

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, JULY 24, 2013
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	C 130374 ZMK	5	LIVONIA COMMONS	Scheduled to be Heard 8/7/13
2	C 130375 HUK	5	" "	" "
3	C 130376 HAK	5	" "	" "
4	C 130126 PQK	4	BUSHWICK UNITED EARLY LEARNING CENTER	" "
5	C 130162 PQK	4	UTD BUSHWICK EARLY LEARNING CHILD CARE CENTER	" "
6	C 130307 PCK	18	NYC FIRE DEPARTMENT & JOINT EMS	" "
7	C 130248 ZMM	6	EAST MIDTOWN REZONING	" "
8	N 130247 ZRM	5, 6	" "	" "
9	N 130331 ZRY	CW	FLOOD RESILIENCE TEXT AMENDMENT	" "
10	N 130331(A) ZRY	CW	" "	" "
11	N 130388 ZCX	8	SISTERS OF CHARITY GATEHOUSE	Certification Approved
12	N130240-241 ZAX	8	COLLEGE OF MT. ST. VINCENT ATHLETIC FIELD	Authorization Approved
13	N 130348 HKM	3	BIALYSTOKER CENTER LANDMARK	Forward Report to City Council
14	C 130170 ZMQ	8	ST. FRANCIS PREPARATORY SCHOOL REZONING	Favorable Report Adopted
15	N 130350 ZCR	3	107 SILVER LAKE ROAD	Certification Approved
16	N 130332 RCR	1	3415 RICHMOND AVENUE	" "
17	N 120377 ZAR	1	255 WESTERVELT AVENUE	Authorization Approved
18	C 130068 MMQ	1	HALLETT'S POINT	Hearing Closed
19	C090484 ZMQ	1	" "	" "
20	N 090485 ZRQ	1	" "	" "
21	C 090486 ZSQ	1	" "	" "
22	C 130244 ZSQ	1	" "	" "
23	C 130273 ZMX	6	EAST FORDHAM ROAD REZONING	" "
24	N 130274 ZRX	6	" "	" "
25	C 120326 MMK	14	BROOKLYN COLLEGE CAMPUS	" "
26	C 130306 ZMK	14	" "	" "
27	N 140007 PXM	5	NYPD OFFICE SPACE	" "
28	N 130232 ZRY	6	945 2 ND AVENUE	" "
29	C 130235 ZMM	6	ADAPT NYC	" "
30	C 130236 HAM	6	" "	" "
31	N 130263 ZRM	8	203/205 EAST 92 ND STREET	" "
32	C 130279 ZMR	3	CHARLESTON	" "

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10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007

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 New York, New York 10007-1216
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
33	C130229 MMR	3	CHARLESTON	Hearing Closed
34	C 130289 PSR	3	" "	" "
35	C 130288 PQR	3	" "	" "
36	C 130290 PQR	3	" "	" "
37	C 130315 ZMR	1	ST. GEORGE WATERFRONT DEVELOPMENT	" "
38	N 130316 ZRR	1	" "	" "
39	C 130317 ZSR	1	" "	" "
40	C 130318 ZSR	1	" "	" "
41	C 130319 PPR	1	" "	" "
42	C 130320 PPR	1	" "	" "
43	C 130191 ZSQ	2	22-44 JACKSON AVENUE	" "
	Supplemental Cal.			
1	N 130247(A) ZRM	5, 6	EAST MIDTOWN REZONING	Scheduled to be Heard 8/7/13

COMMISSION ATTENDANCE:		Present (P) Absent (A)		COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R															
		Calendar Numbers:		11	12	13	14	15	16	17									
Amanda M. Burden, FAICP, Chair		P		Y	Y	Y	Y	Y	Y	Y									
Kenneth J. Knuckles, Esq., Vice Chairman		P		Y	Y	Y	Y	Y	Y	Y									
Angela M. Battaglia		P		Y	Y	Y	Y	Y	Y	Y									
Rayann Besser		P		Y	Y	Y	Y	Y	Y	Y									
Irwin G. Cantor, P.E.		P		Y	Y	Y	Y	Y	Y	Y									
Alfred C. Cerullo, III		P		Y	Y	Y	Y	Y	Y	Y									
Betty Y. Chen		P		Y	Y	Y	Y	Y	Y	Y									
Michelle R. De La Uz		P		Y	Y	Y	Y	Y	Y	Y									
Maria M. Del Toro		A																	
Joseph I. Douek		P		Y	Y	Y	Y	Y	Y	Y									
Richard W. Eaddy		P		Y	Y	Y	Y	Y	Y	Y									
Anna Hayes Levin		P		Y	Y	Y	Y	Y	Y	Y									

Orlando Marin, Commissioners

P	Y	Y	Y	Y	Y	Y	Y								
---	---	---	---	---	---	---	---	--	--	--	--	--	--	--	--

MEETING ADJOURNED AT: 4:45 P.M.

**COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York**

CITY PLANNING COMMISSION

WEDNESDAY, JULY 24, 2013

**MEETING AT 10:00 A.M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**



**Michael R. Bloomberg, Mayor
City of New York**

[No. 14]

Prepared by Yvette V. Gruel, Calendar Officer

To view the Planning Commission Calendar and/or the Zoning Resolution on the Internet, visit
the Department of City Planning (DCP) home page at:
nyc.gov/planning

CITY PLANNING COMMISSION

**GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS**

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

NOTICE--CALENDARS: City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site (www.nyc.gov/planning).

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below.

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

For Additional Calendar Information: call (212) 720-3370.

B

CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

- AMANDA M. BURDEN, FAICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- RAYANN BESSER**
- IRWIN G. CANTOR, P.E.**
- ALFRED C. CERULLO, III**
- BETTY Y. CHEN**
- MICHELLE R. DE LA UZ**
- MARIA M. DEL TORO**
- JOSEPH I. DOUEK**
- RICHARD W. EADDY**
- ANNA HAYES LEVIN**
- ORLANDO MARIN, Commissioners**
- YVETTE V. GRUEL, Calendar Officer**

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

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**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 2E, 22 Reade Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for August 7, 2013 at 9:00 a.m. in the Auditorium of the National Museum of the American Indian, One Bowling Green, New York, New York.

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in support of the proposal and those speaking in opposition.

Length of Testimony: In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written Comments: If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

**CITY PLANNING COMMISSION
Calendar Information Office - Room 2E
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ ULURP No.: _____ CD No.: _____

Position: Opposed _____

 In Favor _____

Comments:

Name: _____

Address: _____

Organization (if any) _____

Address: _____ Title: _____

JULY 24, 2013

APPROVAL OF MINUTES OF the Regular Meeting of July 10, 2013

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR
WEDNESDAY, AUGUST 7, 2013
STARTING AT 9:00 A. M. IN THE AUDITORIUM OF
THE NATIONAL MUSEUM OF THE AMERICAN INDIAN
ONE BOWLING GREEN
NEW YORK, NEW YORK**

BOROUGH OF BROOKLYN

Nos. 1, 2 & 3

LIVONIA COMMONS

No. 1

CD 5

C 130374 ZMK

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

1. eliminating from within an existing R6 District a C2-3 District bounded by:
 - a. a line 150 feet northerly of Livonia Avenue, Williams Avenue, Livonia Avenue, Alabama Avenue, a line 100 feet southerly of Livonia Avenue, Williams Avenue, a line 150 feet southerly of Livonia Avenue, Snediker Avenue, Livonia Avenue, and a line midway between Snediker Avenue and Van Sinderen Avenue;
 - b. Livonia Avenue, Sheffield Avenue, and a line 100 feet southerly of Livonia Avenue, and Georgia Avenue; and
 - c. a line 150 feet northerly of Livonia Avenue, a line midway between Pennsylvania Avenue- Granville Payne Avenue and Sheffield Avenue, Livonia Avenue, and Sheffield Avenue;
2. changing from an R6 District to an R7A District property bounded by a line 100 feet northerly of Livonia Avenue, Williams Avenue, Livonia Avenue, Georgia Avenue, a line 100 feet northerly of Livonia Avenue, a line midway between Georgia Avenue and

Sheffield Avenue, a line 140 feet northerly of Livonia Avenue, a line midway between Sheffield Avenue and Pennsylvania Avenue- Granville Payne Avenue, Livonia Avenue, Sheffield Avenue, a line 100 feet southerly of Livonia Avenue, and Snediker Avenue;

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

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

Resolution for adoption scheduling August 7, 2013 for a public hearing.



No. 2

CD 5

C 130375 HUK

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

Resolution for adoption scheduling August 7, 2013 for a public hearing.



No. 3

CD 5

C 130376 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

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

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

Resolution for adoption scheduling August 7, 2013 for a public hearing.

No. 4

BUSHWICK UNITED EARLY LEARNING CENTER

CD 4

C 130126 PQK

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

Resolution for adoption scheduling August 7, 2013 for a public hearing.

No. 5

UTD BUSHWICK EARLY LEARNING CHILD CARE CENTER

CD 4

C 130162 PJK

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

Resolution for adoption scheduling August 7, 2013 for a public hearing.

No. 6

NYC FIRE DEPARTMENT & JOINT EMS

CD 18

C 130307 PCK

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

Resolution for adoption scheduling August 7, 2013 for a public hearing.

BOROUGH OF MANHATTAN

Nos. 7 & 8

EAST MIDTOWN REZONING

No. 7

CD 6

C 130248 ZMM

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

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

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

Resolution for adoption scheduling August 7, 2013 for a public hearing.

No. 8

CD 5, 6

N 130247 ZRM

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

Matter in underline is new, to be added;

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

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

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

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Midtown District**

* * *

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GENERAL PURPOSES 81-00

* * *

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* * *

**Chapter 1
Special Midtown District**

81-00

GENERAL PURPOSES

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

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;

- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to protect and strengthen East Midtown as one of the world's premier business addresses and a vital job center for the City and region due, in part, to its proximity to the transit-rich, architectural icon, Grand Central Terminal, by facilitating the development of state-of-the-art, highly energy-efficient commercial buildings, and improvements to the overall public realm;
- (o)(~~n~~) to expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the area's special character;
- (p)(~~o~~) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (q)(~~p~~) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (r)(~~q~~)—to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

81-01

Definitions

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

* * *

81-03 District Plan

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

The District Plan partly consists of the following four maps:

- | | |
|-------|--|
| Map 1 | Special Midtown District and Subdistricts |
| Map 2 | Retail and Street Wall Continuity |
| Map 3 | Subway Station and Rail Mass Transit Facility Improvement Areas |
| Map 4 | East Midtown Subareas and Subarea Core Network of Pedestrian Circulation. |
| Map 5 | Applicability of special permit for superior development |

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

81-04 Subdistricts and Subareas

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

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

Subdistricts	Special Application
Penn Center Subdistrict	81-50
East Midtown- Grand Central Subdistrict	81-60
Theater Subdistrict	81-70
Fifth Avenue Subdistrict	81-80
Preservation Subdistrict	81-90

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

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

Grand Central Subarea

Park Avenue Subarea

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

* * *

81-067

Modification of provisions for minimum base height and street wall location in Historic Districts

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-65 (Special Street Wall Requirements) ~~81-621 (Special street wall requirements)~~ pertaining to the East Midtown ~~Grand Central~~

Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts).

* * *

81-20

BULK REGULATIONS

81-21

Floor Area Ratio Regulations

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

81-211

Maximum floor area ratio for non-residential or mixed buildings

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

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

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)				Grand Subdistrict		Central Subdistrict
	Outside the Grand Central Subdistrict						
			C5-2.5				
	C6-4	C6-5	C6-4.5		C5-3		
		M1-6	C6-5.5		C6-6		C5-3
	C5P		C6-6.5	C6-7T	C6-7	C5-2.5	C6-6

A. Basic Maximum FAR

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

B. Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Public plaza# (Section 81-23)

--- 1.0^{1,2} 1.0^{1,3} --- 1.0² --- ---

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

8.0 11.0^{1,2,7,8} 13.0^{1,3} 14.0 16.0 ~~12.0~~ ~~15.0~~

D. Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvement (Section 74-634)

--- 2.0^{1,6,7} 2.4¹ --- 3.0 ~~2.4~~ ~~3.0~~

E. Maximum Total FAR with District-wide and As-of-Right Incentives

8.0 12.0 14.4 14.0 18.0 ~~14.4~~ ~~18.0~~

F. Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)

---	2.0	---	---	3.0	---	---
-----	-----	-----	-----	-----	-----	-----

G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:

---	12.0	---	---	18.0	---	---
-----	------	-----	-----	------	-----	-----

H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:

Development rights (FAR) of a "granting site" (Section 81-744)

---	10.0	12.0	14.0	15.0	---	---
-----	------	------	------	------	-----	-----

Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))

---	2.0	2.4	2.8	3.0	---	---
-----	-----	-----	-----	-----	-----	-----

Inclusionary Housing (Sections 23-90 and 81-22)

---	2.0 ⁴	---	---	---	---	---
-----	------------------	-----	-----	-----	-----	-----

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

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

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

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

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

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

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

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

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

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

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

N. Maximum FAR of Lots Involving Landmarks:

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

8.0	10.0	12.0	14.0	15.0	12.0	15.0
-----	------	------	------	------	-----------------	-----------------

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

8.0	10.0	13.0 ⁵	14.0	16.0	12.0	15.0
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Maximum amount of transferable development rights (FAR) from landmark #zoning lot# that may be utilized on:

~~(a)~~ an "adjacent lot" (Section 74-79)

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

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

— — — — — 1.0 1.0

(e) ~~a "receiving lot" (Section 81-635)~~

— — — — — 9.6 6.6

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

9.6 14.4 14.4 No Limit No Limit ~~21.6~~ ~~No⁶ Limit~~

-
- ¹ Not available for #zoning lots# located wholly within Theater Subdistrict Core
 - ² Not available within the Eighth Avenue Corridor
 - ³ Not available within 100 feet of a #wide street# in C5-2.5 Districts
 - ⁴ Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#
 - ⁵ 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
 - ~~⁶ Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict~~
 - ~~⁶⁷ Not available on west side of Eighth Avenue within the Eighth Avenue Corridor~~
 - ⁷⁸ 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities)

Special provisions for transfer of development rights from landmark sites

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

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

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

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

Within the East Midtown Subdistrict, ~~Grand Central Subdistrict~~, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79, or Section 81-634 (Transfer of development rights from landmarks by special permit) ~~Section 81-63 (Transfer of Development Rights from Landmark Sites)~~, but not both.

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

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

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

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

81-23

Floor Area Bonus for Public Plazas

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

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

- (a) on #zoning lots# in the C5P District within the Preservation Subdistrict;

- (b) within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);
- (c) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and
- (d) on #zoning lots#, any portion of which is within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, or on #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-611 (Definitions) ~~on #zoning lots#, any portion of which is in the Grand Central Subdistrict.~~

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

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

* * *

81-253

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

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

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

81-254

Special permit for height and setback modifications

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

- | | |
|---------------------------|---|
| Section 74-711 | (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications) |
| Section 74-79 | (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277 |
| Section 81-066 | (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7) |
| Section 81-624 | (Special permit for superior developments) |
| Section 81-634 | (Transfer of development rights from landmarks by special permit) |
| Section 81-635 | (Transfer of development rights by special permit). |

* * *

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

81-60

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

81-61

General Provisions

In order to protect and strengthen East Midtown's status as one of the world's premier business addresses and a vital job center for the City and region, due, in part, to its proximity to Grand Central Terminal, a transit-hub and architectural icon, and in order to expand and enhance the Subdistrict's extensive pedestrian network, special regulations are set forth in this Section. Such regulations establish special provisions governing maximum floor area, sustainability, urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network in the East Midtown Subdistrict.

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

81-611

Definitions

Adjacent lot

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

- (a) a lot that is contiguous to the lot occupied by the designated #landmark building or other structure# or one that is across a #street# and opposite to the lot occupied by such designated #landmark building or other structure#, or, in the case of a #corner lot#, one

that fronts on the same #street# intersection as the lot occupied by such #landmark building or other structure#; and

- (b) it shall also mean, in the case of lots located in C5-3, or C6-6 Districts, a lot contiguous or one that is across a #street# and opposite to another lot or lots that except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by such designated #landmark building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS)).

East Midtown District Improvement Fund

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

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

East Midtown District Improvement Fund Committee

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

East Midtown District Improvement Fund Contribution Rate

For the purposes of Section 81-60, inclusive, “East Midtown District Improvement Fund Contribution Rate” or “Contribution Rate” shall be set at \$250 as of (date of adoption).

The “Contribution Rate” shall be adjusted only in accordance with the provisions of Section 81-682 (The East Midtown District Improvement Fund Contribution Rate).

Granting lot

For the purposes of Section 81-60, inclusive, a “granting lot” shall mean a #zoning lot# which contains a #landmark building or other structure#. Such “granting lot” may transfer development rights pursuant to Sections 81-622 (Transfer of development rights from landmarks to qualifying sites), 81-624 (Special permit for superior developments), 81-633 (Transfer of development rights from landmarks by certification) or 81-634 (Transfer of development rights from landmarks by special permit).

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

Landmark #building or other structure#

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

Qualifying Site

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

- (a) will have a minimum #lot area# of:

- (1) 25,000 square feet for #buildings developed# with a #floor area ratio# beyond the basic maximum #floor area ratio# set forth in Row A of Table I in of Section 81-62 (Special Floor Area Provisions); or
 - (2) 40,000 square feet for #buildings# in the Grand Central Subarea Core of the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, #developed# pursuant to the special permit provisions of Section 81-624;
- (b) will have a #lot width# which extends along the entire #wide street block# frontage, or for at least 200 feet of #wide street block# frontage, whichever is less; and such #lot width# will extend continuously to a depth of at least 100 feet, as measured perpendicular to the #street line#
 - (c) will have no existing #buildings or other structures# to remain within the minimum site geometry described in paragraphs (a) and (b) of this definition, except that any #building or other structure# devoted exclusively to subway or rail mass transit-related #uses#, including, but not limited to, ventilation facilities and other facilities or services used or required in connection with the operation of a subway or rail mass transit facility, may remain;
 - (d) has made a district improvement contribution to the #East Midtown District Improvement Fund# or has obtained approval of a contribution in-kind, pursuant to the applicable regulations set forth in Sections 81-621 (District improvement bonus for qualifying sites) or 81-64 (Special Provisions for Retaining Non-complying Floor Area); and
 - (e) will have, within the minimum site geometry described in paragraphs (a) and (b) of this definition, a single #building#, where such #building's floor area# is comprised entirely of #commercial uses#, and where such proposed #building# complies with the performance standards set forth in Section 81-623 (Special building performance requirements for all qualifying sites)

Receiving lot

For the purposes of Section 81-60, inclusive, a "receiving lot" shall mean a #zoning lot# to which development rights of a "granting lot" are transferred. Such "receiving lot" may receive a transfer of development rights pursuant to Sections 81-622 (Transfer of development rights from

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

81-612

Applicability of regulations to qualifying sites and all other sites

All #developments# in the East Midtown Subdistrict on #qualifying sites# shall utilize the #floor area# provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or where applicable, the #floor area# provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area). No foundation permit for a #building# on a #qualifying site# shall be issued by the Department of Buildings prior to July 1, 2017.

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

81-62

Special Floor Area Provisions for Qualifying Sites

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

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

ratio# specified in Row D, such #floor area ratio# may be further increased up to the amount specified in Row E pursuant to Section 81-624 (Special permit for superior developments).

TABLE I								
MAXIMUM FLOOR AREA ALLOWANCES FOR QUALIFYING SITES IN THE EAST MIDTOWN SUBDISTRICT								
Row	Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#	Grand Central Subarea				Park Avenue Subarea	Any other Areas	
		Grand Central Subarea Core	Non-Core		Along Park Ave, north of Grand Central Terminal			
		C5-3	C5-2.5 C6-4.5	C5-3 C6-6	C5-3		C5-3	C5-2.5 C6-4.5
A	Basic Maximum FAR	15	12	15	15	15	12	15
B	Additional FAR through District Improvement Bonus (DIB) (Section 81-621)	3	3	3	3	6.6	2.4	3
C	Additional FAR for further contributions to DIB (Section 81-621) or transfer of development rights	6	6.6	3.6	3.6	NA	NA	NA

	from landmark buildings (Sections 81-622)							
D	Total as-of-right FAR	24	21.6	21.6	21.6	21.6	14.4	18
E	Additional FAR through special permit (Section 81-624)	6	NA	NA	2.4	2.4	NA	NA
F	Maximum FAR permitted for #qualifying Sites#	30	21.6	21.6	24	24	14.4	18

81-621

District improvement bonus for qualifying sites

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

(a) Requirements for applications

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

- (1) Legal instruments, in a form acceptable to the City, shall be executed and recorded prior to any contribution or contribution in-kind pursuant to paragraphs (a) or (b) of this Section. Proof of recordation shall be submitted to the

Chairperson of the City Planning Commission, in a form acceptable to the Chairperson;

- (2) an affidavit shall be submitted to the Chairperson attesting that, at the time of #development#, no #buildings# will remain within the minimum site geometry described in paragraphs (a) and (b) of the definition of #qualifying site# set forth in Section 81-611 (Definitions);
- (3) a site plan demonstrating compliance with the minimum site geometry described in paragraphs (a) and (b) of the definition of #qualifying site# set forth in Section 81-611 and zoning calculations for the proposed #development# on the #qualifying site# shall be submitted to the Chairperson; and
- (4) for #qualifying sites# meeting the criteria of paragraph (a) of the definition of #adjacent lot# with regard to such #zoning lot's# adjacency to Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship between the proposed #development# on such #qualifying site# and Grand Central Terminal has been submitted to the Chairperson.

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

Monies shall be contributed to the #East Midtown District Improvement Fund# by the applicant as follows:

- (1) for #buildings# on #qualifying sites# which do not utilize #non-complying floor area# from a #building# on the site constructed prior to December 15, 1961, pursuant to Section 81-64 (Special Provisions Regarding Non-Complying Floor Area); or for #buildings# which require contributions for bonused #floor area# beyond the amount on #non-complying floor area# utilized pursuant to Section 81-64, the contribution amount shall be 100 percent of the #East Midtown District Contribution Rate# for that portion of bonused #floor area#; and
- (2) for #buildings# on #qualifying sites# utilizing #non-complying floor area# from a #building# on the site constructed prior to December 15, 1961, pursuant to Section 81-64, the contribution amount for that portion of bonused #floor area# shall be 50 percent the #East Midtown District Contribution Rate#.

