program for continuing maintenance of the landmark and, for those sites in the immediate vicinity of the landmark, the harmonious relationship of the proposed development or enlargement to the landmark.

In the past, the City Planning Commission has deferred to the Landmarks Preservation Commission's recommendation as to the adequacy of the continuing maintenance program. Concern has been raised that the fulfillment of this requirement may entail negotiations and add to the complexity of the special permit process especially in the case of the Terminal where multiple transfers may take place. In response to this concern, the Commission has received a letter from the Chair of the Landmarks Preservation Commission dated June 12, 1992 outlining a process which could be used for each transfer to fulfill this finding. The program would be composed of two elements:

- (1) A preservation easement with a maintenance commitment and access provision granted by the landmark's owner to a not-for-profit corporation (Section 501(C)(3)), such as the New York Landmarks Preservation Foundation, and
- (2) The payment of a specified percentage of the gross proceeds of the sale of the development rights (5 percent) to the not-for-profit holder of the easement to be used to produce reports and studies which would further the preservation of the landmark.

The letter states that in the case of special permit applications:

The preservation easement would provide that the grantor, the owner of the landmark, would maintain the landmark to a stated standard. The Landmarks Law requires that a designated building be kept in "good repair." The restrictive declarations and preservation easements executed in connection with Section 74-79 and 74-711 special permits have provided that the declarant or grantor will maintain the building in "sound, first class condition." The easement would also have to provide for access to the landmark for periodic inspections to prepare reports on its condition.

With respect to the monies to be paid to the not-for-profit organization, I recommend that the use be restricted to the funding of the periodic inspection reports of the landmark by preservation architects and engineers, analysis of specific technical preservation problems, and space planning and studies to enhance the functioning of the landmark. I would further recommend that the decisions for specific expenditures be based on the recommendation of an advisory group consisting of the Chairman of the City Planning Commission, or his designee, the Chair of the Landmarks Preservation Commission, or her designee, and an appropriate representative for the landmark property; in the case of Grand Central Terminal, the MTA, which as long-term lessee has the day-to-day responsibility of the maintenance of the terminal, would be such an appropriate representative. Based on the restricted uses of the monies proposed, five percent of the gross proceeds of the sale of the development rights for each special permit transfer would seem a reasonable amount.

I have referred to the New York Landmarks Preservation Foundation as the possible grantee. As Chair of the Landmarks Preservation Commission, I am the President of the Foundation and therefore in a position to recommend to its board that it accept the preservation easement.

For a transfer by certification, I would recommend that the program for continuing maintenance would be satisfied by the payment of the specified percentage (5 percent) of the gross proceeds of the sale of the 1 FAR of development rights to the not-for-profit corporation.

The City Planning Commission believes that this procedure will provide a clear basis for the fulfillment of this finding and notes that the five percent contribution is consistent with the percentage established by the prior transfer from Grand Central Terminal to the Philip Morris site.

The Commission has also responded to concern that the redevelopment or enlargement of certain buildings near the Terminal may represent a loss of neighborhood character by adding a provision to the requirements of application for transfer of development rights. In addition to commenting on the program for continuing maintenance of the landmark, the Landmarks Preservation Commission would be asked to submit a report on the harmonious relationship of a development or enlargement to the Terminal. This report would only be required for those sites in the immediate vicinity of the Terminal — on a contiguous lot or across the street or intersection from the Terminal building.

## **2. Pedestrian Network Improvements**

The Commission considers the enhancement of the pedestrian circulation network in the Grand Central area an important long-term goal. The aspects of the text that require multiple building entrances, interconnected lobbies, through-block connections, and limitations on curb cuts and loading docks on major pedestrian routes will all ease pedestrian movement through the area. In addition to these improvements, which are mandated for as-of-right as well as transfer developments, applications for the transfer of development rights by special permit in the core area must provide a major improvement to the pedestrian circulation network.

The nature of the improvement may take various forms, many of which the Department has described in detail in the Grand Central Subdistrict report. As an example, a development located in the northern portion of the Subdistrict might provide an easement and well-designed, integrated entrance/exit into the North End Access system on its property. Depending on the sequence of developments, this improvement may be provided prior to an application for transfer of development rights in anticipation of the completion of the North End Access system. It may be appropriate for another development site closer to the Terminal to provide new access to, or consolidate and rationalize entries into, an existing passageway. The Commission expects that most improvements will take place on-site; however, there may be cases where it is appropriate to undertake off-site improvements. Given that some passageways are under the control of multiple owners and work may encounter unforeseen obstacles to completion, there may be a need to include *force majeure* provisions in individual special permits to allow for flexibility in pedestrian improvement completion schedules.

### **3. Waivers for Enlargements**

In response to testimony, the Commission has modified the proposed text to include a provision for waivers of height and setback regulations as well as site planning elements for enlargements to existing buildings seeking a special permit to transfer development rights in the core area. These waivers would be granted upon findings that (1) the modifications are necessary because of inherent constraints or conditions of the existing building, (2) the modifications are limited to the minimum needed, and (3) 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 due to the conditions imposed by the existing building or configuration of the site. The Commission expects that waivers may be sought in the case of an enlargement where the existing portion of the building was not proposed for substantial alteration. However, in the case of an enlargement where the existing building is also proposed for a significant reconfiguration, the Commission expects that the applicant would attempt to meet the intent of the height and setback and site planning regulations before applying for such waivers.

#### **4. Boundaries of the Subdistrict**

Questions have also been raised regarding the determination of the Subdistrict boundaries. The discussion has focussed upon whether there are sufficient potential development sites within the Subdistrict which may make use of the total number of development rights available from the Terminal. Some have argued that the Subdistrict fails to expand opportunities sufficiently and recommend wider boundaries to include additional possible development sites. Others have stressed, however, that the City does not have to guarantee a maximum number of opportunities.

The Commission believes that the Subdistrict, as defined, contains realistic opportunities for use of a substantial amount of the development rights, if market conditions permit. The Commission also notes that the provisions of Section 74-79, which would remain in place, would potentially allow transfers beyond the boundaries of the Subdistrict.

The Commission believes that the boundaries as proposed represent a balance between the desire to create additional opportunities for use of the development rights and the need for the boundaries to reflect the unique characteristics of the Grand Central area while avoiding conflicts with other planning and zoning goals.

The Grand Central area is served by an extensive complex of surface and subsurface pedestrian passageways radiating out from the main concourse and connecting 21 buildings in the area to the subway station and/or the commuter rail terminal. These passageways provide a close nexus between the potential receiving sites and the Terminal sending site. Metro North's plan to provide direct access to the rail platforms as far north as 48th Street and along 47th and 45th streets is an important addition to this system, one which the Commission endorses. The existing passageways, although not all utilized to the same degree, relieve pedestrian congestion at the street level and provide a significant foundation for expansion and improvement as commuter ridership grows. The existing pedestrian network

and the North End Access expansion form the basis for defining the core area of the Subdistrict where transfers would be permitted up to a maximum of 21.6 FAR.

The boundaries also reflect the urban design characteristics of the immediate area, particularly between 41st and 46th streets — the short blocks, the interrupted street grid, the numerous buildings with multiple entries and passageways, and the high street walls of the remnants of the "Terminal City" complex envisioned to surround and complement the Terminal. The Subdistrict's streetwall controls and site planning requirements for both as-of-right developments and those utilizing transferred development rights will further unify and complement the existing character.

The Commission also notes that the boundaries are consistent with the zoning policies and patterns established by the adoption of the Special Midtown District in 1982. At that time, in addition to an overall reduction of densities in east Midtown, midblock densities were further reduced and a regulation enacted that prohibited moving floor area across district boundaries in order to prevent the over-concentration of bulk on narrow streets. The blocks within the Subdistrict boundaries are almost exclusively zoned C5-3 (15 FAR). The regulations of the Subdistrict would permit limited transfer of floor area across district boundaries into the C5-2.5 (12 FAR) zones east of Lexington Avenue and west of Madison Avenue. These "split lot" regulations have been carefully formulated to allow for feasible building designs utilizing transferred development rights while limiting adverse impacts on light and air in the midblocks. Prototypical sites have been modelled by the Environmental Simulation Center at the New School for Social Research in order to study the effect of the urban design and transfer regulations on midblock as well as core area sites. The Commission believes the boundaries and the associated split-lot controls reduce the possibility of inappropriate midblock development; this is especially important west of Madison Avenue where the Grand Central Subdistrict approaches the Fifth Avenue Subdistrict.

The Commission notes, however, that it may be appropriate to extend the boundaries of the Subdistrict in certain areas. For example, there is a site on the west side of Third Avenue between 43rd and 44th streets. Existing pedestrian passageways potentially connect the Kent

Building at 655 Third Avenue, which is just south of this site, to the Terminal through the Chrysler Building. The density, urban design and split lot controls appropriate for any extension of the Subdistrict, however, can only be determined through a complete study of the issues surrounding their inclusion. Therefore, any expansion of the boundaries of the Subdistrict must be the subject of further review and, depending on resolution of planning and environmental considerations, could be a future amendment to the Subdistrict.

## **5. Density**

The Commission has also considered the density caps proposed for the Subdistrict. Under the provisions of Section 74-79, for high density commercial zones, such as those in the Grand Central area, there is no stated cap on the density of a site receiving development rights from a designated landmark. Rather, the City Planning Commission and City Council determine the appropriate density during their review of the special permit application for transfer. A maximum FAR of 21.6 has historically been the limit approved in midtown Manhattan; this limit reflects the highest densities achievable under the 1961 Zoning Resolution through multiple bonus combinations.

The Commission recognizes that 21.6 FAR is a high floor area ratio and has considered carefully the potential bulk and height of the resulting buildings. The Commission is also concerned about the pedestrian and vehicular activity that such dense buildings generate. The Environmental Simulation Center modelling has demonstrated that the high streetwall requirements of the Subdistrict would result in much of the building bulk placed in the base of new developments, thereby moderating the heights of prospective developments. The typical core area site developed to 21.6 FAR would result in a range of building heights from 560 feet to 660 feet. These are comparable to or below the heights of well known area buildings such as the Chrysler (830 feet plus spire), Chanin (590 feet), Pan Am (800 feet), Lincoln (670 feet) or even the new 15 FAR as-of-right tower above the Post Office at 450 Lexington Avenue (660 feet).

Concerns over traffic and pedestrian activity generated by new development are not as readily answered. The Commission believes that the Grand Central area, with its central location and excellent mass transit access, is among the most appropriate in the city for high density development. The improvements to the surface and subsurface pedestrian circulation network envisioned by the Subdistrict have the potential to significantly relieve pedestrian congestion. As a further response to concerns about the pedestrian and vehicular activity generated by the dense buildings anticipated in the Subdistrict, the Commission has broadened finding (d) of the special permit for transfer (Section 81-635) to require that the resultant population density and intensity of use attributable to the transfer of development rights be evaluated in terms of impact on the "surrounding area" instead of "nearby blocks" as originally proposed. Rather than take steps to limit development and growth as a response to existing congestion, the Commission urges that further efforts be made to promote mass transit use, discourage automobile use, manage vehicular flows, rationalize and enforce loading and parking regulations, and reduce sidewalk impediments to pedestrian movement through increased enforcement and more effective regulations in high density districts like the Grand Central area. As part of the process for continued discussion on the Grand Central area as outlined by the Manhattan Borough President, the staff of the Department is asked to work with the relevant operating agencies to determine appropriate congestion management and reduction strategies for the Subdistrict area.

The Commission also notes that the elimination of the plaza bonus will reduce the overall development potential of the Subdistrict. Floor area transferred from landmark sending sites would result in a redistribution of existing development potential rather than the creation of new bonused floor area above the base FAR allowed. In addition, with the elimination of the plaza bonus, the floor area generated by the zoning lot of the Terminal is reduced by 1 FAR as well (from 16 FAR to 15 FAR), resulting in a decrease in the total pool of development rights available for transfer.

## **6. Environmental Analysis**

The Commission also received testimony recommending that a generic or area-wide Environmental Impact Statement (EIS) be undertaken. Some of those testifying believe the potential impacts of all possible core area developments should be analyzed before adoption of the Subdistrict mechanism. Such an analysis is not required by SEQRA. Others see a generic EIS as a mechanism to allow as-of-right transfers, thereby reducing the unpredictability of the special permit process. The Department's Grand Central Subdistrict report gave extensive consideration to many of the pertinent issues which would be analyzed in an EIS such as neighborhood character, open space and pedestrian circulation. In preparing the report, the Department staff assessed the feasibility of attempting to model the interaction of future environmental conditions and market forces for this environmentally sensitive part of midtown Manhattan. However, because of the nature of the street network and the extremely high volumes of traffic, it became clear that traffic and air quality impacts and potential mitigation are most appropriately defined through a site-specific EIS at the time each special permit application is reviewed. This will insure that future decision makers have complete information at the time of their consideration such as the effects of any technological changes or traffic management measures, including the impact of other City initiatives such as the proposed 42nd Street transitway. The Commission believes that the special permit mechanism is, therefore, an appropriate control in this environmentally sensitive area.

### **RESOLUTION**

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

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15,

1961, and as subsequently amended, is further amended by the modification of Sections 81-00 and 81-60 as follows:

Matter in Underline is new;  
Matter in ~~Strikeout~~ is old, to be omitted;  
Matter within # # is defined in Section 12-10, 81-261 or 81-271;  
\*\*\* 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:

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- (l) 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.
- (~~m~~) (m) 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".
- (~~n~~) (n) 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.

### 81-04

#### Subdistricts

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

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

Subdistricts	Sections Having Special Application
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The Grand Central Subdistrict	81-60
The Theatre Subdistrict	81-70
The Fifth Avenue Subdistrict	81-80
The Preservation Subdistrict	81-90

The subdistricts are also subject to all other regulations of the #Special Midtown District#, and the underlying districts, except as otherwise specifically provided in the subdistrict regulations themselves.