(c) Contribution in-kind

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

- (1) the applicant has entered into an agreement, in a form satisfactory to the #East Midtown District Improvement Fund Committee#, with regard to:
 - (i) the selection of a district improvement project by the applicant which has been identified as a priority project by the #Committee# pursuant to 81-681 (The East Midtown District Improvement Fund Committee);
 - (ii) the design of such district improvement project to a standard acceptable to the #Committee#. To arrive at such a determination, the #Committee# shall consult with applicable agencies, as necessary; and
 - (iii) a detailed schedule for the construction of such district improvement project;
- (2) the #Committee#, with the assistance of relevant agencies, as necessary, has determined that the reasonable anticipated cost of such priority improvement project, is equivalent to the monetary contribution the #development# would be required to make if utilizing the provisions of paragraph (b) of this Section; and
- (3) any #development# on a #qualifying site# utilizing bonused #floor area# pursuant to this paragraph shall not receive a temporary certificate of occupancy from the Department of Buildings for such bonused portion of the #building# until the Chairperson has certified that the improvements are substantially complete and usable by the public.

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

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

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

81-622

Transfer of development rights from landmarks to qualifying sites

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

(a) Requirements for applications

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

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

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

(b) Conditions and limitations

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

- (1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the basic maximum #floor area# set forth in Row A in Table I of Section 81-62, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to Section 81-621;
- (2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the applicable amount set forth in Row C in Table I of Section 81-62; and
- (3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

(c) Transfer instruments and notice of restrictions

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

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

81-623**Special building performance requirements for all qualifying sites**

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

81-624**Special permit for superior developments**

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

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

- (1) Additional #floor area#, beyond the applicable #floor area ratio# permitted by Row D in Table I of Section 81-62 (Special Floor Area Provisions) up to the applicable amount set forth in Row E in such Table; and

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

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

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

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

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

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

- (ii) significantly contribute to the pedestrian circulation network by providing generous pedestrian accessibility through and around the site, and fluid connections to pedestrian circulation spaces in the immediate vicinity thereof; and
 - (iii) significantly contribute to the overall improvement of pedestrian circulation and reduction of congestion on surrounding #streets# within the Subdistrict through the provision of a vibrant streetscape, and a well-designed site plan, which demonstrates the strategic locations of pedestrian circulation space, #building# entrances, and, where applicable, the provision of more direct pedestrian access to Grand Central Terminal;
- (3) any below-grade improvements required as part of the proposed #development# pursuant to condition (b)(3) of this Section shall:
 - (i) provide significant and generous connections to the below-grade pedestrian circulation network and surrounding #streets#. Where #street# level entryways from the proposed #development# into the below-grade pedestrian circulation network or subway stations or other rail transit facilities are provided, such entryways shall be well-integrated with the proposed at-grade improvements to the pedestrian network required by condition (2) of this Section;
 - (ii) where applicable, provide major improvements to public accessibility to and from subway stations and other rail transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing connections, including the provision of escalators or elevators; and
 - (iii) where applicable, provide significant improvements to the environment of subway stations and other rail transit facilities through the provision of direct daylight access, or through improvements to noise control, air quality, lighting or rider orientation;
- (4) with regard to the #building bulk# of the proposed #development#:
 - (i) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and fluid connections to public spaces. Above the ground

floor level, access to light and air to the surrounding #streets# and public spaces is ensured through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;

(ii) all components of the #building# are well-integrated and demonstrate a well-designed combination of articulation, choice of materials and amounts of fenestration, which contribute to create a prominent and distinctive #building# which also complements the character of the surrounding area;

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

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

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

(d) Agreements and Declaration of Restrictions

A written declaration of restrictions, in a form acceptable to the City Planning Commission, setting forth the obligations of owner or developer to construct, maintain and provide public access to a public improvement required under condition (b)(2) of this Section shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Such written declaration shall also stipulate that no building permit shall be granted by the Department of Buildings for any portion of a

#building# on a #qualifying site# which has been granted additional #floor area# pursuant to the provisions of this Section until all contributions to district improvements required by paragraph (b)(1)(i) of this Section, as applicable, have been made by the owner or developer. Proof of recordation of the declaration of restrictions shall be submitted to the City Planning Commission, in a form acceptable to the Commission.

Prior to the grant of a special permit which includes an improvement required under condition (b)(3) of this Section, where applicable, to the extent required by the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement, the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA and any such other entities.

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

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

81-63

Special Floor Area Provisions for All Other Sites

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

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

Within the Grand Central Subarea, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-634, but not both. Any #development# using the provisions of Section 74-79 shall also be subject to the modifications set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites). Whenever there is an inconsistency between any provisions in Section 74-79 and Table II of this Section, the table in this Section shall apply.

TABLE II					
MAXIMUM FLOOR AREA ALLOWANCES FOR ALL OTHER SITES IN THE EAST MIDTOWN SUBDISTRICT					
Row	Means for achieving permitted FAR on a	Grand Central Subarea		Park Avenue	Any other Area
		Grand	Non-Core		

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

		through certification by Chairperson of the CPC (Section 81-633)						
	3	a #receiving lot# through special permit (Section 81-634)	6.6	9.6	6.6	-	-	-
H		Maximum FAR permitted	No limit	21.6	No limit	No limit	14.4	No limit

81-631**Floor area bonus for public plazas**

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

81-632**Floor area bonus for subway station improvements**

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

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

The Chairperson of the City Planning Commission shall certify a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site# within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, and shall allow modifications to provisions regarding #zoning lots# divided by district boundaries, as forth in paragraph (a) of this Section, provided that the requirements for applications of paragraph (b), the conditions and limitations of paragraph (c), the transfer instruments and notice of restrictions of paragraph (d) of this Section are met.

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

- (1) a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.2 in Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), as applicable; and
- (2) in conjunction with such transfer of development rights, modification of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows:

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

(b) Requirements for applications

An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and #receiving lot# and shall include:

- (1) site plan and zoning calculations for the #granting lot# and #receiving lot#;

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

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

(c) Conditions and limitations

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

- (1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the maximum #floor area# on such landmark #zoning lot# set forth in Row E in Table II of Section 81-63 , as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
- (2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights under this Section shall not exceed the applicable amount set forth in Row G.2 in Table II of Section 81-63; and
- (3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

(d) Transfer instruments and notice of restrictions

The owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson a copy of a transfer instrument legally sufficient in both form and content to effect such a

transfer. Notices of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Chairperson of the City Planning Commission, in a form acceptable to the Chairperson.

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

81-634

Transfer of development rights from landmarks by special permit

The City Planning Commission may, by special permit, allow a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter and in conjunction with such transfer, may permit modifications to #bulk# and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a), provided that the conditions of paragraph (b), the findings of paragraph (c) and the transfer instruments and notice of restrictions of paragraph (d) are met.

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

- (1) a transfer of development rights from a #granting lot# to a #receiving lot# provided that the resultant #floor area ratio# on the #receiving lot# does not exceed 21.6; and
- (2) in conjunction with such transfer of development rights, the Commission may permit:
 - (i) modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district

regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;

(ii) the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify the provisions of Sections 81-65 (Special Street Wall requirements), 81-66 (Special Height and Setback requirements), 81-67 (Special Mandatory District Plan Element Requirements), 81-625 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions; and

(iii) notwithstanding the provisions of paragraph (a)(2)(ii) of this Section, for #developments# or #enlargements# on #zoning lots# with a #lot area# of more than 40,000 square feet that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations.

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

(1) An application filed with the City Planning Commission shall be made jointly by the owners of the #granting lot# and #receiving lot# and shall include site plan and zoning calculations for the #granting lot# and #receiving lot#;

(2) with regard to the transfer of development rights from a #granting lot# to a #receiving lot#, pursuant to this Section:

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

- (ii) for each #receiving lot#, the #floor area# allowed by the transfer of development rights under this Section shall not exceed the applicable amount set forth in Row G.3 in Table II of Section 81-63;
- (iii) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred;
- (iv) a program for the continued maintenance of the #landmark building or other structure# has been established; and
- (v) a report from the Landmarks Preservation Commission has been submitted to the Commission concerning the continuing maintenance program of the #landmark building or other structure#, and for those #receiving lots# on an #adjacent lot# to Grand Central Terminal, a report concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

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

- (3) the design of the #development# or #enlargement# includes a major improvement of the surface and/or subsurface pedestrian circulation network in the portion of the Subdistrict. The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

Any application filed with the Commission pursuant to this Section shall include a plan of the required pedestrian network improvement, as well as information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement to the surface and/or sub-surface of the pedestrian circulation network. The applicant shall submit schematic or concept plans of the proposed improvement to the

Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to Uniform Land Use Review Procedure (ULURP) certification of the special permit application, as required by Section 197-c of the New York City Charter, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

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

- (1) that the improvement to the surface and subsurface pedestrian circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal, pursuant to the following:
 - (i) that the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the portion of the Subdistrict and minimize congestion on surrounding #streets#, and that a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within such portion of the Subdistrict;
 - (ii) that the modification of #bulk# regulations, regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the "receiving lot," density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;
 - (iii) that, for #enlargements# to existing #buildings#, the modifications of height and setback requirements and the requirements of Sections 81-65 (Special Street Wall requirements), 81-66 (Special Height and Setback requirements), 81-67 (Special Mandatory District Plan Element Requirements), 81-625 (Pedestrian circulation space requirements), are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and

that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and

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

(d) Transfer instruments and notice of restrictions

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

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

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

The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the

Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City Planning Commission.

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

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

81-64

Special Provisions for Retaining Non-complying Floor Area

Notwithstanding the reconstruction provisions of Section 54-41 (Permitted Reconstructions), a #non-complying commercial building# with #non-complying floor area# constructed prior to December 15, 1961 may be demolished and reconstructed to the extent of its prior #non-complying floor area# in accordance with the applicable district #bulk# regulations, upon certification of the Chairperson of the City Planning Commission to the Department of Buildings that:

- (a) such reconstructed #building#:
 - (1) will be wholly comprised of #commercial floor area#;
 - (2) will be located on a #zoning lot# that either:
 - (i) is a #qualifying site#; or
 - (ii) has frontage along a #wide street# and a #lot area# of at least 20,000 square feet;

- (3) will comply with the #building# performance requirements of Section 81-623 (Special building performance requirements for all qualifying sites); and
 - (4) shall utilize all #floor area# certified pursuant to this Section within the site geometry of the #zoning lot# as it existed at the time of application.
- (b) contributions to the #East Midtown District Improvement Fund# are made for the amount of #floor area# in the reconstructed #building# equivalent to the #non-complying floor area# at 50 percent of the #East Midtown District Contribution Rate#. For this purpose, the amount of #non-complying floor area# exceeding the basic maximum #floor area ratio# set forth in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) or Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), shall be calculated on the basis of the #lot area# of the #development# site used to comply with paragraph (a)(2) of this Section. Such calculation shall be verified using either the #building's# construction documents submitted for approval to the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or an as-built drawing set completed by a licensed architect.

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

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

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

81-65**Special Street Wall Requirements**

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

81-651**Special street wall requirements along designated streets**

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

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

Any #street wall# below the applicable minimum #street wall# height that is set back more than one foot from a #street line# or sidewalk widening line shall be considered a recess. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 81-675. Above the ground floor, the aggregate width of all recesses in the #street wall# shall not exceed 30 percent of the entire width of such #street wall# at any such level, and no recess shall be permitted within 30 feet of the intersection of two

#street lines#. The maximum depth of any recess shall be ten feet if such recess is not open to the sky, and 15 feet if such recess is open to the sky. All recesses shall be at least twice as wide as they are deep.

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

All heights shall be measured from #curb level#.

In addition, the following regulations shall apply:

(a) 42nd Street

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

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

(b) Madison and Lexington Avenues

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

(1) Street wall location

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

(2) Street wall height requirements

(i) For portions of #buildings# along Madison or Lexington Avenues or along #narrow streets# within 125 feet of the Madison or Lexington Avenue #street line#, the minimum height of such #street walls# without setback shall be 120 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet.

(ii) For portions of #buildings# along #narrow streets# beyond 125 feet of the Madison or Lexington Avenue #street line#, the maximum height of the #street wall# shall be as follows:

(a) where the height of the #street wall# of the adjacent #building# is less than 90 feet, the maximum height of such portion of the #street wall# shall be 90 feet;

(b) where the height of the #street wall# of the adjacent #building# is between 90 and 120 feet, the maximum height of such portion of the #street wall# shall be 120 feet; and

(c) where the height of the #street wall# of the adjacent #building# exceeds a height of 120 feet, the height of such portion of the #street wall# may match the height of such adjacent #building#, provided that the height of such #street wall# does not exceed a height of 150 feet.

(c) Vanderbilt Avenue and Depew Place

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

(1) Street wall location

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

(2) Streetwall height requirements along Vanderbilt Avenue

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

(3) Street wall height requirements along Depew Place

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

(d) Park Avenue

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

(1) Street wall location requirements

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

(2) Street wall height requirements

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

81-652

Special street wall requirements along narrow streets

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

(a) Street wall width and location

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

(b) Recesses

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

(c) Street wall height requirements

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

81-66

Special Height and Setback Requirements

81-661

For buildings using daylight compensation method

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

- (a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-624 (Encroachments and compensating recesses):
 - (i) no #compensating recess# shall be required where #encroachments#, or portions thereof, are provided on the portion of the #building# below a height of 150 feet, as measured from #curb level#;
 - (ii) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not extend without diminution or dimension downward to the lowest level of #encroachment#, as set forth in paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of #encroachment# provided at such level. The provisions of paragraphs (c)(2) and (c)(3) of Section 81-264 shall apply to such #compensating recesses#; and
 - (iii) where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. The Vanderbilt Avenue portion of such modified #zoning lot# may be considered a

#compensating recess# for encroachments along such #building's narrow street frontage zone#, provided that:

- (i) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (d) of Section 81-655 (Special street wall requirements along Vanderbilt Avenue and Depew Place); and
 - (ii) the #street frontage zone# calculation along Madison Avenue shall not include Vanderbilt Avenue; and
- (b) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-625 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in paragraph (c) shall be modified to 20 percent of the length of the #front lot line#.

81-662

For buildings using daylight evaluation method

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

- (a) For the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):
 - (1) the computation of daylight evaluation shall not include any daylight blockage, profile daylight blockage or available daylight for that portion of the #street wall# of the #building# below 150 feet above #curb level#; and
 - (2) The computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to paragraph (c), may apply along designated #streets# where #street wall# continuity is required; and

- (b) For the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart), where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. Such modified #zoning lot# may be utilized to create a modified pedestrian view along Vanderbilt Avenue and intersecting #narrow streets# provided that:
- (1) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (d) of Section 81-655 (Special street wall requirements along Vanderbilt Avenue and Depew Place);
 - (2) #vantage points# along Vanderbilt Avenue are taken 30 feet east of the easterly #street line# instead of the #center line of the street#; and
 - (3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#.

81-67

Special Mandatory District Plan Element Requirements

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

81-671

Sidewalk widenings

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

(a) Mandatory sidewalk widenings(1) Along Madison and Lexington Avenues

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

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

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

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

The Commissioner of the Department of Buildings may waive such sidewalk widening requirement where the Commissioner of the Department of

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

(b) Permitted sidewalk widenings

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

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

(c) Permitted obstructions

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

81-672

Mass transit access

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

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

Within 60 days after receipt of such application, the Metropolitan Transportation Authority and the Chairperson shall jointly certify whether or not an easement is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

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

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

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

- (b) where such mass transit access is constructed and maintained by the Metropolitan Transportation Authority, such construction and maintenance shall exclude any #building# columns, footings or any other permitted obstructions associated with the #development# or #enlargement# located within the transit easement volume.

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

81-673

Building lobby entrance requirements

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

- (a) Required lobby entrances

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

- (b) Maximum lobby widths

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

- (c) Through #block# provisions

Required #building# entrances on opposite #street# frontages may be connected directly to the #building# lobby by providing a through #block# connection in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces),

except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.

81-674

Retail continuity provisions

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

(a) Along designated #streets#

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

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

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

(c) Along Vanderbilt

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

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

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

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

81-675

Pedestrian circulation space requirements

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

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

81-676

Curb cut restrictions and loading berth requirements

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

- (a) Loading berth provisions

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

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

- (1) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are otherwise permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:
 - (i) a #building# existing on (date of adoption) containing #residences#;
 - (ii) a #non-residential building# existing on (date of adoption) that is three or more #stories# in height; or
 - (iii) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or
- (2) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.
- (b) Curb cuts provisions

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

81-68

Supplemental Provisions

81-681

The East Midtown District Improvement Fund Committee

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

- (a) The #Committee# shall identify and prioritize physical above and below grade pedestrian network improvements, including publicly accessible open space, within the East Midtown Subdistrict, or in a location immediately adjacent thereto, which may be funded through contributions to the #Fund#. All such improvements shall meet the definition of a capital project under Section 210 of the New York City Charter. The priority of such improvements shall be determined through consideration of the following:
- (1) The benefit such physical improvements, including but not limited to subway stations, sidewalks and publicly accessible open spaces, provide to the East Midtown pedestrian network. Priority shall be given to improvements to the Grand Central subway station, and to the pedestrian network in the immediate vicinity of Grand Central Terminal; and
 - (2) The ability of such improvement to mitigate significant adverse impacts identified in the City Environmental Quality Review (CEQR) No. X in connection with the adoption of provisions of this Chapter establishing the East Midtown Subdistrict.
- (b) The #Committee# shall maintain and adjust, as necessary, a list of such priority district improvement projects within the East Midtown Subdistrict. Such list shall include, but not be limited to, the following information regarding each priority improvement:
- (1) The project sponsor or lead agency, as applicable;
 - (2) The purpose and need for such improvement;
 - (3) The projected timeline, milestones and costs associated with the implementation of such improvement. Such cost assessment shall include any other funding available for the improvement, and the sources of such funding;
 - (4) A description of project readiness with regard to previously conducted engineering or design and other critical path considerations; and
 - (5) The anticipated benefits of such improvement to the immediate area.
- (c) The #Committee# shall adopt procedures for approving and amending such priority district improvement list, as well as a procedure for public comment regarding the initial list and amendments thereto. Amendments to the order of the priorities may be made to reflect changes in project readiness, adjustments to supplemental funding streams and

other changes in circumstances. Projects shall be removed from the list when construction is complete and such project is open to the public;

- (d) The #Committee# shall disburse funds from the #District Improvement Fund# for priority district improvement projects, as such funds become available. Improvement projects shall be funded consistent with their priority on the list, as originally approved or subsequently amended;
- (e) The #Committee# shall establish mechanisms for periodic reporting by fund recipients to ensure that , to the maximum extent feasible, projects are completed on time and within the approved budget;
- (f) The #Committee# shall monitor the effectiveness of implemented district improvements in collaboration with the sponsor or agencies involved with such improvement, as applicable.

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

81-682

The East Midtown District Improvement Fund Contribution Rate

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

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

81-60**~~SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT~~****81-61****General Provisions**

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

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

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

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

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

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

81-621**Special street wall requirements**

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

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

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

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

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

81-622**Special height and setback requirements**

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

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

81-623

Building lobby entrance requirements

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

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

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

81-624

Curb cut restrictions and loading berth requirements

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

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

81-625

Pedestrian circulation space requirements

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

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

81-63

Transfer of Development Rights from Landmark Sites

~~For the purposes of the Grand Central Subdistrict:~~

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

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

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

81-631

Requirements for application

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

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

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

81-632

Conditions and limitations

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

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

81-633

Transfer instruments and notice of restrictions

~~The owners of the "granting lot" and the "receiving lot" shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the "granting lot" and the "receiving lot" shall be filed by the owners of the respective lots in the~~

~~Office of the Register of the City of New York (County of New York), a certified copy of which shall be submitted to the City Planning Commission.~~

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

81-634

Transfer of development rights by certification

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

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

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

81-635**Transfer of development rights by special permit**

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

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

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

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

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

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

~~As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the surface and/or~~

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

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

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

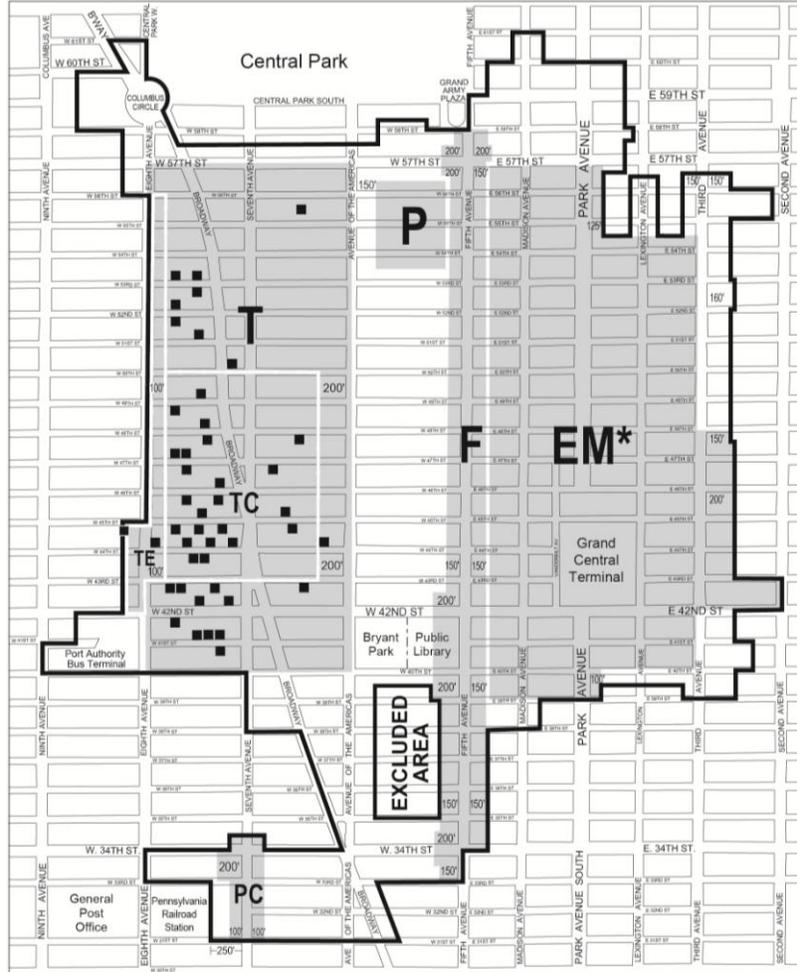
~~The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City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

~~No temporary certification of occupancy for any #floor area# of the #development# or #enlargement# on a "receiving lot" shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of~~