**81-211**

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

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

MAXIMUM FLOOR AREA RATIO (FAR)

Means for Achieving Permitted FAR Levels on a Zoning Lot	MAXIMUM FLOOR AREA RATIO (FAR)						
	C5P	C6-4 C6-5 M1-6	C5-2.5 <sup>2</sup> C6-4.5 C6-5.5 C6-6.5	C6-7T	Grand Central Subdistrict C5-3 <sup>2</sup> C6-6 C6-7	C5-2.5	C5-3 C6-6
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	15.0	<u>12.0</u>	<u>15.0</u>
B. Maximum As-of-Right Floor Area Allowances: --Urban plaza (Section 81-23)	--	1.0 <sup>1</sup>	1.0 <sup>1</sup>	--	1.0	--	--
C. Maximum FAR with As-of-Right Incentives	8.0	11.0 <sup>1</sup>	13.0 <sup>1</sup>	14.0	16.0	<u>12.0</u>	<u>15.0</u>
D. Maximum Special Permit Floor Area Allowances: (District-Wide Incentives) --Subway station improvement (Section 81-53)	--	2.0 <sup>1</sup>	2.4 <sup>1</sup>	--	3.0	<u>2.4</u>	<u>3.0</u>
E. Maximum Total FAR with District-Wide and As-of-Right Incentives	8.0 <sup>2</sup>	12.0 <sup>1</sup>	14.4 <sup>1</sup>	14.0	18.0 <sup>2</sup>	<u>14.4</u>	<u>18.0</u>

F. Maximum As-of-Right Floor Area Allowances in Theatre Subdistrict: Except in Theater Subdistrict Core							
--Theatre retention (Section 81-744)	--	1.0 <sup>1</sup>	1.0 <sup>1</sup>	--	1.0	--	--
--Through block galleria (Section 81-748)	--	1.0 <sup>1</sup>	1.0 <sup>1</sup>	--	1.0	--	--
G. Maximum Special Permit Floor Area Allowances in Theatre Subdistrict: --Rehabilitation of listed theatre (Section 81-745)							
	--	4.4	2.4	2.8	3.0	--	--
H. Maximum Total FAR with Theatre Subdistrict Incentives, District-Wide Incentives and As-of-Right Incentives							
	8.0 <sup>2</sup>	14.4	14.4	16.8	18.0 <sup>2</sup>	<u>14.4</u>	<u>18.0</u>
I. 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	<u>12.0</u>	<u>15.0</u>
J. Maximum FAR of a lot containing bonusable landmark (Section 74-712)							
	--	--	--	--	18.0	--	--
K. Development rights (FAR) of a landmark "granting" lot for transfer purposes <sup>3,5</sup>							
	8.0 <sup>3</sup>	10.0 <sup>3</sup>	13.0 <sup>3,4</sup>	14.0 <sup>3</sup>	16.0 <sup>3</sup>	<u>12.0</u>	<u>15.0</u>
L. Maximum amount of transferable development rights (FAR) from landmark zoning lot that may be utilized on							
(a) an "adjacent" receiving lot <sup>5</sup> (Section 74-79)	1.6	2.0	2.4	No Limit	No Limit	<u>2.4</u>	<u>No Limit</u>
(b) on a "receiving lot" within Grand Central Subdistrict (Section 81-634)	--	--	--	--	--	<u>1.0</u>	<u>1.0</u>
(c) on a "receiving lot" within Grand Central Subdistrict (Section 81-635)	--	--	--	--	--	<u>9.6</u>	<u>6.6</u>

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M. Maximum total FAR of a lot with transferred development

rights from landmark

zoning lot, Theatre 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>

- <sup>1</sup> Not available for #zoning lots# located wholly within Theatre Subdistrict Core.
- <sup>2</sup> ~~May be exceeded in the case of #zoning lots# with development rights transferred from landmark sites. Applicable to districts outside of the Grand Central Subdistrict.~~
- <sup>3</sup> Less the total #floor area# of existing #buildings# on the landmark #zoning lot#.
- <sup>4</sup> 12.0 in portion of C6-5.5 District in Theatre Subdistrict Core.
- <sup>5</sup> Applicable only where landmark #zoning lot# is separate from "adjacent" receiving lot.
- <sup>6</sup> Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict.

**81-212**

**Special provisions for transfer of development rights from landmark sites**

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Within the Grand Central Subdistrict, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-63, but not both.

**81-23**

**Floor Area Bonus for Urban Plazas**

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(4) There shall be no #floor area# bonus for an urban plaza on #zoning lots# in the Grand Central Subdistrict.

**81-25**

**General Provisions Relating to Height and Setback of Buildings**

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An applicant for plan approval by the Department of Buildings may elect to be governed by the provisions of either Section 81-26 (Height and Setback Regulations -- Daylight Compensation) or Section 81-27 (Alternate Height and Setback Regulations -- Daylight Evaluation) in addition to the provisions of this Section and of Section 81-622 (Special height and setback requirements) applicable to a #development# or #enlargement# within the Grand Central Subdistrict.

This Section sets forth the provisions which are common to both sets of regulations.

**81-253**

**Special provisions for Grand Central, Theatre, Fifth Avenue, and Preservation Subdistricts**

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

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~~81-60~~            81-06  
Applicability of Article VII Provisions

~~81-61~~            81-061  
Applicability of Chapter 3 of Article VII

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~~81-62~~            81-062  
Applicability of Chapter 4 of Article VII

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~~81-63~~            81-063  
Regulations for developments or enlargements on lots divided by district boundaries, within or partially with the Theatre Subdistrict

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~~81-64~~            81-064  
Inapplicability of provisions for height and setback modifications in large-scale residential developments

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~~81-65~~            81-065  
Inapplicability of provisions for height and setback modifications in large-scale community facility developments

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~~81-66~~            81-066  
Special permit modifications of Section 81-40 and Section 77-00

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## **81-60 SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT**

### **81-61** **General Provisions**

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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 (Special provisions for transfer of development rights from landmark sites), transfer of development rights from landmark sites may be allowed pursuant to Section 81-63 (Transfer of Development Rights from Landmark Sites).

The provisions of Section 81-23 (Floor Area Bonus for Urban Plazas) are inapplicable to any #development# or #enlargement# located within the Grand Central Subdistrict.

## **81-62**

### **Special Bulk and Urban Design Requirements**

In addition to the requirements set forth in Section 81-25 (General Provisions Relating to Height and Setback of Buildings) and Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of this Section shall apply to a #development# or #enlargement# having 50 percent or more of its #zoning lot# area within the 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 that the #street wall# of any #development# or #enlargement# within the Subdistrict shall be within 10 feet of the #street line# of Park, Lexington, Madison and Vanderbilt Avenues or of Depew Place. On 42nd Street, the #street wall# shall be at the #street line#. The length 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 #development# or #enlargement#, the provisions of

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Section 81-262 (Maximum height of frontwall at the street line) shall not be applicable. However, the ten foot setback requirement of Section 81-263(a) shall apply only to those portions of the #building# above this height.