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

Appendix A
Midtown District Plan Maps

Map 1: Special Midtown District and Subdistricts

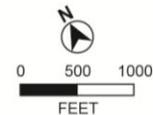


MIDTOWN DISTRICT PLAN

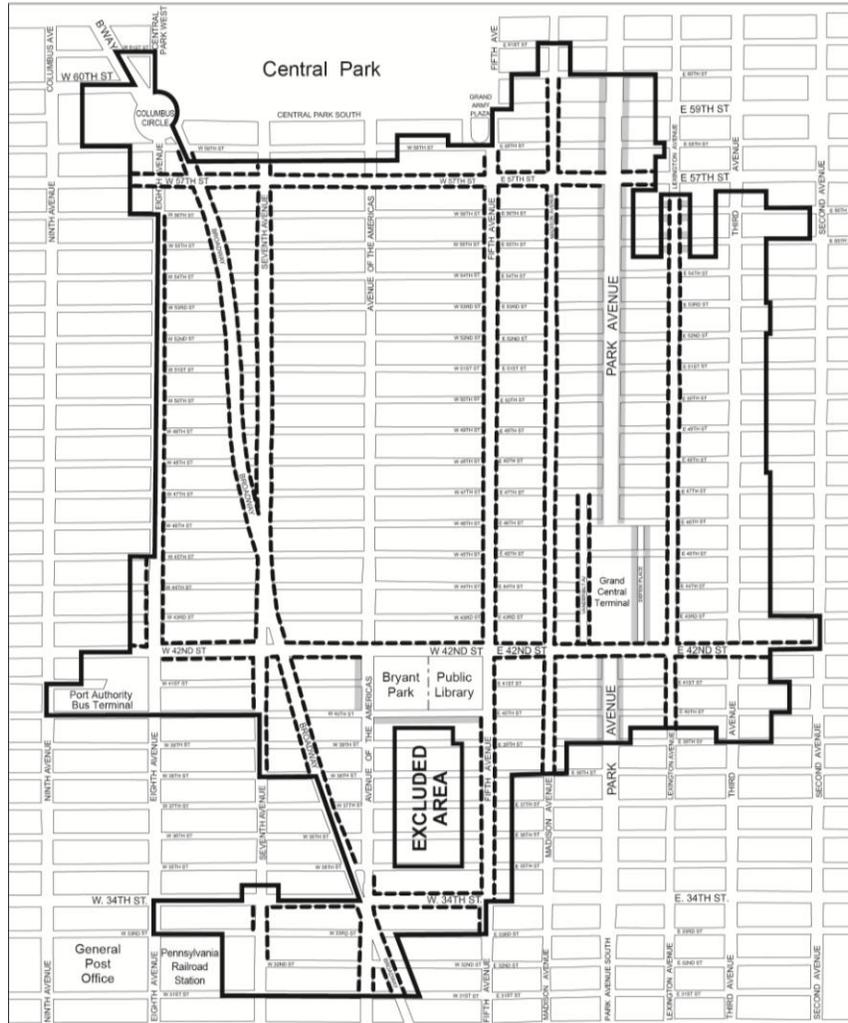
MAP 1 - Special Midtown District and Subdistricts

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

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

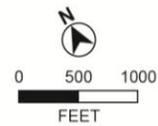


Map 2: Retail and Street Wall Continuity

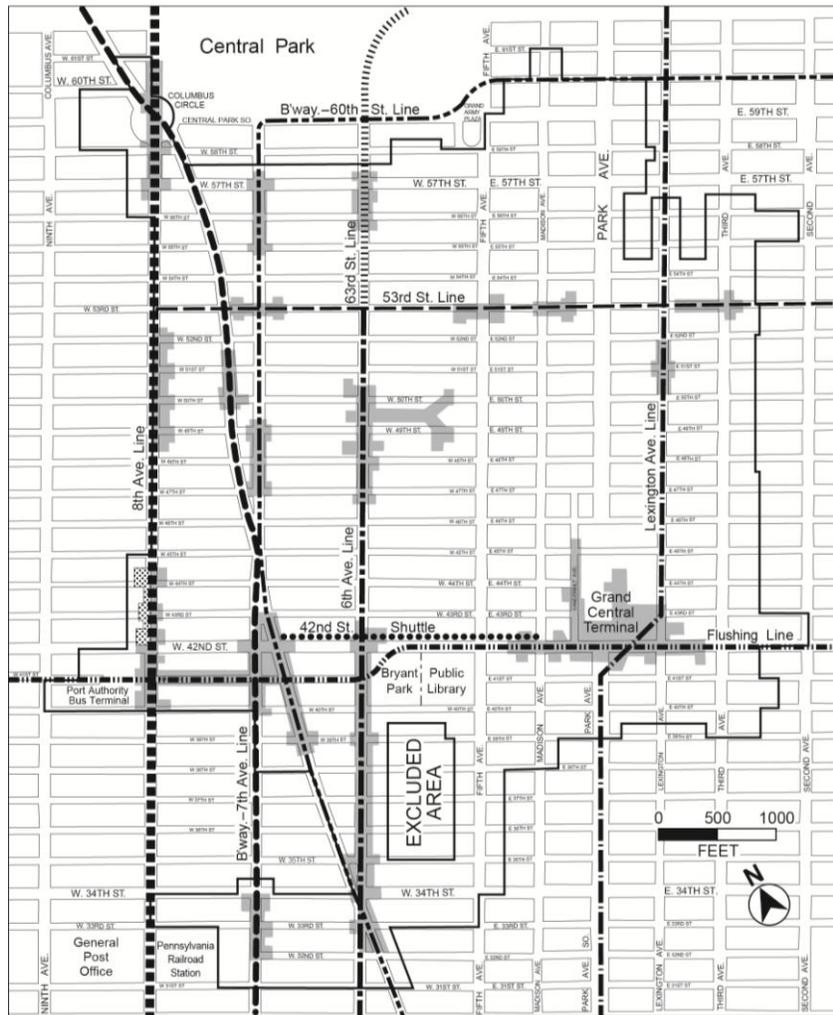


MIDTOWN DISTRICT PLAN
MAP 2 - Retail and Street Wall Continuity

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



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

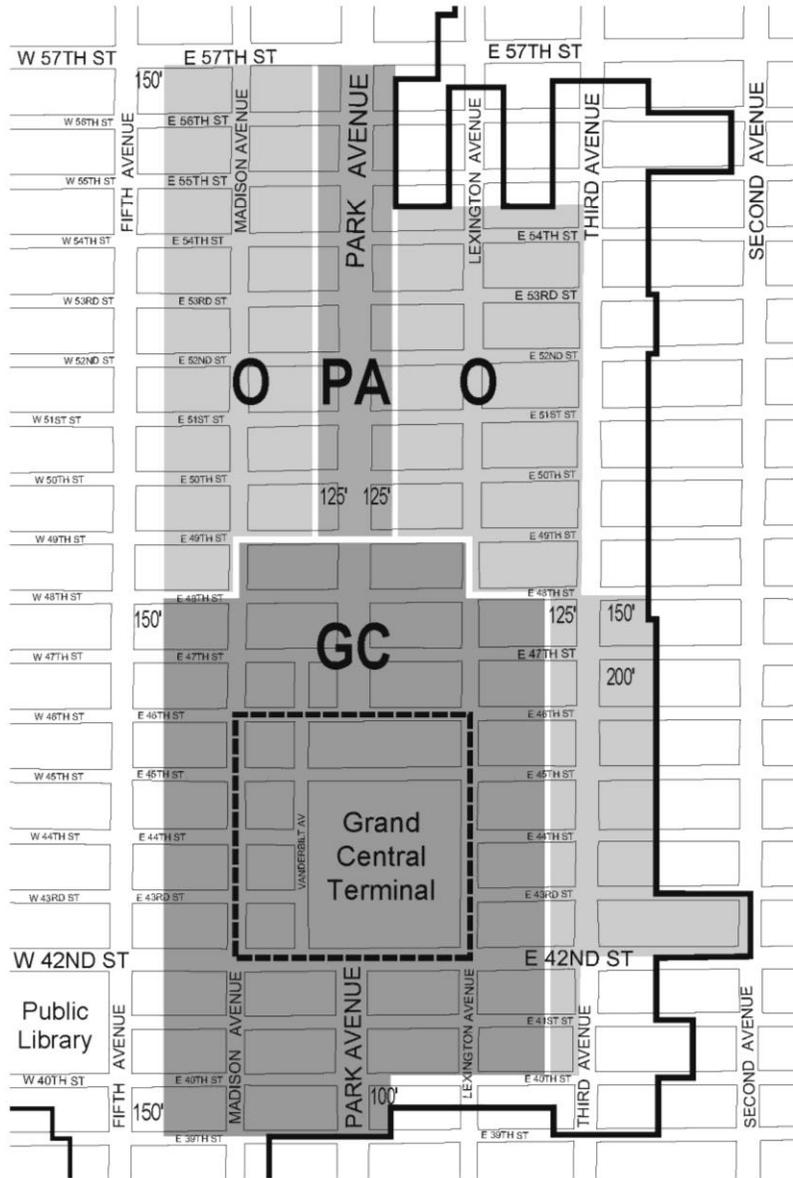


MIDTOWN DISTRICT PLAN

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

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

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

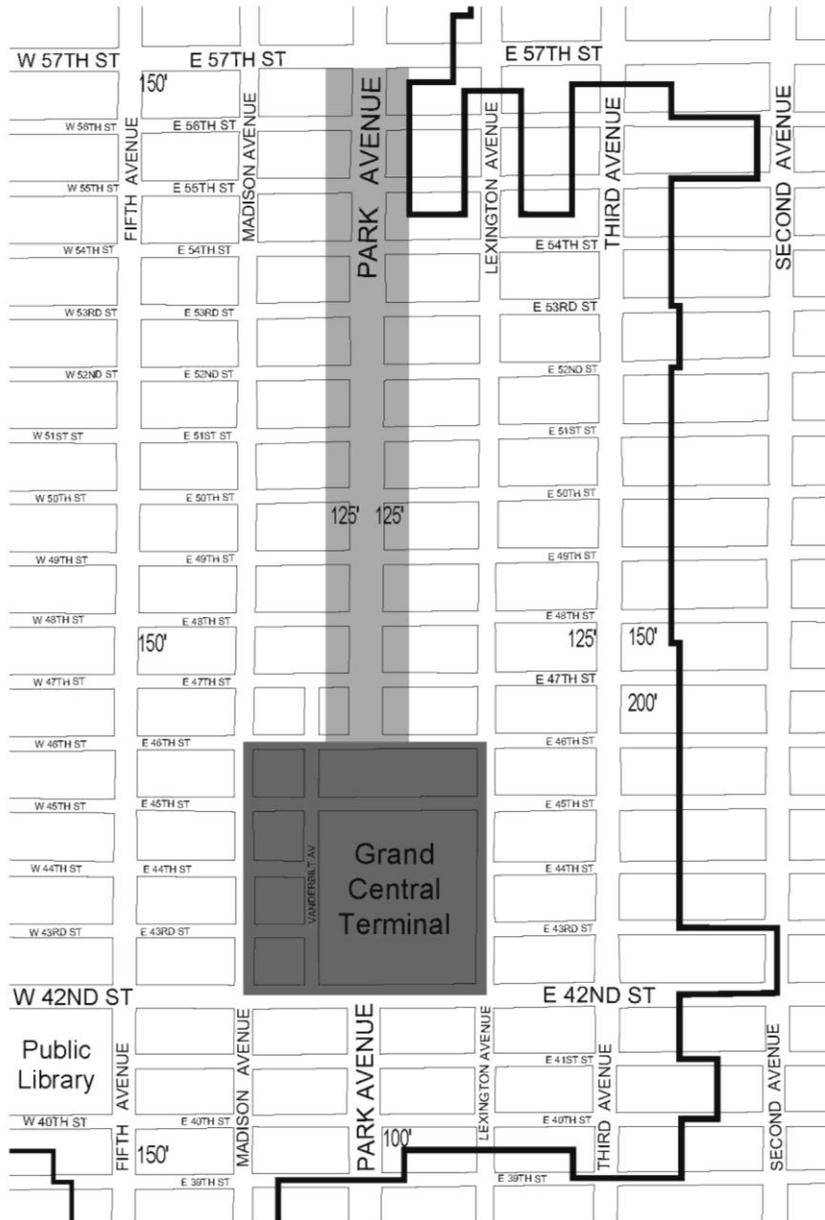


MIDTOWN DISTRICT PLAN
MAP 4 - East Midtown Subareas and Subarea Core

- GC** Grand Central Subarea
- PA** Park Avenue Subarea
- O** Other Areas
- GC** Grand Central Subarea Core
- Special Midtown District



Map 5: Applicability of special permit for superior developments



MIDTOWN DISTRICT PLAN

MAP 5 - Applicability of special permit for superior developments

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



Resolution for adoption scheduling August 7, 2013 for a public hearing.

NOTICE

On Wednesday, August 7, 2013, at 9:00 a.m., in the National Museum of the American Indian at the historic Alexander Hamilton U.S. Custom House located at One Bowling Green, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by the New York City Department of City Planning (DCP) for zoning map and zoning text amendments, and a potential change to the City Map (collectively, the “Proposed Action”) affecting an approximately 70-block area within East Midtown, in Manhattan Community Districts 5 and 6. The rezoning area is generally bounded by East 39th Street to the south, East 57th Street to the north, Second and Third Avenues to the east and a line 150 feet east of Fifth Avenue to the west. The Proposed Action would ensure that East Midtown’s stature as a preeminent commercial district and one of the world’s best business addresses is retained, while providing for pedestrian network improvements in the area. The public hearing will also consider a modification to the Proposed Action, (ULURP No. N 130247(A) ZRM). Written comments on the DEIS are requested and would be received and considered by the Lead Agency until Monday, August 19, 2013.

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

CITYWIDE

Nos. 9 & 10

FLOOD RESILIENCE TEXT AMENDMENT

No. 9

CITY WIDE

N 130331 ZRY

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

Matter in underline is new, to be added.

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

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

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

**ARTICLE I
GENERAL PROVISIONS**

* * *

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

* * *

**11-339
Post- Hurricane Sandy construction**

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

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

If an application for approval of construction documents has been approved on or before (date of adoption) pursuant to Executive Order No. 230, "Emergency Order to Suspend Zoning Provisions to Facilitate Reconstruction in Accordance with Enhanced Flood

Resistant Construction Standards” and its successors, relating to Hurricane Sandy as defined in section 64-11 of this Resolution, a building permit authorizing such construction may be issued pursuant to the regulations of this Resolution in effect at the time of such approval of construction documents, and such construction may continue until a date six years after (date of adoption).

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

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

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

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

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
DEFINITIONS**

* * *

Base plane

The "base plane" is a plane from which the height of a #building or other structure# is measured as specified in certain Sections. For #buildings#, portions of #buildings# with #street walls# at least 15 feet in width, or #building segments# within 100 feet of a #street line#, the level of the #base plane# is any level between #curb level# and #street wall line level#. Beyond 100 feet of a

#street line#, the level of the #base plane# is the average elevation of the final grade adjoining the #building# or #building segment#, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation. In either case, ~~where the #base flood elevation# is higher than grade, in the #flood zone#, either~~ the #base flood elevation# may be the level of the #base plane# or #building# height may be measured from the #flood-resistant construction elevation#, as provided in Article VI, Chapter 4. For the purposes of this definition, #abutting buildings# on a single #zoning lot# may be considered a single #building#. In addition, the following regulations shall apply:

* * *

Flood Maps

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

Flood Zone

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

* * *

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

* * *

Chapter 3

Residential Bulk Regulations in Residence Districts

**23-00
APPLICABILITY AND GENERAL PURPOSES**

**23-01
Applicability of This Chapter**

* * *

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

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

* * *

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

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

**24-01
Applicability of this Chapter**

* * *

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

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

* * *

**Chapter 5
Accessory Off-Street Parking and Loading Regulations**

* * *

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

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

* * *

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

* * *

**Chapter 2
Use Regulations**

**32-00
GENERAL PROVISIONS**

* * *

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

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

* * *

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

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

**33-01
Applicability of this Chapter**

* * *

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

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

* * *

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

**34-00
APPLICABILITY AND DEFINITIONS**

**34-01
Applicability of this Chapter**

* * *

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

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

* * *

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

**35-00
APPLICABILITY AND DEFINITIONS**

**35-01
Applicability of this Chapter**

* * *

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

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

* * *

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

* * *

36-028

Applicability of regulations in flood zones

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

* * *

ARTICLE IV

MANUFACTURING DISTRICT REGULATIONS

* * *

Chapter 2

Use Regulations

42-00

GENERAL PROVISIONS

* * *

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

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

* * *

Chapter 3

Bulk Regulations

43-00

APPLICABILITY AND GENERAL PROVISIONS

43-01

Applicability of this Chapter

* * *

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

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

* * *

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

* * *

**44-02
Applicability**

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

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

* * *

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

* * *

**Chapter 2
Non-Conforming Uses**

* * *

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

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

* * *

**Chapter 4
Non-Complying Buildings**

* * *

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

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

* * *

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

* * *

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

* * *

**62-13
Applicability of District Regulations**

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

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

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

#Special Battery Park City District#

#Special Stapleton Waterfront District#.

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

* * *

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

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

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

* * *

- (3) Measurement of height

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

- (4) Permitted obstructions

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

* * *

Article VI

SPECIAL REGULATIONS APPLICABLE IN CERTAIN AREAS

* * *

[ALL TEXT IN THIS CHAPTER IS NEW]

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

**64-00
GENERAL PURPOSES**

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

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

**64-10
GENERAL PROVISIONS**

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

64-11

Definitions

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

Basement

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

Cellar

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

Flood-resistant construction elevation

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

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

Flood-Resistant Construction Standards

"Flood-resistant construction standards" shall:

- (a) comply with the standards of Appendix G of the New York City Building Code for "Post-FIRM Construction," whether construction voluntarily complies with standards for "Post-FIRM Construction" or is required to comply; and

- (b) substitute the base flood elevation and flood hazard area designation of the #Flood Maps# for the base flood elevation and flood hazard area designation of the Flood Insurance Rate Maps in effect on October 28, 2012.

Lowest occupiable floor

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

Hurricane Sandy

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

Predominant or predominantly

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

**64-12
Applicability**

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

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

- Section 64-10 GENERAL PROVISIONS
- Section 64-20 SPECIAL USE REGULATIONS
- Section 64-30 SPECIAL BULK REGULATIONS
- Section 64-40 SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING
ON OCTOBER 28, 2012

Section 64-50	SPECIAL PARKING REGULATIONS
Section 64-70	SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS
Section 64-80	MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS
Section 64-90	SPECIAL APPROVALS

- (b) The provisions of Section 64-60 (DESIGN REQUIREMENTS) shall apply to all #developments#, all horizontal #enlargements# with new #street walls#, or alterations that increase the height of #street walls#, except that Section 64-65 (Design Requirements for Parking Areas Below Buildings) shall apply to all #buildings# as provided therein.
- (c) Where a #zoning lot# is located partially within a #flood zone#, the regulations of this Chapter shall apply where any portion of a #building# on such #zoning lot# is within a #flood zone#.

64-13 Applicability of District Regulations

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

64-131 Measurement of height

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

64-20 SPECIAL USE REGULATIONS

64-21

Ground Floor Use

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

C1 C2 C4

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

64-22

Transparency Requirements

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

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

64-30

SPECIAL BULK REGULATIONS

64-31

Special Floor Area Regulations

64-311

Entryways in single- and two-family residences

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

64-312

Entryways in all other buildings

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

64-313

Mechanical systems in low density districts

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

64-32

Special Yard Regulations

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

64-321

Level of Required Yards

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

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

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

64-322

Permitted Obstructions in Required Yards, Courts and Open Space

- (a) For #single-# and #two-family residences#, where #flood-resistant construction elevation# is five feet or more above #curb level#, roofed porches shall be permitted obstructions in any #open space# required on the #zoning lot# and in #yards#.
- (b) For #single-# and #two-family residences#, lifts for persons with disabilities shall be permitted obstructions in any #open space# required on the #zoning lot# and in #courts#, #yards# and #rear yard equivalents#, provided that in #front yards#, such lifts are unenclosed.
- (c) For all #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be a permitted obstruction in #rear yards# and #rear yard equivalents#, provided that such equipment is:
- (1) located above #flood-resistant construction elevation#;
 - (2) enclosed within a #building# or portion thereof, or within a #structure# that provides screening on all sides by walls consisting of at least 50 percent opaque materials;

- (3) in R3, R4 or R5 Districts, limited to a height of 10 feet above #flood-resistant construction elevation#, including the apex of a pitched roof;
- (4) in R6, R7, R8, R9 or R10 Districts, limited to a height of 14 feet above #flood-resistant construction elevation#; or
- (5) in Commercial or Manufacturing Districts, limited to a height of 23 feet above #flood-resistant construction elevation#;

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

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

64-323

Flood panels in Required Yards and Open Space

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

64- 33

Special Height and Setback Regulations

64- 331

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

R3-2 R4

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

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

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

- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- (2) all mechanical equipment shall be screened on all sides;
- (3) the #lot coverage# of all such obstructions and screening does not exceed 10 percent of the #lot coverage# of the #building#; and
- (4) such obstructions are limited to a height of 15 feet above the maximum height of perimeter walls.

64- 332

Permitted obstructions for buildings in medium and high density districts

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

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

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

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

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

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

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

R1 R2 R3 R4 R5

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

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

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

utilized, the standards of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) are met.

64-346

Alternate height measurement in Commercial and Manufacturing Districts

C1 C2 C3 C4 C5 C6

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

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

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

64-40

SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012

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

64-41

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

64-411

Floors below the flood-resistant construction elevation

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

This Section shall not apply to #buildings# containing any non-#residential uses# where the #flood-resistant construction elevation# is less than two feet above the level of the first finished floor above #curb level#.

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

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

64-412

Lowest story of a residential building

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

64-42

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

64-421

Permitted obstructions

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

- (a) For existing #single-# and #two-family residences#, and for the reconstruction of such #residences#, mechanical equipment including but not limited to #accessory# heating and cooling equipment and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#;
 - (2) within a #structure# that provides screening on all sides by walls consisting of at least 50 percent opaque materials;
 - (3) located no more than seven feet from the wall of a #building#;
 - (4) located at least five feet from any #lot line#; and
 - (5) limited to a height of no more than 10 feet above #flood-resistant construction elevation#.

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

- (b) For existing #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be permitted obstructions in #courts# and #open space#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#;
 - (2) within a #structure# that provides screening on all sides by walls consisting of at least 50 percent opaque materials;
 - (3) limited to a height established in Section 64-322 (Permitted Obstructions in Required Yards, Courts and Open Space), paragraph (c), for mechanical equipment as permitted obstructions in a #rear yard#; and
 - (4) located at least 30 feet from any #legally required window#.
- (c) For existing #buildings#, except #single-# and #two-family residences#, lifts for persons with disabilities, where permitted pursuant to provisions of the Building Code, shall be permitted obstructions in #yards#, #courts# and #open space#.