### **81-622**

#### **Special height and setback requirements**

All #developments# or #enlargements# within the Subdistrict shall be subject to the provisions of Section 81-26 (Height and Setback Regulations-Daylight Compensation) or Section 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) except that:

- (a) if the applicant of a #development# or #enlargement# elects to be governed by Section 81-26 (Height and Setback Regulations-Daylight Compensation), no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below 150 feet above #curb level#;
  
- (b) if the applicant of a #development# or #enlargement# elects to be governed by Section 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation), 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**

Building lobby entrances for #developments# or #enlargements# 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. For #developments# or #enlargements# on #through lots#, required building entrances on each such #street# frontage shall be connected directly to the building lobby by providing a through-block connection pursuant to Section 81-462 (Design standards for a through-block connection). The required through-block connection shall be considered as pedestrian circulation space, meeting the requirements of Section 81-45 (Provision of Pedestrian Circulation Space) if it is more than 50 feet from the nearest north/south #street# or Depew Place.

Each required building entrance shall include a building entrance recess as defined in Section 81-451 (Design standards for pedestrian circulation spaces), except that for #developments# or #enlargements# with frontage on Madison or Lexington Avenues or 42nd Street the length of a building entrance recess 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**

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### **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 Subdistrict shall be subject to the provisions of Section 81-45 (Provision of Pedestrian Circulation Space), Section 81-47 (Off-street Relocation or Renovation of a Subway Stair) and Section 81-49 (Off-street Improvement of Access to Rail Mass Transit Facility) except that:

- (a) no #arcade# shall be allowed for any #development# or #enlargement# within the Subdistrict; and
- (b) within the Subdistrict, a #sidewalk widening# may be provided only for a #development# or #enlargement# 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.

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### **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 City Planning 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 33-120.5 for #commercial buildings# on said 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# 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# up to the amount of permitted #floor area# as reduced by each transfer.

### **81-633**

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### **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# 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, of 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 an FAR 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 Section 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), Section 77-21 (General Provisions), Section 77-22 (Floor Area Ratio) and Section 77-25 (Lot Area or Floor Area Requirements) as follows:

For any "receiving lot", whether or not it existed on December 15, 1961 or any applicable subsequent amendment thereto, #floor area# or #rooms# 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# or #rooms# to be located on the side of the district boundary permitting the lesser #floor area ratio# or number of #rooms# shall not exceed 20 percent of the basic maximum #floor area ratio# or #rooms# 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:

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(a) a transfer of development rights from a "granting lot" to a "receiving lot" provided that the resultant #floor area ratio# (FAR) on the "receiving lot" does not exceed 21.6; and

(b) modifications of the provisions of Section 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), Section 77-21 (General Provisions), Section 77-22 (Floor Area Ratio) and Section 77-25 (Lot Area or Floor Area Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961 or any applicable subsequent amendment thereto, #floor area# or #rooms# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district which 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), Section 81-25 (General Provisions Relating to Height and Setback of Buildings), Section 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.

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

(a) that a program for the continuing maintenance of the landmark has been established;

(b) that the improvement to the surface and subsurface pedestrian circulation network provided by the development increases public accessibility to and from Grand Central Terminal pursuant to the requirements set forth below;

(c) 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 pedestrian congestion on surrounding #streets#;

(d) 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 new #development# or #enlargement# on the "receiving lot", density of population, or intensity of #use# on any #block# to the detriment of the occupants of #building's# on the #block# or the surrounding area;

(e) that the modifications of height and setback requirements and the requirements of Section 81-62 for an #enlargement# to an existing #building# 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.

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 Section 81-635 (Transfer of development rights by special permit), the design of the #development# or #enlargement# shall include a major improvement of the surface and/or subsurface pedestrian circulation network in the Subdistrict (as shown on Map 4 in Appendix A). 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 which 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 which 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 which 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 Chairman 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

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**N 920260 ZRM**

improvements shall be 100 percent complete in accordance with the approved plans and such completion shall have been certified by letter from the Metropolitan Transportation Authority.

The above resolution, duly adopted by the City Planning Commission on June 24, 1992 (Calendar No. 27), is filed with the Office of the Speaker, City Council, and the Borough President of Manhattan in accordance with the requirements of Sections 197-d and 200 of the New York City Charter.

**RICHARD L. SCHAFFER**, Chairman

**VICTOR G. ALICEA**, Vice Chairman

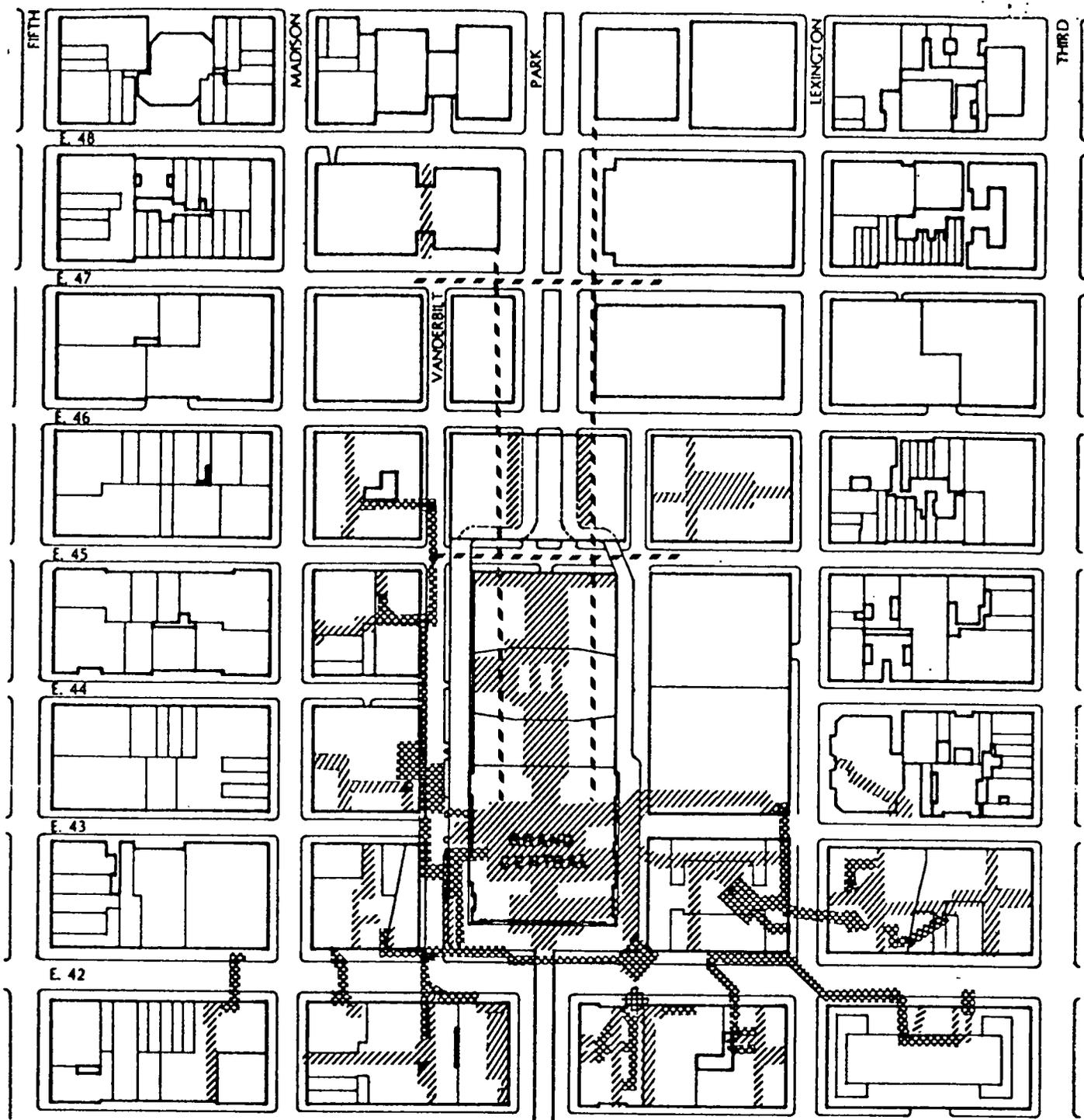
**EUGENIE L. BIRCH, AICP, AMANDA M. BURDEN, ANTHONY I. GIACOBBE, JAMES C. JAO, RA,**