Front yard planting requirement

R1 R2 R3 R4 R5

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

64-43

Special Height and Setback Regulations for Buildings Existing on October 28, 2012

64-431

For existing single- and two-family residences

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

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

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

64-432

Permitted obstructions for certain existing buildings

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

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

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

64-44

Special Minimum Distance Regulations for Buildings Existing on October 28, 2012

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

64-50

SPECIAL PARKING REGULATIONS

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

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

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

64-51

For Residential Buildings with Below-Grade Parking

R1 R2 R3 R4 R5

In the districts indicated, other than R4B and R5B Districts, where below-grade garages within #residential buildings# are eliminated in order to comply with Appendix G of the Building Code, #accessory# off-street parking spaces may be relocated from such garages to the side or rear of such #buildings#, or to the #front yard# driveway that accessed the former garage, or to a shared

driveway along a common #side lot line#. Where such parking spaces are so relocated, each such space shall have a dimension at least 18 feet long and eight feet wide, and such spaces shall be allowed without regard to underlying parking location, curb cut spacing, or permitted obstruction regulations. No modifications of the number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut shall be allowed. Where eliminated garages were accessed by a driveway less than 18 feet long, such driveway and curb cut shall be eliminated, and the former driveway planted to the extent necessary to comply, or increase compliance, with the provisions of Section 23-451 (Planting requirement) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

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

64-52

For Elevated Buildings

R1 R2 R3 R4 R5

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

64-53

Surfacing

R1 R2 R3 R4 R5

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

64-60

DESIGN REQUIREMENTS

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

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

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

64-61

Design Requirements for Single- and Two-family Residences

R1 R2 R3 R4 R5

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

(a) Porch

Where provided as a mitigating element, a porch shall have a finished floor at least six inches below the lowest habitable floor and have a width at least 70 percent of the aggregate width of all #street walls# within 25 feet of the #street line#. The depth of the porch must be at least five feet, and the porch may not be closer to the #street line# than five feet. Open porches shall count as one mitigating element and roofed porches shall count as two mitigating elements, provided that for such roofed porches, all structural elements have a minimum width or depth of at least three inches and such roof has a depth of at least five feet measured perpendicular to the #street wall#.

(b) Stair direction change

Where provided as a mitigating element, stairs shall be provided between grade and the first lowest habitable floor or porch, as applicable, which change direction at least 90 degrees in plan at a point no lower or higher than two feet from the beginning and end of the stair run.

(c) Raised front yard

Where provided as a mitigating element, the grade between the #street line# and #street walls# within 25 feet of the #street line#, and their prolongations, shall be elevated above #curb level# so that a line drawn midway between the #street line# and such #street walls# and prolongations is at least 18 inches above #curb level# at all points, except for pedestrian ways, vehicular access and off-street parking spaces permitted pursuant to Section 64-50 (SPECIAL PARKING REGULATIONS). The area with final grade above #curb level# must be greater than 50 percent of the total area between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Such raised #yards# shall be planted to comply with Section 23-451 (Planting requirement).

(d) Trees or shrubs at least three feet high

Where provided as a mitigating element, trees or shrubs that attain a height of at least three feet shall be provided between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Planting beds must be at least three feet wide in plan, measured parallel and perpendicular to the #street line#. The length of each planted area may be measured by inscribing each planted area within a rectangle and measuring the longest dimension of such rectangle. The total length of planted areas must be greater than 60 percent of the #lot width#, and be planted to screen at least 50 percent of the #street wall#.

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

64-62**Design Requirements for Other Buildings in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

(a) Lobby or #non-residential use#

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

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

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

(b) Trees or shrubs at least three feet high

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

64-63**Design Requirements for Residential Buildings in Commercial Districts**

C1 C2 C3 C4 C5 C6

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

64-64

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

64-641

Transparency requirements

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

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

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

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

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

64-642

Transparency requirements for buildings utilizing alternative height measurement

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

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

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

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

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

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

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

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

64-70**SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS****64-71****Non-Conforming Uses****64-711****Reconstruction of buildings damaged more than 50 percent**

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

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

64-72

Non-Complying Buildings

64-721

Reconstruction of buildings damaged more than 75 percent

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

64-722

Single- and two-family residences in required front yards

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

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

64-723

Non-complying single- and two-family residences

The provisions of Article V, Chapter 4 shall be modified to permit #single-# and #two-family residences# that are #non-complying# and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation in order to raise the lowest floor level containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#. Such vertical elevation or reconstruction may create a new #non-compliance# as to height and setback, or increase any existing #non-compliances# as to height and setback, required #open space# and #yard# regulations to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#. However, all other provisions of Article V, Chapter 4 shall apply without modification.

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

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

64-724

Special provisions for other buildings within flood zones

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

64-80

MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS

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

64-81

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

Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-811 (Waterfront public access and visual corridors) shall not apply to the reconstruction of #buildings# that sustained

substantial damage, as defined in Appendix G of Building Code, due to the effects of #Hurricane Sandy#, provided that:

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

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

64-82

Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor

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

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

- (a) #Waterfront yards#

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

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

(b) #Visual corridors#

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

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

(c) Ground floor #uses#

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

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

**64-90
SPECIAL APPROVALS**

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

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

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

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

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

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

64-92

Special Permit for Modification of Certain Zoning Regulations

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

- (a) that there would be a practical difficulty in complying with #flood-resistant construction standards# without such modifications, and that such modifications are the minimum necessary to allow for an appropriate #building# in compliance with #flood-resistant construction standards#;

- (b) that any modification of #bulk# regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from #flood-resistant construction elevation#, whichever is less; and
- (c) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood’s potential development in accordance with #flood-resistant construction standards#.

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

* * *

Article VIII - Special Purpose Districts

**Chapter 7
Special Harlem River Waterfront District**

* * *

**87-02
General Provisions**

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

* * *

**Chapter 8
Special Hudson Square District**

* * *

88-02

General Provisions

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

* * *

Article IX - Special Purpose Districts

Chapter 1

Special Lower Manhattan District

* * *

91-01

General Provisions

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

* * *

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

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

* * *

Chapter 3

Special Hudson Yards District

* * *

93-02

General Provisions

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

* * *

Chapter 4

Special Sheepshead Bay District

* * *

94-02

General Provisions

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

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

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

* * *

Chapter 6

Special Clinton District

* * *

96-02

General Provisions

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

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

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

* * *

Chapter 8

Special West Chelsea District

98-02

General Provisions

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

* * *

Article X - Special Purpose Districts

**Chapter 4
Special Manhattanville Mixed Use District**

* * *

**104-02
General Provisions**

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

* * ** * *

**104-30
SPECIAL HEIGHT AND SETBACK REQUIREMENTS**

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

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

* * *

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

* * *

**106-02
General Provisions**

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

* * *

**Chapter 7
Special South Richmond Development District**

* * *

**107-02
General Provisions**

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

* * *

**Chapter 8
Special Hunts Point District**

* * *

108-01

General Provisions

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

* * *

Article XI - Special Purpose Districts

**Chapter 1
Special Tribeca Mixed Use District**

* * *

**111-02
General Provisions**

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

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

* * *

**Chapter 3
Special Ocean Parkway District**

113-01 General Provisions

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

* * *

Chapter 6 Special Stapleton Waterfront District

* * *

116-02 General Provisions

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

* * *

116-221 Special floor area regulations for mixed buildings

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining

sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

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

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

* * *

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

* * *

**117-02
General Provisions**

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

* * *

Article XII - Special Purpose Districts

**Chapter 3
Special Mixed Use District**

* * *

**123-10
GENERAL PROVISIONS**

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

* * *

Article XII - Special Purpose Districts

**Chapter 4
Special Willets Point District**

* * *

**124-01
General Provisions**

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

* * *

**Chapter 5
Special Southern Hunters Point District**

* * *

125-01

General Provisions

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

* * *

**Chapter 6
Special College Point District**

* * *

**126-01
General Provisions**

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

* * *

**Chapter 8
Special St. George District**

* * *

**128-02
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special

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

* * *

Article XIII - Special Purpose Districts

**Chapter 1
Special Coney Island District**

* * *

**131-01
General Provisions**

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

* * *

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

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

**131-325 324
Lot coverage**

* * *

Resolution for adoption scheduling August 7, 2013 for a public hearing.



No. 10

CITY WIDE

N 130331(A) ZRY

IN THE MATTER OF an application by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, pertaining to enabling flood resilient construction within flood zones.

Matter in underline is new, to be added.

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

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

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

**ARTICLE I
GENERAL PROVISIONS**

* * *

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

* * *

**11-339
Post- Hurricane Sandy construction**

The provisions of this Section are subject to all provisions of Title 28 of the Administrative Code of the City of New York and Appendix G of the Building Code of the City of New York including those pertaining to expiration, reinstatement, revocation and suspension. Changes in flood maps shall be considered an amendment of the Zoning Resolution pursuant to the provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment).

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

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

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

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

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

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

**Chapter 2
Construction of Language and Definitions**

* * *

12-10 DEFINITIONS

* * *

Base plane

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

* * *

Flood Maps

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

Flood Zone

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

* * *

ARTICLE II

RESIDENCE DISTRICT REGULATIONS

* * *

Chapter 3

Residential Bulk Regulations in Residence Districts

**23-00
APPLICABILITY AND GENERAL PURPOSES**

**23-01
Applicability of This Chapter**

* * *

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

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

* * *

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

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

**24-01
Applicability of this Chapter**

* * *

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

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

* * *

Chapter 5
Accessory Off-Street Parking and Loading Regulations

* * *

25-029
Applicability of regulations in flood zones

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

* * *

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

* * *

Chapter 2
Use Regulations

32-00
GENERAL PROVISIONS

* * *

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

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

* * *

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

33-00
APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

33-01
Applicability of this Chapter

* * *

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

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

* * *

Chapter 4
Bulk Regulations for Residential Buildings in Commercial Districts

34-00
APPLICABILITY AND DEFINITIONS

34-01
Applicability of this Chapter

* * *

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

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

* * *

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

35-00
APPLICABILITY AND DEFINITIONS

35-01
Applicability of this Chapter

* * *

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

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

* * *

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

* * *

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

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

* * *

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

* * *

**Chapter 2
Use Regulations**

**42-00
GENERAL PROVISIONS**

* * *

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

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

* * *

**Chapter 3
Bulk Regulations**

**43-00
APPLICABILITY AND GENERAL PROVISIONS**

**43-01
Applicability of this Chapter**

* * *

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

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

* * *

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

* * *

**44-02
Applicability**

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

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

* * *

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

* * *

**Chapter 2
Non-Conforming Uses**

* * *

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

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

* * *

**Chapter 4
Non-Complying Buildings**

* * *

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

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

* * *

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

* * *

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

* * *

**62-13
Applicability of District Regulations**

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

Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

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

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

#Special Battery Park City District#

#Special Stapleton Waterfront District#.

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

* * *

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

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

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

* * *

- (3) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof, except for

#buildings# subject to Section 23-631 (Height and setback in R1, R2, R3, R4 or R5 Districts).

(4) Permitted obstructions

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

* * *

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

* * *

[ALL TEXT IN THIS CHAPTER IS NEW]

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

**64-00
GENERAL PURPOSES**

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

- (d) to facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the federal government and the Building Code;
- (e) to enable buildings to be constructed pursuant to flood resistant-standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;
- (f) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity; and

- (d) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

64-10 GENERAL PROVISIONS

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

64-11 Definitions

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

Basement

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

Cellar

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

Flood-resistant construction elevation

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

- (a) the Design Flood Elevation determined pursuant to Appendix G of the Building Code for a building's structural occupancy category; or

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

Flood-resistant construction standards

“Flood-resistant construction standards” shall:

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

Lowest occupiable floor

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

Hurricane Sandy

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

Predominant or predominantly

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

64-12

Applicability

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

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

Section 64-10 GENERAL PROVISIONS

Section 64-20 SPECIAL USE REGULATIONS

Section 64-30 SPECIAL BULK REGULATIONS

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

Section 64-50 SPECIAL PARKING REGULATIONS

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

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

Section 64-90 SPECIAL APPROVALS

- (b) The provisions of Section 64-60 (DESIGN REQUIREMENTS) shall apply to all #developments#, all horizontal #enlargements# with new #street walls#, or alterations that increase the height of #street walls#, except that Section 64-65 (Design Requirements for Parking Areas Below Buildings) shall apply to all #buildings# as provided therein.
- (c) Where a #zoning lot# is located partially within a #flood zone#, the regulations of this Chapter shall apply where any portion of a #building# on such #zoning lot# is within a #flood zone#.

64-13

Applicability of District Regulations

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

64-131

Measurement of height

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

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

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

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

64-20 SPECIAL USE REGULATIONS

64-21 Ground Floor Use

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

C1 C2 C4

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

64-22

Transparency Requirements

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

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

64-30

SPECIAL BULK REGULATIONS

64-31

Special Floor Area Regulations

64-311

Entryways in single- and two-family residences

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

64-312

Entryways in all other buildings

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

64-313

Mechanical systems in low density districts

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

64-32

Special Yard Regulations

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

64-321

Level of Required Yards

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

- (a) In Residence Districts and C1 through C6 Districts, #yards# higher than #curb level# shall comply with the following standards:
 - (1) Final grade shall not penetrate a plane that begins 30 inches above #curb level# at each #lot line# and has a slope extending perpendicular to #lot lines# of one foot vertical for each 2.5 feet horizontal;
 - (2) Retaining walls shall be permitted above #curb level# in #yards# provided the maximum height of each wall above adjacent grade does not exceed 30 inches;
 - (3) In Residence Districts, portions of fences greater than 4 feet above #curb level# shall be required to be no more than 50 percent opaque;

- (b) In C7 and C8 Districts and in Manufacturing Districts, #yards# are permitted to a maximum grade equal to #flood-resistant construction elevation#. However, for portions of #zoning lots# where Sections 33-29 and 43-30 (Special Provisions Applying along District Boundaries) apply, #yards# are permitted above #curb level# only pursuant to paragraph (a) of this Section.

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

64-322

Permitted Obstructions in Required Yards, Courts and Open Space

- (a) For #single-# and #two-family residences#, where #flood-resistant construction elevation# is five feet or more above #curb level#, roofed porches shall be permitted obstructions in any #open space# required on the #zoning lot# and in #yards#. Balconies for such #residences# may exceed the width and depth standards of 23-13 (Balconies) where such balconies are located directly above a porch.
- (b) For #single-# and #two-family residences#, lifts for persons with disabilities shall be permitted obstructions in any #open space# required on the #zoning lot# and in #courts#, #yards# and #rear yard equivalents#, provided that in #front yards#, such lifts are unenclosed.
- (c) For all #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be a permitted obstruction in #rear yards# and #rear yard equivalents#, provided that such equipment is:
- (1) located above #flood-resistant construction elevation#;
 - (2) enclosed within a #building# or portion thereof, or within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
 - (3) in R3, R4 or R5 Districts, limited to a height of 10 feet above #flood-resistant construction elevation#, including the apex of a pitched roof;
 - (4) in R6, R7, R8, R9 or R10 Districts, limited to a height of 14 feet above #flood-resistant construction elevation#; or
 - (5) in Commercial or Manufacturing Districts, limited to a height of 23 feet above #flood-resistant construction elevation#;

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

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

64-323

Flood panels in Required Yards and Open Space

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

64- 33

Special Height and Setback Regulations

64- 331

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

R3-2 R4

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

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

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

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

64- 332

Permitted obstructions for buildings in medium and high density districts

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

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

64-333

Street wall location in certain districts

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

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

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

64-334

Alternative height measurement for single- and two-family residences

R1 R2 R3 R4 R5

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

64- 335

Alternative height measurement for other buildings in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

64-336

Alternative height measurement in Commercial and Manufacturing Districts

C1 C2 C3 C4 C5 C6

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

the provisions of this Section are utilized, the standards of Section 64-622 (Lobby or non-residential use) shall be met.

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

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

64-40

SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012

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

64-41

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

64-411

Floors below the flood-resistant construction elevation

- (a) Dry flood-proofing

In C1 and C2 districts mapped within R1 through R6 districts, and in C3, C4-1, C4-2 and C4-3 districts, where the level of any finished floor above adjacent grade that existed on October 28, 2012 is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for dry flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been dry flood-proofed and must comply with the provisions of Appendix G of the Building Code, and that the number of #dwelling units# or #rooming units# shall be limited to no more than the number existing on October 28, 2012.

In addition, the following provisions shall apply:

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

(b) Wet flood-proofing

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

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

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

64-412

Lowest story of a residential building

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

64-42

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

64-421

Permitted obstructions

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

- (a) For existing #single#- and #two-family residences#, and for the reconstruction of such #residences#, mechanical equipment including but not limited to #accessory# heating and cooling equipment and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#;
 - (2) located at least five feet from any #lot line#;
 - (3) screened on all sides by walls consisting of at least 50 percent opaque materials;
 - (4) in compliance with the standards of either paragraph (5) or paragraph (6) of this paragraph (a);
 - (5) the mechanical equipment and all structure and screening are located no more than seven feet from the wall of a #building# and limited to a height of no more than 10 feet above #flood-resistant construction elevation#; or
 - (6) the mechanical equipment is located within a detached garage or on the roof of a detached garage, provided that:
 - (i) where covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance, no portion of the roof shall exceed a height of 14 feet above the adjoining grade, measured to the midpoint of a sloping roof; or

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

64-422

Front yard planting requirement

R1 R2 R3 R4 R5

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

64-43

Special Height and Setback Regulations for Buildings Existing on October 28, 2012

64-431

For existing single- and two-family residences

#Single-# and #two-family residences# existing on October 28, 2012 may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest floor level containing habitable

space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#, and in doing so, may create a #non-compliance# as to height and setback to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#.

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

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

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

64-432

Permitted obstructions for certain existing buildings

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

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

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

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

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

64-50**SPECIAL PARKING REGULATIONS**

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

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

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

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

R1 R2 R3 R4 R5

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

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

64-52

For Elevated Buildings

R1 R2 R3 R4 R5

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

64-53

Surfacing

R1 R2 R3 R4 R5

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

64-60

DESIGN REQUIREMENTS

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

Section 64-61 Design Requirements for Single- and Two-family Residences

Section 64-62 Design Requirements for Other Buildings in Residence Districts

Section 64-63 Design Requirements for Residential Buildings in Commercial Districts

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

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

64-61

Design Requirements for Single- and Two-family Residences

R1 R2 R3 R4 R5 R6

In R1- R5 Districts , for #single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, and in R6 Districts, for #detached# and #semi-detached single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, where the level of the #lowest occupiable floor# is five feet or more above #curb level#, at least one of the following visual mitigation elements shall be provided. For such #residences# where the level of the #lowest occupiable floor# is nine feet or more above #curb level#, at least two of the following visual mitigation elements shall be provided.

(a) Porch

Where provided as a mitigating element, a porch shall have a finished floor at least six inches below the #lowest occupiable floor # and have a width at least 70 percent of the aggregate width of all #street walls# within 25 feet of the #street line#. The depth of the porch must be at least five feet, and the porch may not be closer to the #street line# than five feet. Open porches shall count as one mitigating element and roofed porches shall count as two mitigating elements, provided that for such roofed porches, all structural elements have a minimum width or depth of at least three inches, such roof has a depth of at least five feet measured perpendicular to the #street wall#, extends along at least 70 percent of the width of the #street wall#. A balcony directly above a porch and a trellis or arbor with structural members spaced no further than 30 inches on center that cover such porch may be considered a porch roof for the purposes of this section.

(b) Stair direction change

Where provided as a mitigating element, stairs shall be provided between grade and the #lowest occupiable floor# or porch, as applicable, which change direction at least 90

degrees in plan at a point no lower or higher than two feet from the beginning and end of the stair run.

(c) Raised front yard

Where provided as a mitigating element, the grade between the #street line# and #street walls# within 25 feet of the #street line#, and their prolongations, shall be elevated above #curb level# so that a line drawn midway between the #street line# and such #street walls# and prolongations is at least 18 inches above #curb level# at all points, except for pedestrian ways, vehicular access and off-street parking spaces permitted pursuant to Section 64-50 (SPECIAL PARKING REGULATIONS). The area with final grade above #curb level# must be greater than 50 percent of the total area between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Such raised #yards# shall be planted to comply with Section 23-451 (Planting requirement).

(d) Trees or shrubs at least three feet high

Where provided as a mitigating element, trees or shrubs that attain a height of at least three feet shall be provided between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Planting beds shall be at least three feet wide in plan, measured parallel and perpendicular to the #street line#. The length of each planted area shall be measured by inscribing each planted area within a rectangle and measuring the longest dimension of such rectangle. The total length of planted areas shall be greater than 60 percent of the #lot width#, and be planted to screen at least 50 percent of the length of the #street wall#.

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

64-62

Design Requirements for Other Buildings in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

64-621

Planting requirement

Where the level of the #lowest occupiable floor# is five or more feet above #curb level#, the area between the #street line# and all #street walls# of the #building# shall be planted at ground level,

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

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

64-622

Lobby or non-residential use

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

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

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

64-63

Design Requirements for Residential Buildings in Commercial Districts

C1 C2 C3 C4 C5 C6

In the districts indicated, and in #Special Mixed Use Districts#, for all #residential buildings#, except #single-# and #two-family residences#, where #street walls# are within 50 feet of the

#street line#, and where the level of the #lowest occupiable floor# is five feet or more above #curb level#, the provisions of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) shall apply.

64-64

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

64-641

Transparency requirements

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

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

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

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

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

64-642

Transparency requirements for buildings utilizing alternative height measurement

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

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

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

64-65

Screening Requirements for Parking Within or Below Buildings

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

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

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

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

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

64-70

SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

64-71

Non-Conforming Uses

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

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

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

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

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

64-72**Non-Complying Buildings****64-721****Reconstruction of buildings damaged more than 75 percent**

Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall be modified to allow the reconstruction of a #non-complying building# where such #building# is

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

64-722

Single- and two-family residences in required front yards

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

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

64-723

Non-complying single- and two-family residences

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

Where the elevation requirements of Appendix G apply to the lowest horizontal structural member, the provisions of Article V, Chapter 4 shall be modified to permit #single-# and #two-family residences# that are #non-complying# and existing on October 28, 2012, to

be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#.

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

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

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

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

64-724

Special provisions for other buildings within flood zones

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

64-80

MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS

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

64-81

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

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

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

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

64-82

Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor

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

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

(a) #Waterfront yards#

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

- (1) where a #waterfront yard# terminates at a #lot line#, the grade of the #waterfront yard# shall be no higher than the grade of the adjacent #street# or #zoning lot#, except that natural grade need not be disturbed to comply with this requirement; and
- (2) the maximum grade of the #waterfront yard#, measured parallel to the #shoreline#, shall not exceed three percent, or the maximum permitted grade of the circulation path, whichever is greater.

(b) #Visual corridors#

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

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

(c) Ground floor #uses#

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

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

64-90

SPECIAL APPROVALS

64-91

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

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

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

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

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

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

64-92

Special Permit for Modification of Certain Zoning Regulations

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

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

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

* * *

Article VIII - Special Purpose Districts

Chapter 7

Special Harlem River Waterfront District

* * *

87-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River

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

* * *

**Chapter 8
Special Hudson Square District**

* * *

**88-02
General Provisions**

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

* * *

Article IX - Special Purpose Districts

**Chapter 1
Special Lower Manhattan District**

* * *

**91-01
General Provisions**

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

* * *

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

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

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**Chapter 3
Special Hudson Yards District**

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**93-02
General Provisions**

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

* * *

**Chapter 4
Special Sheepshead Bay District**

* * *

**94-02
General Provisions**

In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special

regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in this Chapter. Except as modified by the express provisions of this Special District, the regulations of the underlying zoning districts remain in effect.