**BRENDA LEVIN, JOEL A. MIELE, SR., PE, RONALD SCHIFFMAN, AICP, JACOB WARD,**

Commissioners

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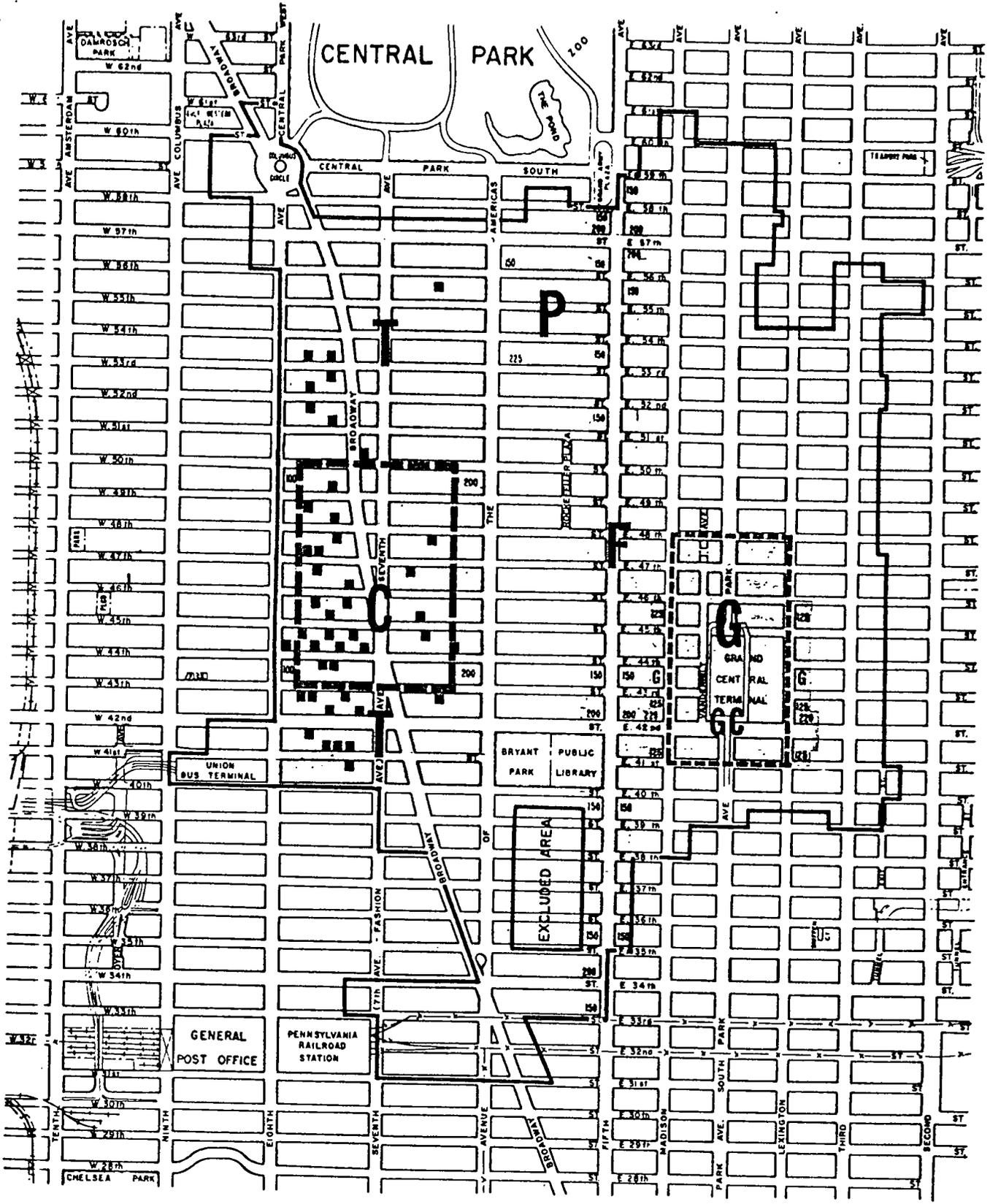
**N 920260 ZRM**



## Network of Pedestrian Circulation

-  BELOW GRADE CIRCULATION NETWORK
-  STREET LEVEL CIRCULATION NETWORK
-  PROPOSED NETWORK

**MAP 4**



**MIDTOWN DISTRICT PLAN**  
**MAP I - SPECIAL MIDTOWN DISTRICT AND SUB DISTRICTS**

- F** FIFTH AVENUE SUB DISTRICT
- T** THEATRE SUB DISTRICT
- P** PRESERVATION SUB DISTRICT
- [T]** THEATRE SUB DISTRICT CORE
- [■]** LISTED THEATRES
- [G]** GRAND CENTRAL SUB DISTRICT
- [GC]** GRAND CENTRAL SUB DISTRICT CORE



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

MUNICIPAL BUILDING  
NEW YORK, N.Y. 10007  
(212) 669-8300

RUTH W. MESSINGER  
BOROUGH PRESIDENT

Before the City Planning Commission  
Public Hearing: May 20, 1992

**TESTIMONY OF RUTH W. MESSINGER, MANHATTAN  
BOROUGH PRESIDENT, CONCERNING PROPOSED  
GRAND CENTRAL SUBDISTRICT ZONING AMENDMENT**

Good morning, Mr. Chairman, members of the Commission. As one who has listened closely to all sides in this debate, I know that the complexities of this zoning text are daunting. If anything, this demonstrates that it's a lot easier to *talk* about simplifying zoning than to *do* it. Don't get me wrong: this is not a criticism. As with many issues in this global city, the protection of Grand Central Terminal, and of the central business district that surrounds it, are matters worthy of the degree of complicated technical attention represented by this proposal.

But, before we move to the technical questions, let us step back and look at the big picture -- gaze, as it were, up to the terminal's lofty ceiling and across its cavernous expanse. We come together today to celebrate and protect one of our City's truly great treasures. Grand Central is not just an example of a landmark. It is really the landmark against which we ought fairly to judge our true commitment to preservation. Like many landmarks, Grand Central is an imposing monument. But, while some landmarks speak to a legacy of private privilege and wealth, in a unique sense Grand Central is a very inclusive, public monument. For decades, millions of us have stepped off its platforms and through its doors, arriving to work, to shop, to eat, to visit or to return home. Recently, the Grand Central Partnership has worked hard to

improve the terminal's surrounding area. Both the Partnership and the MTA have sponsored impressive projects to restore the terminal and public events to show it off in its glory.

This zoning text takes us another important step in protecting this wonderful public resource. We must work to entrust the terminal's eventual future in public hands. But meanwhile, these rules are sound and I commend the Department staff, the Landmarks Preservation Commission and the Law Department for the hard work that went into preparing the text for review. This proposal also offers more options for the owner of the terminal.

The subdistrict urban design controls, including the elimination of the plaza bonus -- a precedent I hope we can soon extend -- will produce new developments and enlargements compatible with the established character of the Grand Central area. These controls will also enhance pedestrian circulation near the terminal, and will create a rational, orderly mechanism for the transfer of excess development rights. I enthusiastically support these measures.

The affected Community Boards and others have raised a number of worthwhile questions which merit further attention. While no property owner should have an expectation of achieving every square foot of development rights that may exist under any current zoning, I am not yet certain that there are a sufficient number of good receiving sites to provide an adequate outlet for the terminal's available rights. On the one hand, I am quite opposed to any extension of the subdistrict over to Fifth Avenue, where there is an equally significant and quite different context to be protected. On the other hand, there may be suitable sites along the west side of Third Avenue between East 42nd and 44th Streets, so I have asked the Department of City Planning to examine carefully the applicability of this proposal to such sites.

It may be problematic to establish a lower FAR cap, as so many lots are already built to the currently allowable bulk. But more can be done to meet community concerns. The

proposal includes a special permit finding, § 81-635(c), which looks at the detriment from any added bulk within "*the block or nearby blocks*". This standard is too narrow: the cumulative impact of reduced light and air extends over a much wider area than a mere couple of blocks. You should look carefully at expanding the reach of this finding, so that cumulative impact of excess bulk, and specifically, of lost *light and air*, would be analyzed over a larger "*surrounding area*". 21.6 FAR must not become the norm, but rather, truly an outside limit.

I also ask that you look at the question of enlargements. These proposed design standards may not be sufficiently refined to address issues such as those raised today by Chemical Bank. The bank's proposals should be given careful consideration so that we can be assured that this text will create a fully workable mechanism. The basic support for this proposal from this and other property owners is certainly encouraging.

Lastly, Penn Central has also raised many issues that warrant further response. I am skeptical that as-of-right zoning can be sufficiently sensitive for this area, with its mix of very high density and major landmarks. But, given Penn Central's interest in funding further studies and the availability of such important new tools as the Environmental Simulation Center, I agree we should pursue other ideas on a tight time schedule, once the district has been adopted.

After considering the Community Boards' resolutions, and the views of Penn Central and others, it is apparent that we do not yet have the consensus I had hoped for. That is why over the next few weeks, with the cooperation of the city agencies, I am convening additional meetings with leaders in the civic, planning, preservationist and business communities, to strive for further agreement on next steps and broaden the base of support for those that we take in the near future. I will report back to you on those efforts, and I thank you for your attention today.

**CITY OF NEW YORK**

**COMMUNITY BOARD NO. 6 MANHATTAN**

330 East 26 Street, New York, N.Y. 10010-1997 (212) 679-0907

**MAY 1992**

**RE - GRAND CENTRAL SPECIAL PLANNING SUBDISTRICT**

**WHEREAS,** the Department of City Planning has proposed a special subdistrict for transfer of building air rights from Grand Central Terminal, designated as a Landmark Building, and

**WHEREAS,** the subdistrict allows for increased FAR in areas outside the area into which Grand Central is presently able to transfer air rights, now

**THEREFORE BE IT**

**RESOLVED,** Community Board 6 opposes the creation of a special planning subdistrict at this time for the Grand Central area.

**PASSED: 29 IN FAVOR, 6 OPPOSED, 0 ABSTENTIONS, 0 ABSTENTIONS FOR CAUSE**

The City of New York



Michael Presser  
Chairman

OFFICE OF THE  
CHAIRMAN  
4083  
APR 20 1992

April 10, 1992

Hon. Richard L. Schaffer  
Chairman  
New York City Planning Commission  
22 Reade Street  
New York, NY 10007

MANHATTAN COMMUNITY BOARD FIVE

118 East 28th Street  
Suite 201-203  
New York, New York 10016  
(212) 686-7806

FACSIMILE (212) 606-5013

4/23/92 A. Katz  
FILE "Grand Central  
Subdistrict:  
1991 Report"

TO: Fabric

SCHAFFER	KOBER	ROGERS
ABRAMSON	LAPP	VILLETTA
BARBACCIA	LEVINE	VENGOCHEA
BARTH	LOPEZ	WEISBERG
BERNSTEIN	MAMMANO	WIST
BROOKS	MANN	WOODS
BURKHARDT	MCDANIEL	YOUNG
CLARK	MICHAELS	ZAGOR
COX	OTIS	
FLAHIVE	PARNES	
GOLDSMITH	PATRISSI	
HORNICK	PHILLIPS	
KATZ	RITTER	

FROM RICHARD L. SCHAFFER  
PER ANDREA KATZ

FOR YOUR ACTION BY / / 92  
 FOR YOUR INFORMATION  
 COMMENT / RECOMMEND TO BY / / 92  
 CIRCULATE - INITIAL AND FORWARD  
 OTHER  
 LOG-IN TO TRACK ACTION TAKEN

Joan E. Ramer  
District Manager

RE: GRAND CENTRAL SUBDISTRICT ZONING TEXT AMENDMENTS

Dear Chairman Schaffer:

At the regularly scheduled monthly meeting of Community Board #5 on April 9, 1992, the Board passed the following resolution by a vote of 20 in favor; 2 opposed; 1 abstention:

Whereas Community Board #5 is concerned about the extremely sensitive environmental condition of the Grand Central area due to its very high development densities and existing violations of air quality and pedestrian and vehicular traffic congestion standards, AND,

Whereas, the designation of a special Grand Central Subdistrict presents both the opportunity and obligation on the part of the Department of City Planning, the City Planning Commission, and the City Council to present their carefully considered vision for the appropriate future development of the Grand Central area which will provide both potential applicants and the public with a clear statement of goals for future development, AND,

Whereas the preservation of the landmarked Grand Central Terminal and the efficient and sensible distribution of at least some of its surplus development rights represent legitimate and vital public policy goals:

NOW THEREFORE BE IT RESOLVED, That although Community Board #5 welcomes and approves the preparation of urban design guidelines, a coordinated and enhanced pedestrian circulation system, and the creation of a rationalized and orderly mechanism for the transfer of some of Grand Central Terminal's excess development rights; Community Board #5 strongly recommends the temporary suspension of Planning Commission action on the proposed Grand Central subdistrict. No adequate environmental analysis has been performed or presented to indicate that 21.6 FAR development in the district is an environmentally acceptable density even though such development densities are clearly anticipated and encouraged by the proposed text change.