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

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

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**Chapter 6
Special Clinton District**

* * *

**96-02
General Provisions**

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

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

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

* * *

**Chapter 8
Special West Chelsea District**

**98-02
General Provisions**

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

* * *

Article X - Special Purpose Districts

**Chapter 4
Special Manhattanville Mixed Use District**

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**104-02
General Provisions**

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

* * ** * *

**104-30
SPECIAL HEIGHT AND SETBACK REQUIREMENTS**

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

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

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

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**106-02
General Provisions**

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

* * *

**Chapter 7
Special South Richmond Development District**

* * *

**107-02
General Provisions**

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

* * *

**Chapter 8
Special Hunts Point District**

* * *

**108-01
General Provisions**

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

* * *

Article XI - Special Purpose Districts

**Chapter 1
Special Tribeca Mixed Use District**

* * *

**111-02
General Provisions**

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

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

* * *

Chapter 3 Special Ocean Parkway District

113-01 General Provisions

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

* * *

Chapter 6 Special Stapleton Waterfront District

* * *

116-02 General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront

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

* * *

116-221

Special floor area regulations for mixed buildings

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

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

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

* * *

Chapter 7

Special Long Island City Mixed Use District

* * *

117-02

General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply

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

* * *

Article XII - Special Purpose Districts

**Chapter 3
Special Mixed Use District**

* * *

**123-10
GENERAL PROVISIONS**

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

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Article XII - Special Purpose Districts

**Chapter 4
Special Willets Point District**

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**124-01
General Provisions**

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

* * *

Chapter 5 Special Southern Hunters Point District

* * *

125-01 General Provisions

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

* * *

Chapter 6 Special College Point District

* * *

126-01 General Provisions

The provisions of this Chapter shall apply within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between

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

* * *

**Chapter 8
Special St. George District**

* * *

**128-02
General Provisions**

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

* * *

Article XIII - Special Purpose Districts

**Chapter 1
Special Coney Island District**

* * *

**131-01
General Provisions**

The provisions of this Chapter shall apply within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this

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

* * *

~~131-324~~

~~Special floor area ratio regulations for entrances to stories above the base flood elevation~~

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

~~131-325~~ 324

Lot coverage

* * *

Resolution for adoption scheduling August 7, 2013 for a public hearing.

II. REPORTS

BOROUGH OF THE BRONX

No. 11

SISTERS OF CHARITY GATEHOUSE

CD 8

N 130388 ZCX

IN THE MATTER OF an application submitted by Sisters of Charity New York for the grant of certification that No Authorization is required pursuant to Section 105-41 of the Zoning Resolution to facilitate construction of a one-story residential expansion to the existing two-story residential gatehouse at 6301 Riverdale Avenue (Block 5958, Lot 1 and 10) within the Special Natural Area District (NA-2).

Plans for this proposal are on file with the City Planning Commission and may be seen at One Fordham Plaza, Room 502, Bronx, NY 10458.

For consideration.

No. 12

COLLEGE OF MT. ST. VINCENT ATHLETIC FIELD

CD 8

N 130240 ZAX

N 130241 ZAX

IN THE MATTER OF applications submitted by College of Mt. St. Vincent, Dr. Charles Flynn pursuant to Sections 105-422 and 105-425 of the Zoning Resolution, for the grant of authorizations involving a development, enlargement, or site alteration on a portion of a zoning lot having a steep slope or steep slope buffer and modification of botanic environment and tree preservation planting requirements at 1000 West 261st Street (Block 5933, Lot 425) within the Special Natural Area District (NA-2).

Plans for the proposal are on file with the City Planning Commission and may be seen at One Fordham Plaza, Room 502, Bronx, NY 10458.

For consideration.

BOROUGH OF MANHATTAN

No. 13

BIALYSTOKER CENTER LANDMARK

CD 3

N130348 HKM

IN THE MATTER OF a communication dated May 30, 2013, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Bialystoker Center and Home for the Aged, 228-230 East Broadway (Block 315, Lot 45), by the Landmarks Preservation Commission on May 24, 2013 (Designation List No. 464/LP-2529).

For consideration.

BOROUGH OF QUEENS

No. 14

ST. FRANCIS PREPARATORY SCHOOL REZONING

CD 8

C 130170 ZMQ

IN THE MATTER OF an application submitted by St. Francis Preparatory School pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning map, Section Nos. 10d and 11b, changing from an R3-2 District to an R4 District property bounded by the southeasterly service road of the Horace Harding Expressway, Francis Lewis Boulevard, the northeasterly centerline prolongation of 67th Avenue and Peck Avenue, as shown on a diagram (for illustrative purposes only), dated March 18, 2013, and subject to the conditions of CEQR Declaration E-301.

(On June 5, 2013, Cal. No. 1, the Commission scheduled June 19, 2013 for a public hearing. On June 19, 2013, Cal. No. 27, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 15

107 SILVER LAKE ROAD

CD 3

N 130350 ZCR

IN THE MATTER OF an application submitted on May 31, 2013 by Robert Kelly for the grant of certification pursuant to Section 119-04 of the Zoning Resolution for future subdivision from one zoning lot into two new zoning lots located at 107 Silver Lake Road (Block 126, Existing Lot 21, Tentative Lot 20) within the Special Hillside District.

For consideration.



No. 16

3415 RICHMOND AVENUE

CD 1

N 130332 RCR

IN THE MATTER OF an application submitted on May 21, 2013 by Leigh DeCicco for the grant of certification pursuant to Section 107-08 of the Zoning Resolution for future subdivision from one zoning lot into three new zoning lots located at 3415 Richmond Avenue (Block 5531, Existing Lot 6, Tentative Lots 106, 116) within the Special South Richmond District.

For consideration.



No. 17

255 WESTERVELT AVENUE

CD 1

N 120377 ZAR

IN THE MATTER OF an application submitted by Frank Naso pursuant to Sections 119-311, 119-314 and 119-318 of the Zoning Resolution to authorize development and site alteration on steep slope, modification of lot coverage controls and modification of certain bulk requirements in order to facilitate the construction of a single-family detached residence with an attached garage at 255 Westervelt Avenue (Block 28, Lot 25) within the Special Hillside Preservation District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6th Floor, Staten Island, New York, 10301.

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF QUEENS

Nos. 18-22

HALLETTS POINT

No. 18

CD 1

C 130068 MMQ

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by Halletts A Development Company, LLC, New York City Housing Authority (NYCHA), and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of two cul-de-sacs in Astoria Boulevard between 1st Street and 8th Street;
- the establishment of a park between 2nd Street and 26th Avenue and the U.S. Pierhead and Bulkhead Line;
- the elimination of a portion of park west of 1st Street and south of 27th Avenue;
- the elimination, discontinuance and closing of 26th Avenue and 27th Avenue between 1st Street and the U.S. Pierhead and Bulkhead Line;
- the delineation of a street easement; and
- the adjustment of grades and block dimensions necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5019 dated February 5, 2013 and signed by the Borough President.

(On June 19, 2013, Cal. No. 12, the Commission scheduled July 10, 2013 for a public hearing. On July 10, 2013, Cal. No. 34, the hearing was continued.)

Close the hearing.

No. 19**CD 1****C 090484 ZMQ****CONTINUED PUBLIC HEARING:**

IN THE MATTER OF an application submitted by Halletts A Development Company, LLC and New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9a:

1. changing from an R6 District to an M1-1 District property bounded by the U.S. Pierhead and Bulkhead Line, 2nd Street, 26th Avenue, and the easterly boundary line of a Park (Astoria Athletic Field) and its southerly prolongation;
2. changing from an R6 District to an R7-3 District property bounded by the southerly boundary line of a Park (Astoria Athletic Field), the southerly prolongation of the easterly boundary line of a Park (Astoria Athletic Field), 26th Avenue and its westerly centerline prolongation, and the U.S. Pierhead and Bulkhead Line;
3. changing from an M1-1 District to an R7-3 District property bounded 26th Avenue and its westerly centerline prolongation, 2nd Street, a line 275 feet southerly of 26th Avenue, 1st Street, the northerly boundary line of a Park and its easterly prolongation, and the U.S. Pierhead and Bulkhead Line;
4. establishing within a former Park** an R6 District property bounded by the westerly street line of 1st Street, the southerly street line of Astoria Boulevard, the northeasterly prolongation of a southeasterly boundary line of a Park, the easterly boundary line of a Park, and the easterly prolongation of a northerly boundary line of a Park;
5. establishing within an R6 District a C1-4 District bounded by:
 - a. 27th Avenue, 8th Street, a line 150 feet southerly of 27th Avenue, and 1st Street; and
 - b. Astoria Boulevard, the terminus of the Astoria Boulevard (westerly portion), the easterly prolongation of the southerly street line of Astoria Boulevard (westerly portion), the terminus of the of Astoria Boulevard (easterly portion), Astoria Boulevard, Vernon Boulevard, a line 150 southerly of Astoria Boulevard (easterly portion) and its westerly prolongation, a line 150 southerly of Astoria Boulevard (westerly portion) and its easterly prolongation, and the southerly centerline prolongation of 1st Street (straight line portion); and
6. establishing within a proposed R7-3 District a C1-4 District bounded by the southerly boundary line of a Park, the northerly centerline prolongation 1st Street, 26th Avenue, 2nd

Street, a line 275 feet southerly of 26th Avenue, 1st Street, the northerly boundary line of a Park and its easterly prolongation, and the U.S. Pierhead and Bulkhead Line;

as shown on a diagram (for illustrative purposes only) dated April 22, 2013, and subject to the conditions of CEQR Declaration E-309.

****Note:** A portion of a Park westerly of the intersection of 1st Street and Astoria Boulevard is proposed to be demapped under a concurrent related application (C 130068 MMQ) for changes to the city map.

(On June 19, 2013, Cal. No. 13, the Commission scheduled July 10, 2013 for a public hearing. On July 10, 2013, Cal. No. 35, the hearing was continued.)

Close the hearing.



No. 20

CD 1

N 090485 ZRQ

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by Halletts A Development Company, LLC and New York City Housing Authority pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large scale general development.

Matter in underline is new, to be added;

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

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

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

* indicates asterisk to be deleted; ¹ superscript number to be added

23-90

INCLUSIONARY HOUSING

* * *

23-952

Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in #Inclusionary Housing designated areas# set forth in APPENDIX F of this Resolution.

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6 ** ¹	2.20	2.42
R6 ** ² R6A R7-2 ¹	2.70	3.60
R7A R7-2 ** ²	3.45	4.60
<u>R7-3</u>	<u>3.75</u>	<u>5.0</u>
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R10	9.00	12.00

¹ for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#
~~**~~² for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

* * *

Article VI

Chapter 2

SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA

* * *

62-132

Applicability of Article VII, Chapters 4, 8 & 9

* * *

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

- (a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).
- (b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.
- (c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).

For the purposes of modifying the height and setback regulations of Section 62-341, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).

- (d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.

- (e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.
- (f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large- scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).

* * *

**62-32
Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks**

* * *

**62-322
Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts**

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) through Section 23-15 (Maximum Floor Area Ratio in R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the following table, except as provided for in Sections 23-952 (Floor area compensation in Inclusionary Housing designated areas), 62-323 (Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

**MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE
FOR RESIDENTIAL BUILDINGS
OR RESIDENTIAL PORTIONS OF BUILDINGS**

District	Maximum #Floor Area Ratio# ^{*1}	Maximum Coverage# (in percent)	#Lot
R1 R2	.50	35	
R6B	2.00	60	

R6	2.43	65
R6A R7B	3.00	65
R7-1 R7-2	3.44	65
R7A R8B	4.00	70
R7D	4.20	70
R7-3 R7X	5.00	70
R8 R8A R8X	6.02	70
R9 R9A	7.52	70
R9-1 R9X	9.00	70
R10	10.00 ^{*2}	70

¹ In #Inclusionary Housing designated areas#, the #floor area ratio# has been modified, pursuant to Section 23-952 (Floor area compensation in Inclusionary Housing designated areas)

^{*2} In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)

* * *

**62-40
SPECIAL PARKING AND LOADING REGULATIONS**

* * *

**62-45
Supplementary Regulations for All Parking Facilities**

* * *

**62-454
Off-street parking in large-scale general developments in Community District 1 in Queens**

For #large-scale general developments# approved by the City Planning Commission within the Halletts Point Peninsula in Community District 1, in the Borough of Queens, #floor area# shall not include floor space used for off-street parking spaces provided in any #story# located not more than 33 feet above the #base plane#, provided that where such facilities front upon #streets# and #waterfront public access areas#, such spaces are within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #street# or #waterfront public access areas#. Such floor space shall have a minimum depth of 18 feet.

* * *

ARTICLE VI

* * *

**Chapter 3
SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES**

* * *

**63-02
Applicability**

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

- (a) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (b) of this Section:
 - (1) in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7, except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;
 - (2) in the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17, except portions of Community District 8, as shown on Map 2 in Appendix A;
 - (3) in the Borough of Manhattan, Community Districts 9, 10, 11 and 12, except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and

- (4) in the Borough of Queens, the ~~#Special Downtown Jamaica District#~~, ~~and~~ portions of Community District 12 outside of the ~~#Special Downtown Jamaica District#~~, except those portions shown on Maps 5 and 6 in Appendix A; and those portions in Community District 1 shown on Map 1 in Appendix B.
 - (b) The provisions of this Chapter shall not apply to the following Special Purpose Districts:
 - ~~#Special Madison Avenue Preservation District#~~;
 - ~~#Special Manhattanville Mixed Use District#~~;
 - ~~#Special Park Improvement District#~~; and
 - ~~#Special Hunts Point District#~~.
- * * *

63-25

Required Accessory Off-street Parking Spaces in Certain Districts

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 and C4-3 Districts, the ~~#accessory#~~ off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any ~~#FRESH food store#~~.
- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the ~~#Special Downtown Jamaica District#~~, a ~~#FRESH food store#~~ shall provide ~~#accessory#~~ off-street parking spaces as required for ~~#uses#~~ in parking requirement category B in the applicable ~~#Commercial#~~ and ~~#Manufacturing Districts#~~.
- (c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a ~~#FRESH food store#~~ shall provide one parking space per 1,000 square feet of ~~#floor area#~~ or ~~#cellar#~~ space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply to the ~~#floor area#~~ or ~~#cellar#~~ space, in excess of 15,000 square feet, utilized for retailing in such ~~#FRESH food store#~~.
- (d) The provisions of this Section shall not apply to:
 - (1) in the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix ~~BC~~ of this Chapter;
 - (2) in the Borough of Brooklyn, portions of Community District 5, as shown on Map 2 in Appendix ~~BC~~;
 - (3) in the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix ~~BC~~ and

(4) in the Borough of Queens, the #Special Downtown Jamaica District#.

* * *

Appendix A
FRESH Food Store Designated Areas: Excluded Portions

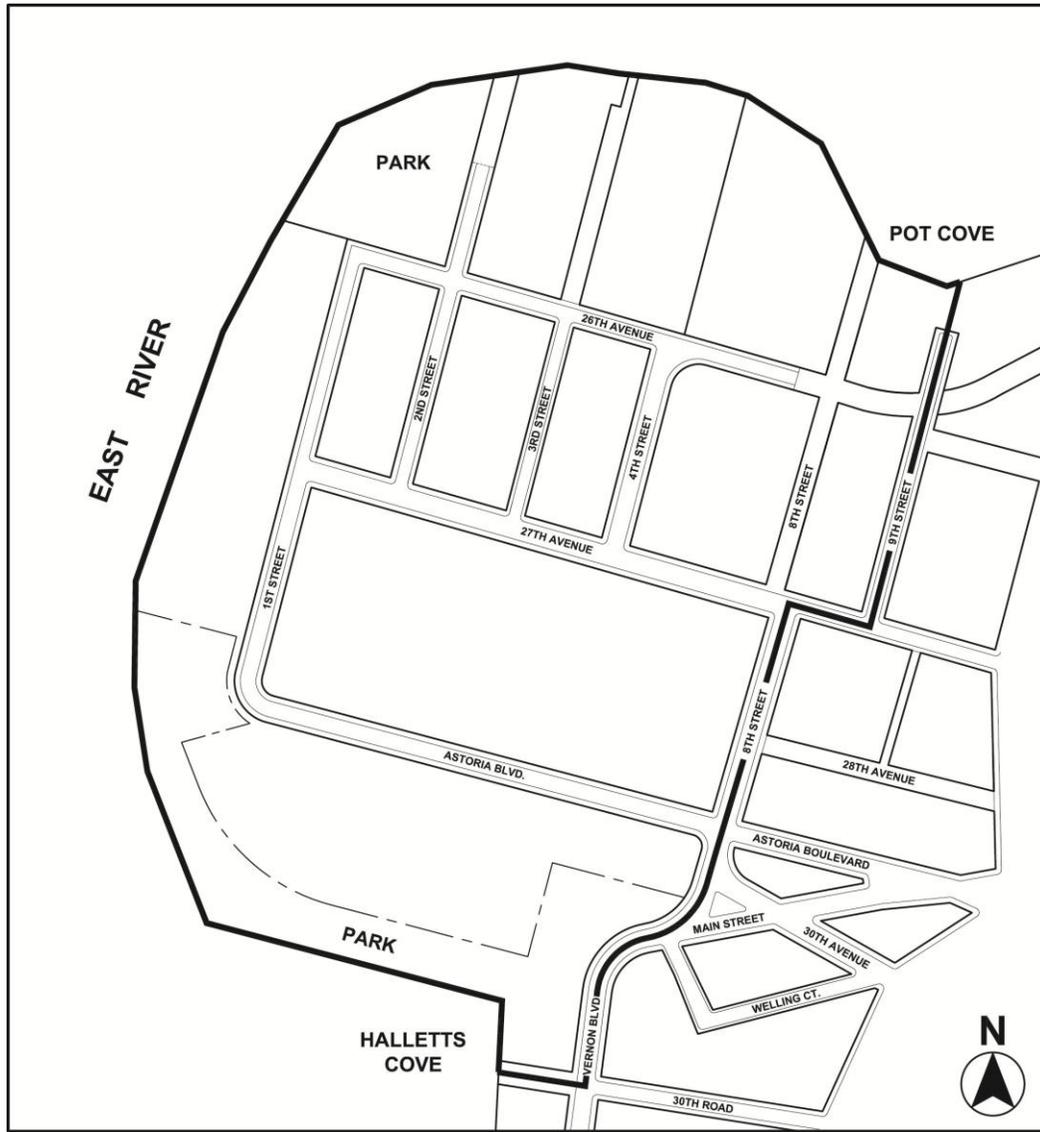
The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability) ~~of this Chapter~~. Excluded portions of community districts are shown on the following maps:

* * *

Appendix B
FRESH Food Store Designated Areas: Included Portions

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability). When a #FRESH food store# designated area occupies only a portion of a community district, the included portions of such community districts are shown on the following maps:

Map 1. Included portions of Community District 1, Queens



(12/9/09)

Appendix BC Required Off-Street Accessory Parking Exceptions

* * *

**74-74
Large Scale General Development**

* * *

74-742

Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

* * *

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

- (a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or
- (b) owned by the Federal government and is within Brooklyn Community District 2; or
- (c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership; or
- d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:
 - (i) tracts of land in State or City ownership; or
 - (ii) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the #bulkhead# line.

74-743

Special provisions for bulk modification

- (a) For a #large-scale general development#, the City Planning Commission may permit:

* * *

- (9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#; ~~or~~
- (10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk-; or
- (11) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Halletts Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:
 - (i) such parcel shall be made part of such #zoning lot# upon approval of such #large scale general development#, pursuant to the definition of #zoning lot# in Section 12-10, paragraph (d); and
 - (ii) the existing light industrial #buildings# on the separate parcel of land are demolished.
- (b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:
 - * * *
 - (8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#; ~~and~~
 - (9) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission-; and
 - (10) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a) (11) of this Section, such #floor area#

distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the #development# of affordable housing units within a #large scale general development#.

In addition, within the former Washington Square Southeast Urban Renewal Area, within Manhattan Community District 2, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

* * *

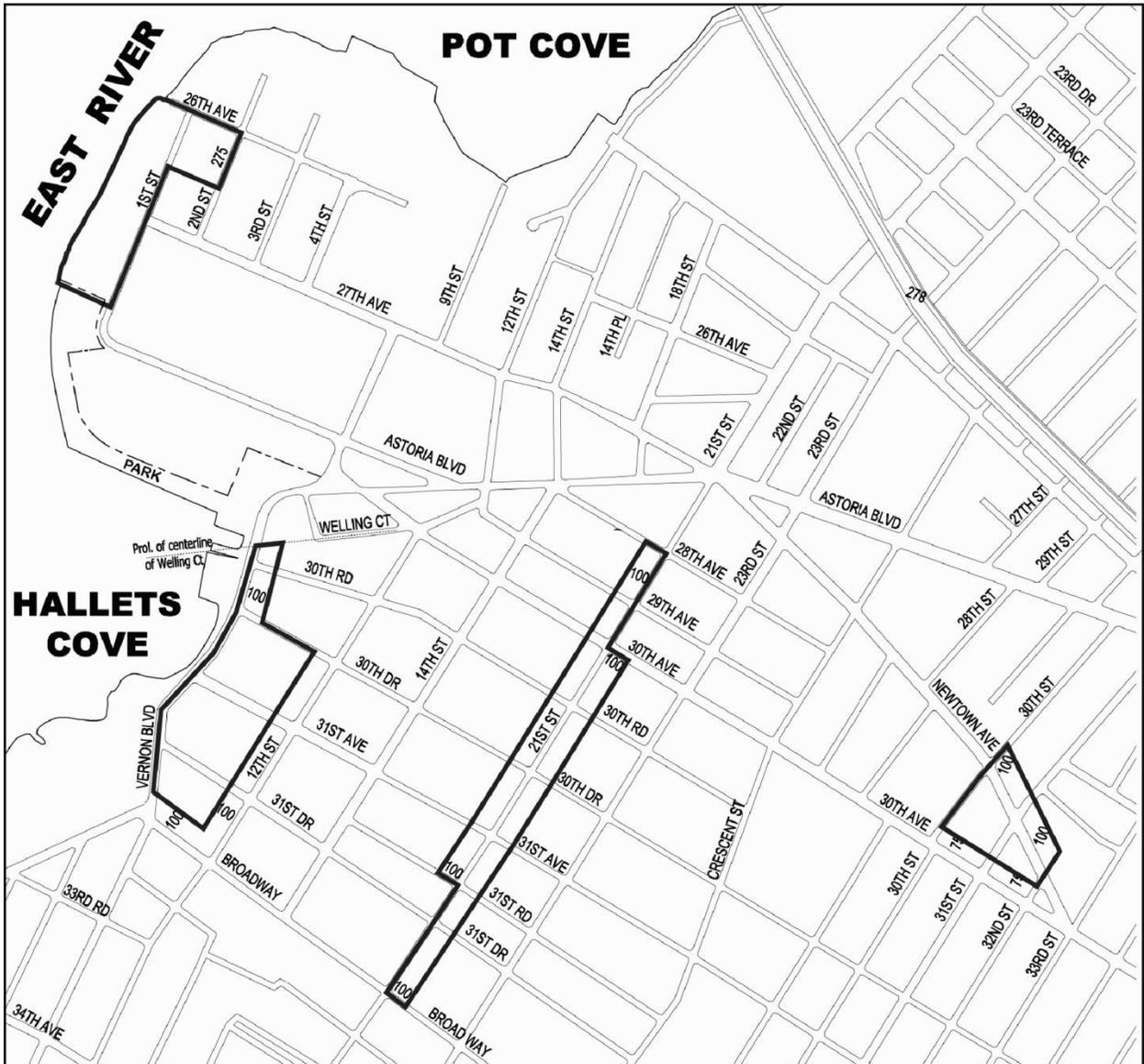
APPENDIX F
Inclusionary Housing Designated Areas

* * *

Queens
Queens Community District 1

In the R7A and R7-3 Districts within the areas shown on the following Map 1:

Map 1 –



Community District 1, Queens

* * *

(On June 19, 2013, Cal. No. 14, the Commission scheduled July 10, 2013 for a public hearing. On July 10, 2013, Cal. No. 36, the hearing was continued.)

Close the hearing.

No. 21**CD 1****C 090486 ZSQ****CONTINUED PUBLIC HEARING:**

IN THE MATTER OF an application submitted by Halletts A Development Company, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of total allowable floor area and lot coverage under the applicable district regulations without regard for zoning lot lines;
2. Section 74-743(a)(2) - to allow the location of buildings without regard for the rear yard requirements of Sections 23-532 and 35-53, and to modify initial setback distance, the maximum base height, the maximum building height, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 (Developments on land and platforms); and
3. Section 74-743(a)(11)* - to allow the distribution of floor area from a zoning lot containing existing public housing buildings;

in connection with a proposed mixed use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100, & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue**, 27th Avenue**, Astoria Boulevard**, & Park), in R6***, R6/C1-4*** and R7-3/C1-4*** Districts, in a large-scale general development, within the Halletts Point Peninsula.

*Note: A zoning text amendment is proposed to modify Section 74-743 under a concurrent related application C 090485 ZRQ.

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

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

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

(On June 19, 2013, Cal. No. 15, the Commission scheduled July 10, 2013 for a public hearing. On July 10, 2013, Cal. No. 37, the hearing was continued.)

Close the hearing.

No. 22

CD 1

C 130244 ZSQ

PUBLIC HEARING:

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

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

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

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

(On July 10, 2013, Cal. No. 10, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

NOTICE

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

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

approximately 69,000 gsf of retail space (including an approximately 30,100-gross square foot retail space designed for supermarket use); and 1,375 accessory parking spaces. Comments are requested on the DEIS and will be accepted until Monday August 5, 2013.

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

BOROUGH OF THE BRONX

Nos. 23 & 24

EAST FORDHAM ROAD REZONING

No. 23

CD 6

C 130273 ZMX

PUBLIC HEARING:

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

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

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

of East Fordham Road, a line 295 feet northeasterly of East 189th Street, Arthur Avenue, a line 100 feet southwesterly of East Fordham Road, Bathgate Avenue, East Fordham Road, and Bathgate Avenue; and

- 7. establishing within existing and proposed R6 Districts a C2-4 District bounded by a line 100 feet southwesterly of East Fordham Road, Arthur Avenue, a line 295 feet northeasterly of East 189th Street, a line midway between Arthur Avenue and Hughes Avenue, East 188th Street, Arthur Avenue, a line 100 feet northeasterly of East 187th Street, and a line midway between Hoffman Street and Arthur Avenue;

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



No. 24

CD 6

N 130274 ZRX

PUBLIC HEARING:

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

Matter in underline is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas

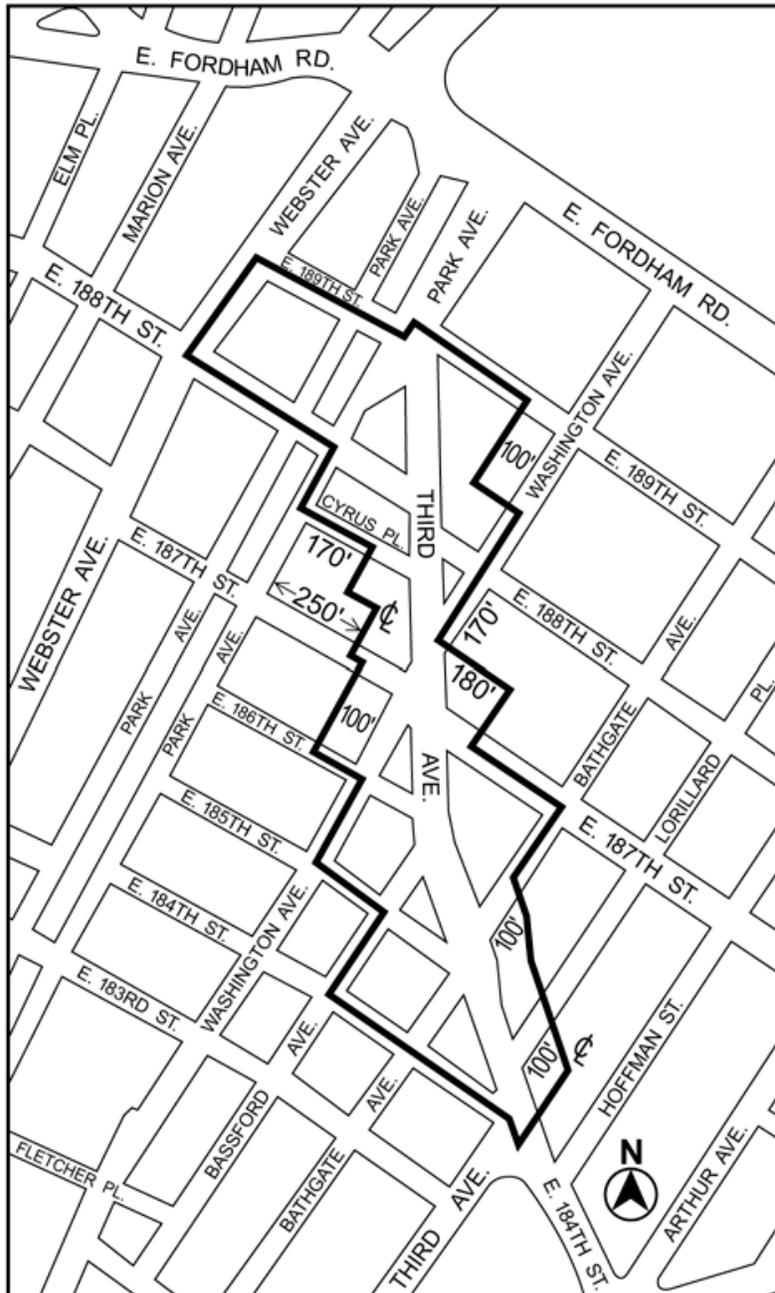
* * *

The Bronx Community District 6

In the R7A, R7D, R7X, R8A and R8X Districts within the areas shown on the following Map 1:

Map 1

EXISTING MAP TO BE DELETED



Portion of Community District 6, The Bronx

Map 1

R6 to R6B and a portion of a block fronting Beaumont and Crotona Avenues from C8-1 to R6. The zoning map amendment would also map new C2-4 commercial overlays along Arthur Avenue south of East Fordham Road to East 187th Street. The zoning text amendment would apply the provisions of the Inclusionary Housing program to the proposed C4-5D district along East Fordham Road. Comments are requested on the DEIS and will be accepted until Monday, August 5, 2013.

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

BOROUGH OF BROOKLYN

Nos. 25 & 26

BROOKLYN COLLEGE CAMPUS

No. 25

CD 14

C 120326 MMK

PUBLIC HEARING:

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

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

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

(On July 10, 2013, Cal. No. 3, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

No. 26

CD 14

C 130306 ZMK

PUBLIC HEARING:

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

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

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

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

(On July 10, 2013, Cal. No. 4, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 27

NYPD OFFICE SPACE

CD 5

N 140007 PXM

PUBLIC HEARING:

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

(On July 10, 2013, the Commission duly advertised July 24, 2013 for a public hearing.)

Close the hearing.

No. 28

945 2ND AVENUE

CD 6

N 130232 ZRY

PUBLIC HEARING:

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

Matter in underline is new, to be added;

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

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

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

32-421

Limitation on floors occupied by commercial uses

C1 C2 C3

In the districts indicated, in any #building#, or portion of a #building# occupied on one or more of its upper #stories# by #residential uses# or by #community facility uses#, no #commercial uses# listed in Use Group 6, 7, 8, 9 or 14 shall be located above the level of the first #story# ceiling, provided, however, that permitted #signs#, other than #advertising signs#, #accessory# to such #commercial uses# may extend to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill of the second #story#. In any other #building#, or portion thereof, not more than two #stories# may be occupied by #commercial uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14.

~~Non-#residential uses# listed in Use Group 6, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two #stories# in any #building# constructed after September 17, 1970 in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts.~~

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

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

* * *

(On July 10, 2013, Cal. No. 8, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 29 & 30

ADAPT NYC

No. 29

CD 6

C 130235 ZMM

PUBLIC HEARING:

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

(On July 10, 2013, Cal. No. 5, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.



No. 30

CD 6

C 130236 HAM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of properties located at 335 East 27th Street (Block 933, Lots 10 and Part of 25), as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and

- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

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

(On July 10, 2013, Cal. No. 6, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.



No. 31

203/205 EAST 92ND STREET

CD 8

N 130263 ZRM

PUBLIC HEARING:

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

Matter in underline is new, to be added;

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

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

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

* * *

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

* * *

(7) In the event that the urban renewal plan has expired, the owner(s) of a parcel(s) of land previously used as open space for a term of years that has expired within such #large scale residential development#, if located in a former urban renewal area listed below, may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter, where such

modifications do not seek the distribution of #floor area# from any #zoning lot# not included within such parcel(s), for a #development# that includes a #building# and public open space permitted by the applicable district regulations. Such modifications shall result in a site plan that includes a #building# and public open space that are appropriately located and oriented with respect to other uses in the surrounding area.

* * *

(On July 10, 2013, Cal. No. 7, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF STATEN ISLAND

Nos. 32-36

CHARLESTON

No. 32

CD 3

C 130279 ZMR

PUBLIC HEARING:

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

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

Park*, Bricktown Way*, and an easterly boundary line of a Park* and its southerly prolongation;

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

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

(On July 10, 2013, Cal. No. 11, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

No. 33

CD 3

C 130229 MMR

PUBLIC HEARING:

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

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

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

(On July 10, 2013, Cal. No. 12, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

No. 34

CD 3

C 130289 PSR

PUBLIC HEARING:

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

(On July 10, 2013, Cal. No. 13, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

No. 35

CD 3

C 130288 PQR

PUBLIC HEARING:

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

(On July 10, 2013, Cal. No. 14, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

No. 36**CD 3****C 130290 PQR****PUBLIC HEARING:**

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

(On July 10, 2013, Cal. No. 15, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

**NOTICE**

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

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

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

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

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

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

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

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

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

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

CEQR No. 13DME001R.

Lead Agency:

Office of the Deputy Mayor for Economic Development

Robert R. Kulikowski, Ph.D.

Assistant to the Mayor

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New York, New York 10038

Email: rkulikowski@cityhall.nyc.gov

SEQRA/CEQR Classification: Type I

Nos. 37-42

ST. GEORGE WATERFRONT DEVELOPMENT

No. 37

CD 1

C 130315 ZMR

PUBLIC HEARING:

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

(On July 10, 2013, Cal. No. 16, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

No. 38

CD 1

N 130316 ZRR

PUBLIC HEARING:

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

Matter in underline is new, to be added.

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

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

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

Article VI – Special Regulations Applicable to Certain Areas

Chapter 2

Special Regulations Applying in the Waterfront Area

* * *

62-13

Applicability of District Regulations

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

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

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

#Special Battery Park City

District# #Special Stapleton

Waterfront District#.

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

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

* * *

Article XII - Special Purpose Districts

**Chapter 8
Special St. George District**

**128-03
District Plan and Maps**

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

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

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

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

128-04

Subdistricts

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

128-05

Applicability of District Regulations

* * *

128-054

Applicability of Article VI, Chapter 2

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

128-055

Applicability of Article VII, Chapter 4

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

- Section 74-512 (In other districts)
- Section 74-68 (Development Within or Over a Right-of-way or Yards)
- Section 74-922 (Certain Large Retail Establishments)

In addition, the provisions and conditions of the following special permits, as granted, shall be deemed to be modified pursuant to a special permit granted pursuant to Section 128-61 (Special Permit for North Waterfront Sites) for Parcel 1 or Parcel 2 in the North Waterfront Subdistrict of the #Special St. George District#, including but not limited to subdivision of the #zoning lot# and relocation of accessory parking to another #zoning lot#:

C000012 ZSR

C000013ZSR

C000014ZSR

C000016(A)ZSR

128-10 USE REGULATIONS

* * *

128-12 Transparency Requirements

Any #street wall# of a #building developed# or #enlarged# after October 23, 2008, where the ground floor level of such #development# or #enlarged# portion of the #building# contains #commercial# or #community facility uses#, excluding #schools#, shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area.

For the purposes of this Section, Bank Street shall be considered a #street#. However, this Section shall not apply to a stadium #use# within the North Waterfront Subdistrict.

* * *

128-30 HEIGHT AND SETBACK REGULATIONS

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

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

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

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

- (a) in the South Waterfront Subdistrict, roof top regulations are as modified in Section 128-31 (Rooftop Regulations); and

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

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street frontages#, such heights shall be determined separately for each #street# frontage, with each height measured from the final grade of the sidewalk fronting such #street wall#.

* * *

128-43

Visual Corridors in the North Waterfront Subdistrict

The designated locations for #visual corridors#, as defined in Article VI, Chapter 2, are shown on Map 5 in the Appendix to this Chapter. Such #visual corridors# shall be provided in accordance with the standards of Sections 62-512 (Dimensions of visual corridors) and 62-513 (Permitted obstructions in visual corridors), except that:

- (a) lighting fixtures shall be considered permitted obstructions; and
- (b) within the #visual corridor# provided through Parcel 2 to the pierhead line within the flexible location zone indicated on Map 5, a portion of a #building# shall be a permitted obstruction provided that such obstruction is located no more than 14 feet above the reference plane of the #visual corridor#, and that such obstruction occupies no more than 185,000 cubic feet in total above the reference plane of the #visual corridor#.

* * *

128-60

SPECIAL APPROVALS

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

128-61

Special Permit for North Waterfront Sites

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

(a) Permit the following #uses#:

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

- (b) Where such #development# is located partially or entirely within a railroad or transit right-of-way or yard or in #railroad or transit air space#:
- (1) permit that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the calculations of #lot area# for such #development#;
 - (2) establish, in lieu of #base plane#, an appropriate level or levels as the reference plane for the entire #zoning lot# for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, and #yards#; and
- (c) Permit #signs# pursuant to a signage plan subject to the following conditions:
- (1) The #sign# regulations of a C4 District as set forth in Section 32-60 shall apply except as specifically modified by the conditions set forth in paragraphs (c) (2) through (c)(5) inclusive, of this Section;
 - (2) #flashing signs# shall not be permitted;
 - (3) the height of #signs# shall be measured from the #base plane#; and
 - (4) On Parcel 1:
 - (i) the total #surface area# of #signs# affixed to a #building# frontage facing the shoreline or affixed to the base of a structure facing the shoreline shall not exceed 1,120 square feet, provided that for a #sign# with a #surface area# larger than 60 square feet, all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign#, shall be separate elements, individually cut and separately affixed to the structure or #building#. No perimeter or background surfaces shall be applied or affixed to the structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for the structure or #building#; and
 - (ii) #signs# shall be permitted to be located on the deck of the railroad right-of-way, provided that the #surface area# of such #signs# shall be included in the calculations of total #surface area# of #signs#; and
 - (5) On Parcel 2:
 - (i) open pedestrian pathways of at least 20 feet in width shall be considered #streets# for the purposes of #sign# regulations;

- (ii) #signs# shall not extend to a height greater than 60 feet above the #base plane#; and
 - (iii) the total #surface area# of #signs# on the #building# frontage facing Richmond Terrace, the prolongation of Wall Street, or on the #building# frontage or other structure facing the access route into the Ferry Terminal for buses, may exceed the limitations for total #surface area# for #signs# permitted in a C4 district pursuant to an approved signage plan; and
- (6) The total #surface area# of all #signs# on Parcel 2 facing the #shoreline#, or that are within 15 degrees of being parallel to the shoreline, shall not exceed:
- (i) 500 square feet for #signs# located above the level of the first #story# ceiling of #buildings#;
 - (ii) 250 square feet for #signs# located below the level of the first #story# ceiling of #buildings#; and
- (d) Through approval of the Proposed Plans, establish appropriate requirements in lieu of the following #Special St. George District# regulations:
- (1) Section 128-12 (Transparency Requirements);
 - (2) Section 128-42 (Planting Areas);
 - (3) Section 128-54 (Location of Accessory Off-Street Parking Spaces) to the extent necessary to accommodate demand for parking within the North Waterfront Subdistrict;
 - (4) Section 128-55 (Special Requirements for Roofs of Parking Facilities); and
- (e) Through approval of the Proposed Plans:
- (1) establish appropriate requirements for the height and setback of #buildings or other structures#, permitted obstructions in #yards#, off-street parking and loading; and
 - (2) permit #floor area# to be distributed within the North Waterfront Subdistrict without regard for #zoning lot lines#, provided that if distribution is made to a #zoning lot# subject to a special permit granted under this Section from a

#zoning lot# not subject to such special permit, Notices of Restriction in a form acceptable to the Department of City Planning shall be filed against such #zoning lots# setting forth the increase and decrease in the #floor area# on such #zoning lots#, respectively.

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

- (1) include #uses# that are appropriate, considering the unique location of the site in relation to the Staten Island Ferry Terminal, the Staten Island Rail Road, and the land uses in and around the #Special St. George District#;
- (2) provide for a distribution of #floor area#, locations and heights of #buildings or other structures#, primary business entrances and open areas that will result in a superior site plan, providing a well-designed relationship between #buildings and other structures# and open areas on the #zoning lot#; and shall also provide a well designed relationship between the site and adjacent #streets#, surrounding #buildings#, adjacent off-site open areas and shorelines and will thus benefit the users of the site, the neighborhood and the City as a whole;
- (3) provide a distribution of #floor area# and locations and heights of #buildings or other structures# that will not unduly increase the #bulk# of #buildings or other structures# in the North Waterfront Subdistrict or unduly obstruct access of light and air to the detriment of the users of the site or nearby #blocks# or of people using the public #streets#, and that will provide waterfront vistas from nearby #streets# and properties on nearby #blocks#;
- (4) provide useful and attractive publicly accessible open space, with sufficient public amenities, including but not limited to seating, landscaping and lighting, that results in a superior relationship with surrounding neighborhood destinations, #streets#, #buildings#, open areas, public facilities and the waterfront;
- (5) improve public access to the waterfront;
- (6) improve the Bank Street portion of the Waterfront Esplanade sufficiently to ensure that emergency vehicles will have adequate access to the waterfront and adjacent #developments#;
- (7) in connection with the improvement of the Bank Street portion of the Waterfront Esplanade, restore planted areas, trees and lighting in a way that is attractive and compatible with the existing design of the Waterfront Esplanade;
- (8) provide adequate parking and loading to meet the demand for all users during peak

utilization;

(9) provide adequate parking for commuters at locations convenient and accessible to the Staten Island Ferry Terminal at all times and during all phases of construction;

(10) provide signage and lighting that are compatible with the scenic and historic character of the harbor and will not adversely affect the character of the surrounding neighborhood;

(11) for a #public parking garage# with more than 150 parking spaces, will ensure that:

(i) entrances are proposed in locations and with design features that minimize traffic congestion and conflicts with pedestrians;

(ii) adequate reservoir space has been provided at the vehicular entrances; and

(iii) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and

(12) for a #development# located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, that:

(i) the distribution of #floor area# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development#, including any portion of the #development# located beyond the boundaries of such railroad or transit right-of-way or yard; and

(ii) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. In addition, for a #development# located partially or entirely within a railroad or transit right of-way or yard, or in #railroad or transit air space#, the Commission may require that the structural design of such #development# makes due allowance for changes within the layout of tracks or other structures within any #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

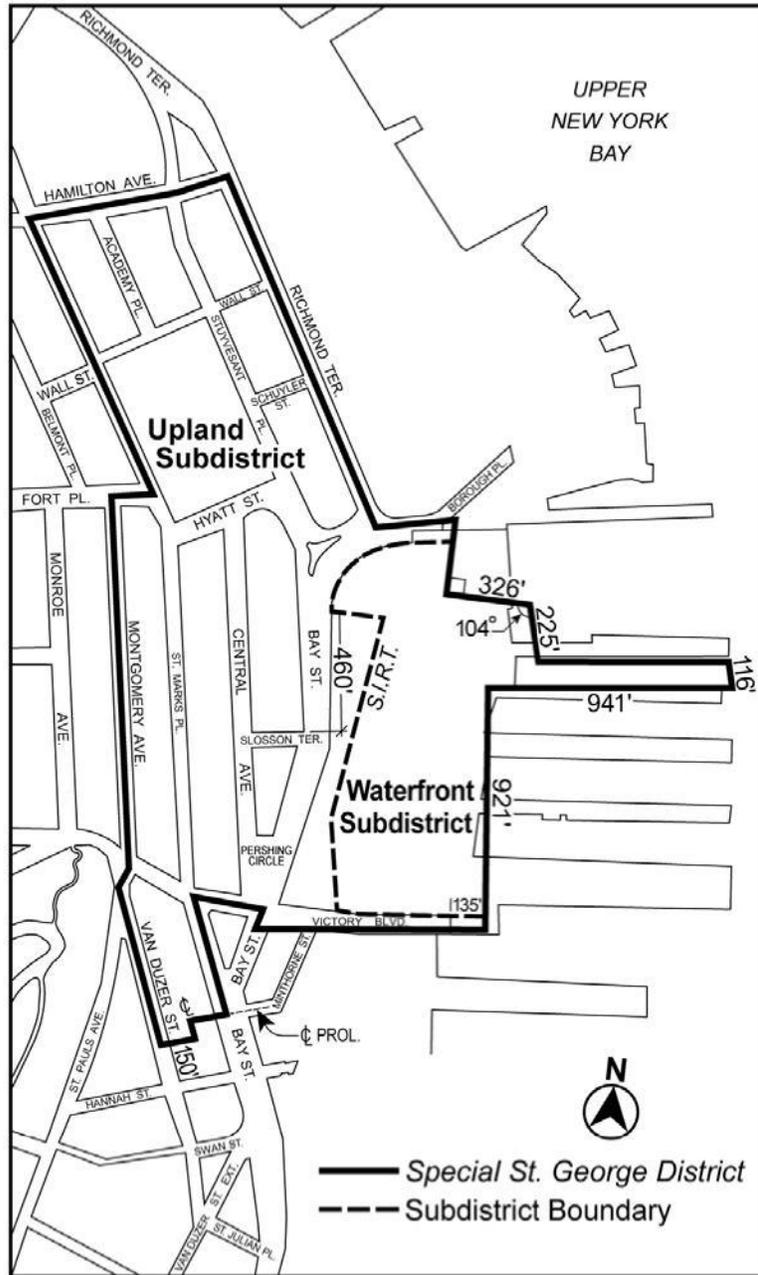
Prior to granting a special permit, the City Planning Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate whether said agencies have any plan to use that portion of any #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been discontinued.