BE IT FURTHER RESOLVED, That Community Board #5 proposes studying capping development within the proposed subdistrict at 18 FAR to permit both expanded opportunities for significant development rights transfers for the landmark terminal and also to demonstrate reasonable concern for the likely environmental impacts of possible future development which should be allowed to proceed with a minimal amount of uncertainty and procedural obstacles.

RECEIVED  
APR 22 1992  
MANHATTAN OFFICE

**GRAND CENTRAL SUBDISTRICT ZONING TEXT AMENDMENT ltr**

**BE IT FURTHER RESOLVED, That the creation of any mechanism which might permit development right transfers yielding increases beyond 20% of a development site's base FAR ( a total of 18 FAR in the proposed subdistrict core) be preceded by detailed environmental studies indicating that proposed allowable development densities would be tolerable in light of existing hazardous conditions.**

Thank you for the opportunity to comment on this matter; please advise us of its progress.

Sincerely,

A handwritten signature in black ink that reads "Michael Presser". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Michael Presser  
Chairman**



FERNANDO FERRER  
BOROUGH PRESIDENT

OFFICE OF THE BRONX BOROUGH PRESIDENT

The Bronx County Building  
851 Grand Concourse  
Bronx, New York 10451  
590-3500

BOROUGH PRESIDENT FERNANDO FERRER  
TESTIMONY TO THE NYC PLANNING COMMISSION  
JUNE 24, 1992

Re: Community District #3 197-a Plan

GOOD MORNING. MY NAME IS DELMAS VERNON COLE, I AM THE HOUSING DEVELOPMENT COORDINATOR IN THE BRONX BOROUGH PRESIDENT'S OFFICE AND I AM HERE TO READ THE FOLLOWING STATEMENT ON BEHALF OF BOROUGH PRESIDENT FERRER.

CHAIRMAN SCHAFFER, MEMBERS OF THE NEW YORK CITY PLANNING COMMISSION - AS YOU KNOW KNOW, I HAVE ALREADY SUBMITTED DETAILED COMMENTS ON THE 197-a PLAN PROPOSED FOR ADOPTION BY BRONX COMMUNITY DISTRICT #3. I WOULD LIKE TO REITERATE MY SUPPORT FOR THIS PLAN AND USE THIS OPPORTUNITY TO FURTHER ADDRESS THREE OF THE THE MOST IMPORTANT ISSUES ASSOCIATED WITH YOUR REVIEW AND HOPEFULLY APPROVAL OF THIS DOCUMENT.

1. DENSITY

I FULLY SUPPORT THE PLAN'S RECOMMENDATIONS TO INCREASE THE DENSITY OF NEW HOUSING DEVELOPMENTS IN BRONX COMMUNITY DISTRICT #3. THE CITY OF NEW YORK AND THE BRONX IN PARTICULAR WILL NOT BE ABLE TO MEET THE DEMAND FOR NEW HOUSING IF ONE AND TWO FAMILY HOMES CONTINUE TO BE DEVELOPED ON THE CITY'S LARGEST DEVELOPMENT SITES. OUR CONSULTANT ON THE "NEW DIRECTIONS FOR THE BRONX PROJECT", THE REGIONAL PLAN ASSOCIATION, STATED "THE MOST CONSERVATIVE ESTIMATE OF HOUSING NEED PROJECTED FOR THE BRONX IN THE 1990's IS 77,000 UNITS." WHILE I ACKNOWLEDGE THAT IT MAY NOT BE DESIRABLE TO REBUILD THE BRONX BACK TO ITS FORMER (OR EVEN GREATER) DENSITY, THE NUMBER OF NEW UNITS TO BE BUILT UNDER CURRENT HPD HOUSING PROGRAMS IS ENTIRELY INAPPROPRIATE AND FALLS FAR SHORT OF APPROACHING OUR CURRENT HOUSING NEEDS. THIS DEMAND CANNOT BE MET WITH THE DENSITIES BUILT UNDER THE CURRENT NEW CONSTRUCTION PROGRAMS. MOREOVER, ONCE THE BOROUGH'S LARGEST DEVELOPMENT SITES ARE BUILT TO DENSITIES SUBSTANTIALLY LESS THAN WHAT IS NEEDED, THEIR UNIQUE POTENTIAL TO ADDRESS THE CITY'S AND BOROUGH'S EXISTING HOUSING CRISIS WILL BE FOREGONE.

THE EXISTING AND PROJECTED DEMAND FOR DECENT AFFORDABLE HOUSING IN THIS CITY IS SO GREAT THAT IT IS ALMOST AXIOMATIC TO STATE THAT PUBLIC POLICY MUST REGARD THE CITY'S REMAINING

Du  
30,000

44,000

INVENTORY OF VACANT LAND AS A PRECIOUS AND LIMITED RESOURCE TO BE DEVELOPED IN ACCORDANCE WITH COMPREHENSIVE PLANS AT THE LOCAL AND CITY-WIDE LEVELS. THE CITY'S HOUSING POLICY MUST LEAD TO PROGRAM DEVELOPMENT AND NOT VICE VERSA. CURRENT PROGRAMS ARE LAND INTENSIVE AND PROVIDE FOR FEW PUBLIC AMENITIES. THESE PROGRAMS ARE DESIGNED TO ACCOMMODATE THE MYTH THAT ONLY A HOUSE WITH A PARKING PAD IS "APPROPRIATE" AND "MARKETABLE" IN THE INNER CITY WITH ITS HIGHLY DEVELOPED MASS TRANSIT INFRASTRUCTURE.

I SUBMIT THAT BOLD NEW INITIATIVES MUST BE DEVELOPED AT ONCE TO FOSTER THE CONSTRUCTION OF MID-DENSITY (60-120 UNITS PER ACRE) HOMEOWNERSHIP HOUSING WHICH IS NOT ELEVATOR DEPENDENT AND WHICH MINIMIZES CAR DEPENDENCY. A GOOD PROTOTYPE IS THE VENERABLE BROWNSTONE, THE CITY'S MOST SUCCESSFUL URBAN HOUSE. SOUND PLANNING PRINCIPLES DICTATE THAT DENSITY MUST BE RELATED TO EXISTING INFRASTRUCTURE SYSTEMS.

THE "NEW DIRECTIONS FOR THE BRONX PROJECT" SPECIFICALLY CALLED FOR NEW HOUSING IN THE BRONX TO BE BUILT AT DENSITIES OF 60-120 UNITS PER ACRE, TWO TO FOUR TIMES THE DENSITY OF RECENT HOUSING CONSTRUCTION IN THE BRONX. THE BOROUGH'S CHARTER MANDATED STRATEGIC POLICY STATEMENT MAKES THIS RECOMMENDATION ONE OF THE HIGHEST PRIORITIES FOR THE FUTURE REVITALIZATION OF THE BRONX. IT IS A MATTER THAT I WILL CONTINUE TO ADDRESS IN EVERY ULURP APPLICATION FOR NEW HOUSING IN THE BRONX. I GIVE MY COMPLETE AND UNQUALIFIED SUPPORT TO THIS ASPECT OF THE 197-a PLAN FOR BRONX COMMUNITY DISTRICT #3.