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

Appendix
Special St. George District Plan

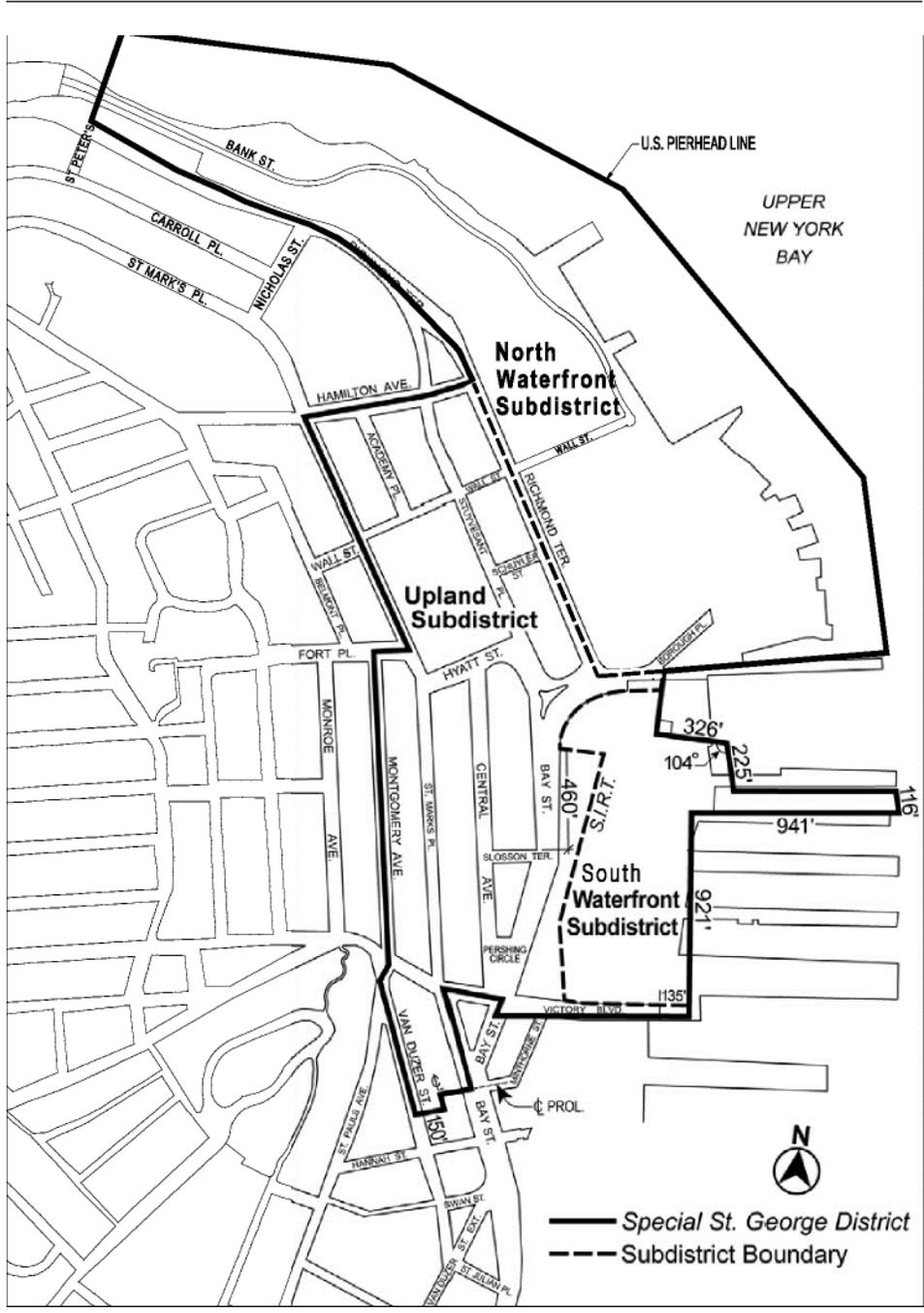
Map 1 - Special St. George District and Subdistricts

Map to be deleted:

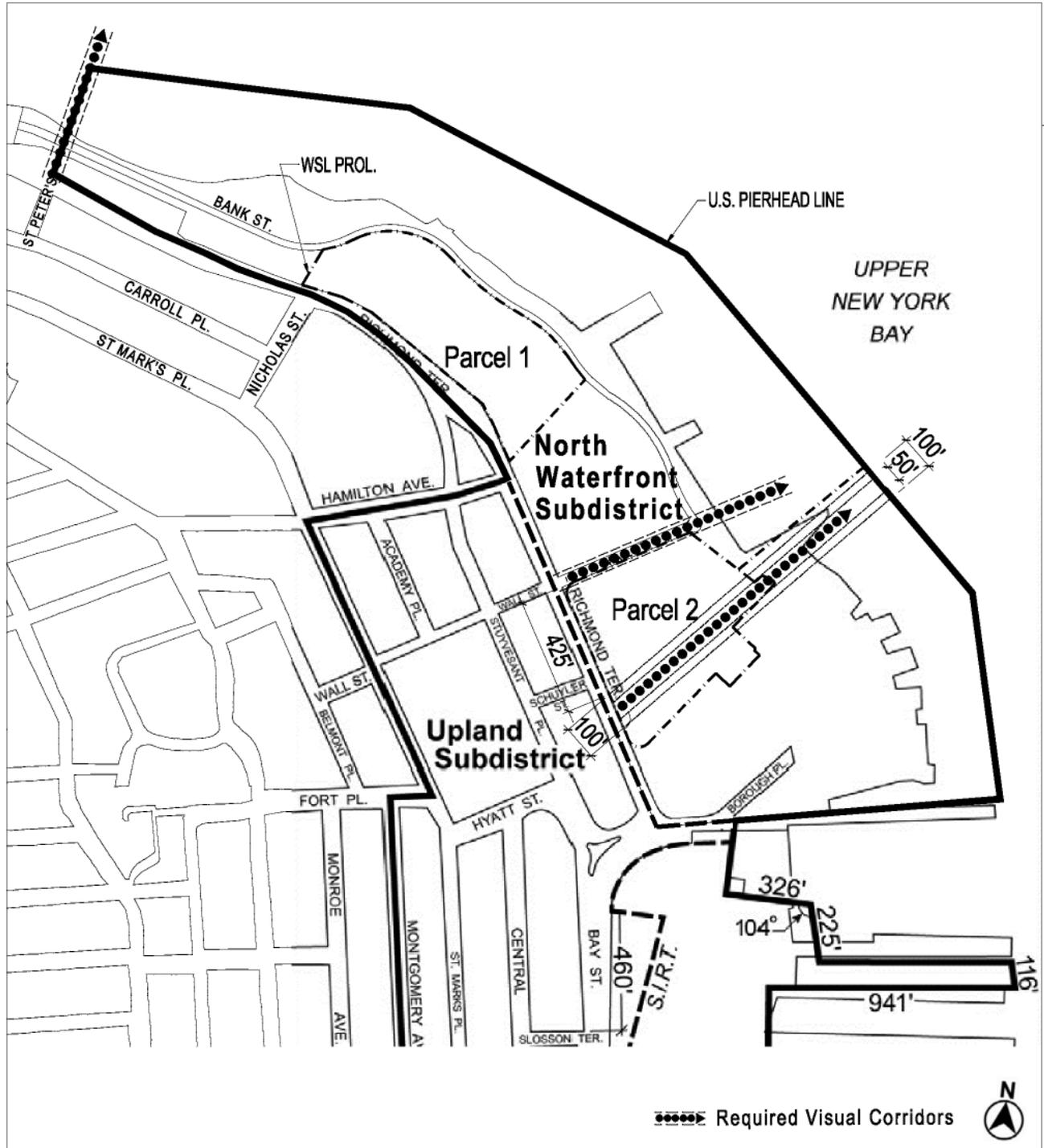


[MAP TO BE ADDED:]

Map 1 - Special St. George District and Subdistricts



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



(On July 10, 2013, Cal. No. 17, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

No. 39

CD 1

C 130317 ZSR

PUBLIC HEARING:

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

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

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

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

(On July 10, 2013, Cal. No. 18, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

No. 40

CD 1

C 130318 ZSR

PUBLIC HEARING:

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

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

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

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

(On July 10, 2013, Cal. No. 19, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.



No. 41

CD 1

C130319 PPR

PUBLIC HEARING:

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

(On July 10, 2013, Cal. No. 20 the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

No. 42

CD 1

C130320 PPR

PUBLIC HEARING:

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

(On July 10, 2013, Cal. No. 21, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

NOTICE

On Wednesday, July 24, 2013, at 10:00 a.m., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) for which the New York City Department of Small Business Services is the CEQR Lead Agency, for the proposed development project that would result in the simultaneous development of two sites along the St. George Waterfront referred to as the “North Site” and the “South Site,” located adjacent to and on either side of the Richmond County Bank Ballpark (the “Stadium”), and just north of the Staten Island Ferry St. George Terminal (the “Ferry Terminal”).

The North Site would be developed with the New York Observation Wheel (Observation Wheel, or Wheel), and a Wheel Terminal Building with various complementing uses, and parking. The South Site would be developed with the St. George Retail Development,

including a hotel and parking. In addition, a new waterborne transit landing may also be pursued as a third project component independent of the proposed North Site and South Site developments.

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

The following City and State discretionary actions are necessary for both the North Site and South Site proposed projects to move forward:

Zoning Map Amendment

Sectional Map 21c would be amended to show the extension of the Special St. George District to the shoreline to include the Ferry Terminal, the South Site, the Stadium and the North Site.

Zoning Text Amendment to Add a Subdistrict to the Special St. George District

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

NORTH SITE

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

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

Special Permit

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

NYCDOT Actions and Approvals

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

New York State Department of Environmental Conservation Actions and Approvals

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

SOUTH SITE

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

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

Special Permit

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

NYCDOT Actions and Approvals

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

NYSDEC Actions and Approvals

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

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

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

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

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

POTENTIAL WATERBORNE TRANSIT LANDING

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

- Approvals of the Business Terms pursuant to Section 1301(2)(f)
- Waterfront Requirements: Certification pursuant to ZR Section 62-811; and compliance with the requirements of waterfront public access area and visual corridors.
- NYSDEC Actions and Approvals for Permits related to construction and disturbance along watercourses and navigable waters and adjacent areas.
- New York State Department of State Approvals
- Coastal Consistency Determination

The applicant, the New York City Department of Economic Development, is requesting discretionary approvals, on behalf of the New York City Department of Small Business Services, the New York City Department of Citywide Administrative Services, New York Wheel LLC, and St. George Outlet Development LLC.

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

The DEIS may be downloaded online from: www.nycedc.com/project/st-george-waterfront.

Copies of the DEIS may be obtained by any member of the public by emailing StGeorgeWaterfront@nycedc.com or calling 212-312-3861. Copies of the DEIS are also available for public inspection at NYCEDC's offices at 110 William Street, New York, NY 10038.

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

**Attn: Meenakshi Varandani
New York City Economic Development Corporation
110 William Street, New York, NY 10038
Email: mvarandani@nycedc.com**

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

**CEQR No. 13SBS001R
Lead Agency: New York City Department of Small Business Services
SEQRA/CEQR Classification: Type I**

BOROUGH OF QUEENS

No. 43

[NOTE: HEARING NOT LIKELY TO BEGIN BEFORE 11:30 A.M.]

22-44 JACKSON AVENUE

CD 2

C 130191 ZSQ

PUBLIC HEARING:

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

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

(On July 10, 2013, Cal. No. 9, the Commission scheduled July 24, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

IV CITY PLANNING COMMISSION 2013 SCHEDULE OF MEETINGS

	SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY			1 New Year's Day	2	3	4	5
	6	7 REVIEW SESSION	8	9 CPC PUBLIC MEETING	10	11	12
	13	14	15	16	17	18	19
	20	21 Martin Luther King, Jr. Day	22 REVIEW SESSION	23 CPC PUBLIC MEETING	24	25	26
	27	28	29	30	31		
FEBRUARY						1	2
	3	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9
	10	11 Chinese New Year	12 Lincoln's Birthday	13 Ash Wednesday	14	15	16
	17	18 Presidents' Day	19 REVIEW SESSION	20 CPC PUBLIC MEETING	21	22 Washington's Birthday	23
	24	25	26	27	28		
MARCH						1	2
	3	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9
	10	11	12	13	14	15	16
	17	18 St. Patrick's Day	19	20 CPC PUBLIC MEETING	21	22	23
	24	25 Palm Sunday	26	27	28	29	30
	31 Easter						
APRIL		1	2	3	4	5	6
	7	8 REVIEW SESSION	9	10 CPC PUBLIC MEETING	11	12	13
	14	15	16	17	18	19	20
	21	22 REVIEW SESSION	23	24 CPC PUBLIC MEETING	25	26	27
	28	29	30				
MAY				1	2	3	4
	5	6 REVIEW SESSION	7	8 CPC PUBLIC MEETING	9	10	11
	12	13	14	15	16	17	18
	19	20 REVIEW SESSION	21	22 CPC PUBLIC MEETING	23	24	25
	26	27 Memorial Day Observed	28	29	30	31	
JUNE							1
	2	3 REVIEW SESSION	4	5 CPC PUBLIC MEETING	6	7	8
	9	10	11	12	13	14	15
	16	17 REVIEW SESSION	18	19 CPC PUBLIC MEETING	20	21	22
	23	24	25	26	27	28	29
	30						
JULY		1	2	3	4 Independence Day	5	6
	7	8 REVIEW SESSION	9	10 CPC PUBLIC MEETING	11	12	13
	14	15	16	17	18	19	20
	21	22 REVIEW SESSION	23	24 CPC PUBLIC MEETING	25	26	27
	28	29	30	31			
AUGUST						1	2
	4	5 REVIEW SESSION	6	7 CPC PUBLIC MEETING	8	9	10
	11	12	13	14	15	16	17
	18	19 REVIEW SESSION	20	21 CPC PUBLIC MEETING	22	23	24
	25	26	27	28	29	30	31
SEPTEMBER		1 Labor Day	2	3	4	5 Rosh Hashanah	6
	8	9 REVIEW SESSION	10	11 CPC PUBLIC MEETING	12	13	14
	15	16	17	18	19	20	21
	22	23 REVIEW SESSION	24	25 CPC PUBLIC MEETING	26	27	28
	29	30					
OCTOBER			1	2	3	4	5
	6	7 REVIEW SESSION	8	9 CPC PUBLIC MEETING	10	11	12
	13	14 Columbus Day	15	16	17	18	19
	20	21 REVIEW SESSION	22	23 CPC PUBLIC MEETING	24	25	26
	27	28	29	30	31		
NOVEMBER						1	2
	3	4 REVIEW SESSION	5 Election Day	6 CPC PUBLIC MEETING	7	8	9
	10	11 Veterans' Day	12	13	14	15	16
	17	18 REVIEW SESSION	19	20 CPC PUBLIC MEETING	21	22	23
	24	25	26	27	28 Thanksgiving Hanukkah	29	30
DECEMBER		1	2	3	4 CPC PUBLIC MEETING	5	6
	8	9	10	11	12	13	14
	15	16 REVIEW SESSION	17	18 CPC PUBLIC MEETING	19	20	21
	22	23	24	25	26	27	28
	29	30	31	Christmas	Kwarzaa		

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 PM
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 AM

**SUPPLEMENTAL
CITY PLANNING CALENDAR
of
The City of New York**

CITY PLANNING COMMISSION

WEDNESDAY, JULY 24, 2013

**MEETING AT 10:00 A.M.
IN SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**



**Michael R. Bloomberg, Mayor
City of New York**

Prepared by Yvette V. Gruel, Calendar Officer

To view the Planning Commission Calendar and/or the Zoning Resolution on the World Wide Web, visit the Department of City Planning (DCP) home page at:
nyc.gov/planning

A

CITY PLANNING COMMISSION

**GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS**

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

NOTICE--CALENDARS: City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site (www.nyc.gov/planning). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below.

For Calendar Information: call (212) 720-3370.

Note to Subscribers: Notify us of change of address including E-mail by writing to:

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

B

CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

AMANDA M. BURDEN, *FAICP, Chair*

KENNETH J. KNUCKLES, *Esq., Vice Chairman*

ANGELA M. BATTAGLIA

RAYANN BESSER

IRWIN G. CANTOR, P.E.

ALFRED C. CERULLO, III

BETTY Y. CHEN

MICHELLE R. DE LA UZ

MARIA M. DEL TORO

JOSEPH I. DOUEK

RICHARD W. EADDY

ANNA HAYES LEVIN

ORLANDO MARIN, *Commissioners*

YVETTE V. GRUEL, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

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WEDNESDAY MARCH 20, 2013

I. Matters to Be Scheduled for Public Hearing on August 7, 2013.....1

**I. PUBLIC HEARING OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR
WEDNESDAY, AUGUST 7, 2013
STARTING AT 9:00 A. M.
IN THE AUDITORIUM OF THE NATIONAL
MUESUM OF THE AMERICAN INDIAN
ONE BOWLING GREEN
NEW YORK, NEW YORK**

BOROUGH OF MANHATTAN

No. 1

EAST MIDTOWN REZONING

CD 5, 6

N 130247(A) ZRM

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

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Table of Contents - Special Midtown District

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* * *

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~~Special Bulk and Urban Design Requirements 81-62~~

~~Transfer of Development Rights from Landmark Sites 81-63~~

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT81-60

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* * *

Chapter 1
Special Midtown District

81-00
GENERAL PURPOSES

The "Special Midtown District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;

- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;

- (n) to protect and strengthen the economic vitality and competitiveness of the East Midtown Subdistrict by facilitating the development of exceptional modern and sustainable office towers and enabling improvements to the above and below grade pedestrian network;
- (o) to protect and strengthen the role of iconic landmark buildings as important features of the East Midtown Subdistrict;
- (p)(~~n~~) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City and in East Midtown, to expand and enhance the pedestrian circulation network connecting the Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- (q)(~~o~~) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (r)(~~p~~) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (s)(~~q~~)—to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

81-01

Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 81-261 (Definitions), ~~o~~81-271 (Definitions) or Section 81-611 (Definitions) .

* * *

81-03 District Plan

The regulations of this Chapter are designed to implement the #Special Midtown District# Plan.

The District Plan partly consists of the following four maps:

- | | |
|-------|---|
| Map 1 | Special Midtown District and Subdistricts |
| Map 2 | Retail and Street Wall Continuity |
| Map 3 | Subway Station and Rail Mass Transit Facility Improvement Areas |
| Map 4 | East Midtown Subareas and Subarea Cores Network of Pedestrian Circulation. |
| Map 5 | Applicability of special permit for superior development |

The maps are located in Appendix A of this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

81-04 Subdistricts and Subareas

In order to carry out the purposes and provisions of this Chapter, five special Subdistricts are established within the #Special Midtown District#. In each of these Subdistricts certain special regulations apply which do not apply in the remainder of the #Special Midtown District#. The Subdistricts are outlined on Map 1 (Special Midtown District and Subdistricts) in Appendix A.

The Subdistricts, together with the Sections of this Chapter specially applying to each, are as follows:

Sections Having

Subdistricts	Special Application
Penn Center Subdistrict	81-50
East Midtown-Grand Central Subdistrict	81-60
Theater Subdistrict	81-70
Fifth Avenue Subdistrict	81-80
Preservation Subdistrict	81-90

The Subdistricts are also subject to all other regulations of the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District# and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves.

Within the East Midtown Subdistrict, certain special regulations apply to Subareas which do not apply within the remainder of the subdistrict. Such Subareas are established, as follows:

Grand Central Subarea

Northern Subarea

These Subareas are shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A.

* * *

81-067

Modification of provisions for minimum base height and street wall location in Historic Districts

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-65 (Special Street Wall Requirements)

~~81-621 (Special street wall requirements)~~ pertaining to the East Midtown ~~Grand Central~~ Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts).

* * *

81-20

BULK REGULATIONS

81-21

Floor Area Ratio Regulations

The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of this Section or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) shall not apply in the East Midtown Subdistrict, where the special #floor area# provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) and 81-63 (Special Floor Area Provisions for All Other Sites) shall apply, as applicable.