## 2. SOCIAL AND ECONOMIC INTEGRATION

THE "NEW DIRECTIONS FOR THE BRONX" PROJECT AS WELL AS THE BOROUGH'S 1990 STRATEGIC POLICY STATEMENT BOTH NOTE THAT ONE OF THE SIDE EFFECTS OF THE BRONX BEING A MAJOR BENEFICIARY OF THE CITY'S TEN YEAR HOUSING PROGRAM HAS BEEN THE CONCENTRATION OF HOMELESS AND LOW INCOME FAMILIES IN COMMUNITIES WHICH ALREADY CONTAIN SIGNIFICANTLY LARGE INDIGENT POPULATIONS. THIS AGGLOMERATION OF POVERTY WITHOUT ATTENUATING SOCIAL SERVICE PROVISIONS GREATLY

AFFECTS COMMUNITY STABILITY. THE ONLY WAY TO OVERCOME THIS SITUATION IS TO DEVELOP NEW AFFORDABLE AND MODERATE INCOME HOUSING IN SUFFICIENT NUMBER SO THAT THE SOCIAL DIVERSITY OF OUR COMMUNITIES CAN BE INCREASED AND LONG TERM COMMUNITY STABILITY FOSTERED.

DURING THE LAST FEW YEARS THE BRONX HAS SPEARHEADED THE DEVELOPMENT OF INNOVATIVE HOUSING SOLUTIONS DESIGNED TO CREATE AND SUPPORT A SENSE OF NEIGHBORHOOD, WHICH IS A CRITICAL FACTOR IN RETAINING AND ATTRACTING MODERATE AND MIDDLE INCOME HOUSEHOLDS TO THE BRONX. THE LARGE SCALE MELROSE COMMONS PLANNED RESIDENTIAL COMMUNITY WITH ITS PUBLIC OPEN SPACE AS WELL AS SUPPORT RETAIL AND COMMUNITY FACILITY SPACE IS ONE MODEL FOR ACHIEVING BETTER SOCIO-ECONOMICALLY BALANCED COMMUNITIES. THIS KEY BRONX PROJECT AND OTHERS VIEW LARGE SCALE HOMEOWNERSHIP HOUSING TO BE ESSENTIAL FOR THE BRONX.

WE BELIEVE THAT GOOD PLANNING AND GOOD DESIGN CAN LEAD TO A MARKETABLE MID-RISE HOUSING PRODUCT AS WELL AS BETTER BALANCED BRONX COMMUNITIES --- OF COURSE THE CONVERSE IS ALSO TRUE. SUCH PLANNING MUST BE GROUNDED IN COORDINATION AMONG NUMEROUS PUBLIC SECTOR AGENCIES SUCH AS PARKS, THE BOARD OF EDUCATION, DOT, HPD, HRA, AND DCP TO NAME A FEW. THE REALIZATION OF SUCH COORDINATED PLANS IS DEPENDENT UPON THERE BEING AN EXPRESSION OF THE AFFECTED COMMUNITY'S SELF WILL AND CONSENSUS FOR FUTURE GROWTH.

THE MELROSE COMMONS PLAN AND THE COMMUNITY BOARD #3 PLAN BEFORE YOU TODAY PROVIDE THE CONSENSUS, THE VISION AND THE WILL OF THE AFFECTED COMMUNITY TO ADDRESS THE NEED FOR GREATER ECONOMIC INTEGRATION, HOMEOWNERSHIP HOUSING AND APPROPRIATE SCALE FOR NEW HOUSING DEVELOPMENT. WHAT IS NEEDED IS THE WILL TO MAKE THIS VISION AND PLAN A REALITY. AS THE ENTITY RESPONSIBLE FOR THE CONDUCT OF PLANNING RELATING TO THE ORDERLY GROWTH, IMPROVEMENT AND FUTURE DEVELOPMENT OF THE CITY, YOUR APPROVAL OF BOTH OF THE AFOREMENTIONED ASPECTS OF CB # 3's 197-a PLAN WOULD SEND THE APPROPRIATE CHARGE TO CITY AGENCIES TO MAKE SURE THAT THE APPROPRIATE POLICIES AND PROGRAMS ARE IN PLACE TO MAKE THIS

PLAN A REALITY.

### 3. RESIDENTIAL VS. INDUSTRIAL DEVELOPMENT

FINALLY, WHILE I RECOGNIZE THE NEED FOR DEVELOPABLE LAND FOR INDUSTRIAL USE, I BELIEVE THAT BLOCKS 2368 AND 2369 IN THE MORRISANIA INDUSTRIAL PARK COULD BETTER SERVE THE RESIDENTIAL NEEDS OF COMMUNITY DISTRICT #3. THESE BLOCKS ARE ESSENTIAL FOR CREATING A MUCH NEEDED RESIDENTIAL LINKAGE BETWEEN THE BOSTON ROAD CORRIDOR AND MELROSE COMMONS HOUSING. THE BRONX HAS A HISTORY OF ITS NEIGHBORHOODS BEING FRAGMENTED BY DEVELOPMENT AND/OR TOPOGRAPHY. IT IS EXTREMELY IMPORTANT THAT WE DO NOT REPEAT THESE MISTAKES IN THE PLANNING FOR THIS CRITICAL SECTOR OF BRONX DISTRICT #3.

IN THE MATTER OF THE BATHGATE INDUSTRIAL PARK AND THE VACANT SITES EAST OF THIRD AVENUE, I DO NOT BELIEVE THIS AREA TO BE APPROPRIATE FOR NEW HOUSING BECAUSE THERE IS AN ABRUPT CHANGE IN GRADE BETWEEN FULTON AVENUE AND THIRD AVENUE AND THE ASSEMBLAGES FACE THIRD AVENUE - WHICH IS A MAJOR NORTH/SOUTH TRUCK ROUTE THROUGH THE INDUSTRIAL PARK.

REGARDING THE MID-BRONX INDUSTRIAL PARK, AT THE APRIL 14, 1992 MID-BRONX ADVISORY COUNCIL MEETING, A CONSENSUS WAS REACHED THAT THIS AREA WAS NEEDED FOR COMMERCIAL AND/OR LIGHT INDUSTRIAL USES. I STRONGLY SUPPORT THIS CONSENSUS.

THANK YOU FOR THIS OPPORTUNITY TO COMMENT. I HOPE THAT YOU WILL APPROVE THIS FIRST COMMUNITY-BASED COMPREHENSIVE PLAN AS QUICKLY AS POSSIBLE AND THAT YOU WILL NOT SUCCUMB TO CITY AGENCY PRESSURES TO DILUTE ITS MOST SALIENT AND VISIONARY FEATURES.