81-211

Maximum floor area ratio for non-residential or mixed buildings

- (a) For #non-residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.
- (b) In the #Special Midtown District#, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

	8.0	12.0	14.4	14.0	18.0	14.4	18.0
F.	Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)						
	---	2.0	---	---	3.0	---	---
G.	Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:						
	---	12.0	---	---	18.0	---	---
H.	Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:						
	Development rights (FAR) of a "granting site" (Section 81-744)						
	---	10.0	12.0	14.0	15.0	---	---
	Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))						
	---	2.0	2.4	2.8	3.0	---	---
	Inclusionary Housing (Sections 23-90 and 81-22)						
	---	2.0 ⁴	---	---	---	---	---
I.	Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict						
	---	12.0	14.4	16.8	18.0	---	---
J.	Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))						

	---	2.4	---	---	---	---	---
K.	Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations						
	---	14.4	14.4	16.8	18.0	---	---
L.	Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:						
	Rehabilitation of "listed theaters" (Section 81-745)						
	---	4.4	2.4	2.8	3.0	---	---
M.	Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives						
	8.0	14.4	14.4	16.8	18.0	---	---
N.	Maximum FAR of Lots Involving Landmarks:						
	Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)						
	8.0	10.0	12.0	14.0	15.0	12.0	15.0
	Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)						
	8.0	10.0	13.0 ⁵	14.0	16.0	12.0	15.0
	Maximum amount of transferable development rights (FAR) from landmark #zoning lot# that may be utilized on:						
	(a) an "adjacent lot" (Section 74-79)						
				No	No		No

1.6	2.0	2.4	Limit	Limit	2.4	Limit
-----	-----	-----	-------	-------	-----	-------

(b) ~~a "receiving lot" (Section 81-634)~~

—	—	—	—	—	1.0	1.0
---	---	---	---	---	-----	-----

(c) ~~a "receiving lot" (Section 81-635)~~

—	—	—	—	—	9.6	6.6
---	---	---	---	---	-----	-----

O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives

9.6	14.4	14.4	No Limit	No Limit	21.6	No ⁶ Limit
-----	------	------	-------------	-------------	------	--------------------------

¹ Not available for #zoning lots# located wholly within Theater Subdistrict Core

² Not available within the Eighth Avenue Corridor

³ Not available within 100 feet of a #wide street# in C5-2.5 Districts

⁴ Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#

⁵ 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core

~~⁶ Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict~~

~~⁶⁷ Not available on west side of Eighth Avenue within the Eighth Avenue Corridor~~

⁷⁸ 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities)

81-212

Special provisions for transfer of development rights from landmark sites

The provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites) shall apply in the #Special Midtown District#, subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, Section 81-747 (Transfer of development rights from landmark theaters) and Section 81-85 (Transfer of Development Rights from Landmark Sites).

The provisions of Section 74-79 pertaining to the meaning of the term "adjacent lot" in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the "adjacent lot" is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5 or C6-7T District.

The provisions of paragraph (c) of Section 74-792 as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark "granting lot" for transfer purposes.

Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

Within the East Midtown Subdistrict, ~~Grand Central Subdistrict~~, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79, or Section 81-633 (Transfer of development rights from landmarks) ~~Section 81-63 (Transfer of Development Rights from Landmark Sites)~~, but not both.

For #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the City Planning Commission may also modify or waive the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a #court#, where:

- (a) the required minimum distance as set forth in Section 23-86 is provided between the #legally required windows# in the #development# or #enlargement# and a wall or #lot line# on an adjacent #zoning lot# occupied by the landmark; and
- (b) such required minimum distance is provided by a light and air easement on the #zoning lot# occupied by the landmark, and such easement is acceptable to the Department of City Planning and recorded in the County Clerk's office of the county in which such tracts of land are located.

For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on #streets# on which curb cuts are restricted, pursuant to Section 81-44, the Commission may also modify or waive the number of loading berths required pursuant to Section 36-62. In granting such special permit, the Commission shall find that:

- (1) a loading berth permitted by Commission authorization, pursuant to Section 81-44, would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;
- (2) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and
- (3) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement. For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space, pursuant to Sections 37-50 and 81-45. In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.

81-23

Floor Area Bonus for Public Plazas

Within the #Special Midtown District#, for each square foot of #public plaza# provided on a #zoning lot#, the basic maximum #floor area# permitted on that #zoning lot# under the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) may be increased by six square feet, provided that in no case shall such bonus #floor area# exceed a #floor area ratio# of 1.0.

This Section shall be applicable in all underlying districts throughout the #Special Midtown District#, except that there shall be no #floor area# bonus for a #public plaza# that is:

- (a) on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);
- (c) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and
- (d) on #zoning lots#, any portion of which is within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, or on #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-611 (Definitions) ~~on #zoning lots#, any portion of which is in the Grand Central Subdistrict.~~

All #public plazas# provided within the #Special Midtown District# shall comply with the requirements for #public plazas# set forth in Section 37-70, inclusive.

A major portion of a #public plaza# may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (Pedestrian Circulation Space), provided that the overlapping portion of the #public plaza# also conforms to the design standards of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a #public plaza# for purposes of calculating the proportional restrictions set forth in Section 37-715.

* * *

81-253

Special provisions for East Midtown ~~Grand Central~~, Theater, Fifth Avenue, Penn Center and Preservation Subdistricts

The provisions of Sections 81-26 (Height and Setback Regulations) and 81-27 (Alternate Height and Setback Regulations) are supplemented and modified by special provisions applying in the Fifth Avenue Subdistrict, as set forth in Sections 81-81 (General Provisions) and 81-83 (Special Street Wall Requirements) or in the Theater Subdistrict as set forth in Sections 81-71 (General Provisions) and 81-75 (Special Street Wall and Setback Requirements) or in the East Midtown ~~Grand Central~~ Subdistrict as set forth in Sections 81-61 (General Provisions), 81-65 (Special Street Wall Requirements) ~~81-621 (Special street wall requirements)~~ and 81-66 (Special Height and Setback Requirements) ~~81-622 (Special height and setback requirements)~~.

The provisions of Sections 81-26 and 81-27 are not applicable in the Preservation Subdistrict, where height and setback is regulated by the provisions of Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT), or in the Penn Center Subdistrict as set forth in Section 81-532 (Special street wall requirements).

81-254

Special permit for height and setback modifications

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)

Section 74-79 (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an

adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277

Section 81-066 (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)

Section 81-625 (Special permit for superior developments)

Section 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea)

~~Section 81-635 (Transfer of development rights by special permit).~~

* * *

(Sections 81-60 through 81-635 are to be deleted and re-written as new text, as follows.)

81-60

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

81-61

General Provisions

Special regulations are set forth in this Section in order to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers and enabling improvements to the above and below grade pedestrian network; protecting and strengthening the role of iconic landmark buildings as important features of East Midtown; protecting and enhancing the role of Grand Central Terminal as a major transportation hub within the City and in East Midtown; expanding and enhancing the pedestrian circulation network connecting the Terminal to surrounding

development and minimizing pedestrian congestion; and protecting the surrounding area's special character. Such regulations establish special provisions governing maximum floor area, sustainability, urban design and streetscape enhancements, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network in the East Midtown Subdistrict.

The regulations of Sections 81-60 (SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT) are applicable only in the East Midtown Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

81-611

Definitions

Adjacent lot

For the purposes of Section 81-60, inclusive, the term "adjacent lot" shall mean:

(a) a lot that is contiguous to the lot occupied by the designated #landmark building or other structure# or one that is across a #street# and opposite to the lot occupied by such

designated #landmark building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by such #landmark building or other structure#; and

(b) it shall also mean, in the case of lots located in C5-3, or C6-6 Districts, a lot contiguous or one that is across a #street# and opposite to another lot or lots that except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by such designated #landmark building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS)).

East Midtown District Improvement Fund

For the purposes of Section 81-60, inclusive, the “East Midtown District Improvement Fund” (the “Fund”) shall be a separate account established for the deposit and administration of contributions made when #developments# on sites in the East Midtown Subdistrict utilizing the provisions of either Sections 81-62 (Special Floor Area provisions for Qualifying Sites) or 81-64 (Special Provisions for Retaining Non-Complying Floor Area) are planned to exceed the basic maximum #floor area ratio#.

The “Fund” shall be utilized, subject to the provisions of 81-681 (The East Midtown District Improvement Fund Committee), to implement improvements to the East Midtown Subdistrict, as prioritized by the #East Midtown District Improvement Fund Committee#; and may be utilized to conduct studies as deemed necessary by the #Committee# in connection with its responsibilities for allocating “Fund” monies.

East Midtown District Improvement Fund Committee

For the purposes of Section 81-60, inclusive, the “East Midtown District Improvement Fund Committee” (the “Committee”) shall be established to administer the #East Midtown District Improvement Fund# (the #Fund#), pursuant to the provisions set forth in Section 81-681 (The East Midtown District Improvement Fund Committee). #The Committee# shall consist of five members, four of whom shall be appointed by and serve at the pleasure of the Mayor, and one of whom shall be the Director of the Department of City Planning.

East Midtown District Improvement Fund Contribution Rate

For the purposes of Section 81-60, inclusive, the “East Midtown District Improvement Fund Contribution Rate” or “Contribution Rate” shall be set at \$X per square foot of #residential floor area#, as determined by an appraisal study prior to (date of adoption), and \$250 per square foot of #non-residential floor area# as of (date of adoption). The #Contribution Rate# shall be adjusted only in accordance with the provisions of Section 81-682 (The East Midtown District Improvement Fund Contribution Rate). Any #residential floor area# within the #building#, up to the total amount of #floor area# in the #building# in excess of the basic maximum #floor area# established in Row A in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), where applicable, shall be included in determining such #building’s Contribution Rate#.

The #Contribution Rate# for #mixed buildings# shall be determined as follows:

Step 1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A in Table I of Section 81-62 shall be multiplied by the #Contribution Rate# for #residential use#.

Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio#. The percentage that such difference constitutes of the amount of #floor area# in the #building# in excess of such basic maximum #floor area# shall be multiplied by the #Contribution Rate# for #non-residential uses#.

Step 3: Add the products obtained in the calculations in Step 1 and 2 to determine the adjusted #Contribution Rate# for such #mixed building#.

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of the adjusted #Contribution Rate# to #mixed buildings#.

Example 1:

A #mixed building# being #developed# on a #qualifying site# has a #lot area# of 25,000 square feet, a basic maximum #floor area ratio# of 15.0, and a proposed #floor area ratio# of 21.6. Twenty percent of the total #floor area ratio# is proposed to be comprised of #residential use#.

Step 1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum

#floor area ratio# established in Row A in Table I of Section 81-62 is 65.45 percent (4.32 is 20 percent of the #building's floor area ratio#, and constitutes 65.45 percent of the 6.6 #floor area ratio# proposed above 15.0). Multiplying this percentage by the #residential Contribution Rate#, one obtains the product of \$Y per square foot (.6545 x \$X per square foot).

Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio# to obtain a #floor area ratio# of 2.28 (6.6 #floor area ratio# - 4.32 #residential floor area ratio#). The percentage that such difference constitutes of the amount of #floor area# in the #building# in excess of such basic maximum #floor area ratio# is 34.55 percent (2.28 is 34.55 percent of 6.6). Such percentage is multiplied by the #non-residential Contribution Rate# to obtain the product of \$86.38 per square foot (.3455 x \$250 per square foot).

Step 3: The sum of products obtained in the calculations in Step 1 and 2 determine the adjusted #Contribution Rate# for the #mixed building#, at \$Z per square foot (\$Y per square foot + \$87 per square foot).

If the #building# achieved all 6.6 of the #floor area ratio# in excess of the basic maximum #floor area ratio# through contributions to the #East Midtown District Improvement Fund#, pursuant to Section 81-621 (District improvement bonus for qualifying sites), the contribution amount for such #mixed building# would be \$XX (6.6 x 25,000 square feet x \$Z per square foot)

Example 2:

A #mixed building# being #developed# on a #qualifying site# has a #lot area# of 25,000 square feet, a basic maximum #floor area ratio# of 15.0 and a proposed #floor area ratio# of 24.0. Prior to #development#, a #non-complying building# with a #non-complying floor area ratio# of 18.0 was demolished. A #floor area ratio of 3.0 is eligible to be reconstructed at a reduced #contribution rate# pursuant to Section 81-64 (Special Provisions for Retaining Non-complying Floor Area). Fifteen percent of the total #floor area ratio# is proposed to be comprised of #residential uses#.

Step1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A in Table I of Section 81-62 is 40 percent (3.6 is 15 percent of the #building's floor area ratio#, and constitutes 40 percent of the 9.0 #floor area ratio# proposed above 15.0). Multiplying this percentage by the #residential

Contribution Rate#, one obtains the product of \$Y per square foot (.4 x \$X per square foot).

Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio# to obtain a #floor area ratio# of 5.4 ($9.0 \text{ #floor area ratio#} - 3.6 \text{ #residential floor area ratio#}$). The percentage that such difference constitutes of the amount of #floor area# in the #building# in excess of such basic maximum #floor area ratio# is 60 percent (5.4 is 60 percent of 9.0). Such percentage is multiplied by the #non-residential Contribution Rate# to obtain the product of \$150 per square foot ($.6 \times \$250 \text{ per square foot}$).

Step 3: The sum of these two products will determine the adjusted #Contribution Rate# for the #mixed building#, at \$Z per square foot ($\$Y \text{ per square foot} + \$150 \text{ per square foot}$).

Step 4: The #Contribution Rate# for the reconstructed #non-complying floor area# would be 50 percent of such adjusted rate, or \$ZZ per square foot.

If the #building# achieved 6.0 of the #floor area ratio# in excess of the basic maximum #floor area ratio# through contributions to the #East Midtown District Improvement Fund#, pursuant to Section 81-621, and of such 6.0, a #floor area ratio# of 3.0 was achieved utilizing the reduced #Contribution Rate# for #non-complying floor area#, pursuant to Section 81-64, the contribution amount for such #building# would be \$XX ($3.0 \times 25,000 \text{ square feet} \times \$Z \text{ per square foot} + 3.0 \times 25,000 \text{ square feet} \times \$ZZ \text{ per square foot}$)

Granting lot

For the purposes of Section 81-60, inclusive, a “granting lot” shall mean a #zoning lot# which contains a #landmark building or other structure#. Such “granting lot” may transfer development rights pursuant to Sections 81-622 (Transfer of development rights from landmarks to qualifying sites), 81-625 (Special permit for superior developments) or 81-633 (Transfer of development rights from landmarks), and subsequent Sections 81-634 (Transfer of development rights from landmarks by certification in the Grand Central Subarea) or 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea), 81-636 (Transfer of development rights from landmarks by authorization in the Northern Subarea) and 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

If the landmark designation is removed from the #landmark building or other structure#, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

Landmark #building or other structure#

For the purposes of Section 81-60, inclusive, a "landmark #building or other structure#" shall include any structure designated as a landmark pursuant to the New York City Charter, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, or any structures within historic districts, statues, monuments or bridges.

Qualifying Site

For the purposes of Section 81-60, inclusive, a "qualifying site" shall refer to a #zoning lot# which, at the time of #development#:

(a) will have a minimum #lot area# of:

(1) 25,000 square feet for #buildings developed# with a #floor area ratio# beyond the basic maximum #floor area ratio# set forth in Row A of Table I in of Section 81-62 (Special Floor Area Provisions); or

(2) 40,000 square feet for #buildings# in the Grand Central Subarea Core of the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, #developed# pursuant to the special permit provisions of Section 81-625 (Special permit for superior developments);

(b) will have a #lot width# which extends along the entire #wide street block# frontage, or continuously for at least 200 feet of #wide street block# frontage, whichever is less; and such #lot width# will extend continuously to a depth of at least 100 feet, as measured perpendicular to the #street line#

(c) will have no existing #buildings or other structures# to remain within the minimum site geometry described in paragraphs (a) and (b) of this definition, except that any #building or other structure# devoted exclusively to subway or rail mass transit-related #uses#, including, but not limited to, ventilation facilities and other facilities or services used or

required in connection with the operation of a subway or rail mass transit facility, may remain;

(d)

(e) has made a district improvement contribution to the #East Midtown District Improvement Fund# or has obtained approval of a contribution in-kind, pursuant to the applicable regulations set forth in Sections 81-621 (District improvement bonus for qualifying sites) or 81-64 (Special Provisions for Retaining Non-complying Floor Area); and

(f) will have, within the minimum site geometry described in paragraphs (a) and (b) of this definition, a single #building#, where a minimum of 80 percent of such #building's floor area# is allocated to office #uses#, as listed in Use Group 6B, or #uses# listed in Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A, or 12B, subject to the underlying zoning district regulations. The remaining percentage, not to exceed 20 percent of such #building's floor area#, or the portion of the #building's floor area# exceeding the basic maximum #floor area ratio# set forth in Row A of Table I of Section 81-62, whichever is less, may be allocated to residential or hotel #uses#, as listed in Use Groups 2 and 5 respectively. However, where hotel #uses# occupied floor space in a #building# on a #qualifying site# prior to the demolition of such #building#, and such #use# existed on (date of adoption), the aggregate amount of #floor area# used by such hotel #uses# may exceed such 20 percent maximum, up to the amount of #floor area# previously used by such hotel #use#. The #use# regulations of this paragraph (e) may only be modified where permitted by the City Planning Commission, in accordance with the provisions of Section 81-626 (Special permit for use modifications); and

(g) such proposed #building# complies with the performance standards set forth in Section 81-623 (Special building performance requirements for all qualifying sites)

Receiving lot

For the purposes of Section 81-60, inclusive, a "receiving lot" shall mean a #zoning lot# to which development rights of a "granting lot" are transferred. Such "receiving lot" may receive a transfer of development rights pursuant to Sections 81-622 (Transfer of development rights from landmarks to qualifying sites), 81-625 (Special permit for superior developments) or 81-633 (Transfer of development rights from landmarks), and subsequent Sections 81-634 (Transfer of development rights from landmarks by certification in the Grand Central Subarea)

or 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea), 81-636 (Transfer of development rights from landmarks by authorization in the Northern Subarea) and 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

81-612

Applicability of regulations

All #developments# in the East Midtown Subdistrict on #qualifying sites# shall utilize the #floor area# provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or where applicable, the #floor area# provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area). No foundation permit for a #building# on a #qualifying site# shall be issued by the Department of Buildings prior to July 1, 2017. In the Northern Subarea, provisions allowing the transfer of development rights from #landmark buildings or other structures# to #receiving lots# as set forth in Section 81-622 (Transfer of development rights from landmarks to qualifying sites) and Section 81-625 (Special permit for superior developments), shall not be effective until January 1, 2019.

All #developments# and #enlargements# on #zoning lots# other than #qualifying sites# shall utilize the #floor area# provisions of Section 81-63 (Special Floor Area Provisions for All Other Sites) or where applicable, the #floor area# provisions of Section 81-64. However, no foundation permit for a #building# utilizing the #floor area# provisions of Section 81-64 shall be issued by the Department of Buildings prior to July 1, 2017.

#Zoning lots# existing on (date of adoption) with more than 50 percent of their #lot area# within the boundaries of the East Midtown Subdistrict shall be deemed to be entirely within the Subdistrict. In addition, #zoning lots# with #landmark buildings or other structures# in the Special Midtown District with less than 50 percent of their #lot area# within the boundaries, or which #abut# the East Midtown Subdistrict boundary, may be considered as part of the Subdistrict, and the associated Subarea therein, for the purposes of transferring development rights pursuant to the applicable provisions of Sections 81-62 or 81-63. For #zoning lots# divided by zoning district, or Subarea boundaries, the applicable provisions of Article 7, Chapter 7 shall apply.

81-613

Provisions for existing buildings

Existing #buildings#, including existing #non-complying buildings# with #non-complying floor area#, may remain on a #qualifying site developed# pursuant to the provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or any other #zoning lot developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area), provided that any such #buildings# to remain are not located within the minimum site geometry required in paragraphs (a) and (b) of the definition of #qualifying site#, or paragraph (a)(2) of Section 81-64, as applicable. Any #non-complying floor area# on the #zoning lot# generated from the provision of a #publicly accessible open area# may only be

retained if such #publicly accessible open area# is retained on the #qualifying site# without diminution, pursuant to provisions of Section 81-231 (Existing plazas or other public amenities).

Where a #non-complying building or other structure# is damaged or destroyed, and the extent of damage or destruction constitutes less than 75 percent of such #building's# total #floor area#, the provisions of Section 54-41 (Permitted Reconstructions) shall apply. For #buildings or other structures# where the extent of damage or destruction constitutes 75 percent or more of the total #floor area#, the provisions of Section 54-41 shall apply, except that where such #non-complying building# was a #commercial building# with #non-complying floor area# constructed prior to December 15, 1961, such #non-complying building# may be reconstructed to the extent of its prior #non-compliance# pursuant to the provisions of Section 81-64.

81-614

Location of uses in mixed buildings

For #mixed buildings developed# on #qualifying sites#, or #buildings developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area), the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above #residential uses#, provided that no access exists between such #uses# at any level above the ground floor:

open or enclosed observation decks;

open or enclosed publicly-accessible spaces;

eating or drinking establishments, as listed in Use Groups 6C, 10A and 12A;

bowling alleys, as listed in Use Group 8A and 12A;

theaters, as listed in Use Group 8A;

commercial art galleries, as listed in Use Group 8B;

gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis, as listed in Use Group 9A;

wedding chapels and banquet halls, as listed in Use Group 9A;

enclosed skating rinks, as listed in Use Group 12A; and

swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#.

The #use# regulations of this Section may only be modified where permitted by the City Planning Commission, in accordance with the provisions of Section 81-626 (Special permit for use modifications).

81-615

Conversion in buildings on certain sites

Where the #Contribution Rate# for #residential uses# exceeds that for #non-residential uses#, no #conversion# of #non-residential floor area# to #residential floor area# within a #building# on a #qualifying site developed# pursuant to the provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or any other #zoning lot developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area), shall be permitted unless additional contributions to the #East Midtown District Improvement Fund# are made, in accordance with the provisions of Section 81-621 (District improvement bonus for qualifying sites). For the purposes of determining the contribution amount pursuant to paragraph (b) of such Section, the amount of #floor area# being #converted# to #residential use# shall be multiplied by the difference between the #East Midtown District Improvement Fund

Contribution Rate# for #residential uses# and the #Contribution Rate# for #non-residential uses# in effect at the time of application. No #conversion# shall result in a percentage of #residential floor area# within such #building# in excess of that permitted pursuant to paragraph (e) of the definition of #qualifying site# in Section 81-611 (Definitions) or Section 81-626 (Special Permit for use modifications), as applicable.

81-62

Special Floor Area Provisions for Qualifying Sites

The #floor area# provisions of Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings), and 81-24 (Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses) shall not apply to #qualifying sites# in the East Midtown Subdistrict. In lieu thereof, the provisions of this Section shall apply.

Table I of this Section shall apply only to #qualifying sites#. The basic maximum #floor area ratio# for #qualifying sites# shall be as specified in Row A. Such #floor area ratio#, shall be increased, up to the amount specified in Row B, only pursuant to Section 81-621 (District improvement bonus for qualifying sites). For #qualifying sites# that have maximized such increased #floor area# permitted in Row B, additional #floor area# shall be permitted, up to the amount specified in Row C, through further contributions pursuant to Section 81-621, or through the transfer of development rights pursuant to Section 81-622 (Transfer of development rights from landmarks to qualifying sites). For #qualifying sites# that have achieved the #floor area ratio# specified in Row D, such #floor area ratio# may be further increased up to the amount specified in Row E pursuant to Section 81-625 (Special permit for superior developments).

#Zoning lots# with #landmark buildings or other structures# may transfer development rights pursuant to Section 81-622 or 81-625, as applicable, only to the Subarea of the East Midtown Subdistrict within which such #landmark building or other structure# is located, or, where applicable, to the Subarea which it #abuts#.

TABLE I

MAXIMUM FLOOR AREA ALLOWANCES FOR QUALIFYING SITES IN THE EAST MIDTOWN SUBDISTRICT

Row	Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#	Grand Central Subarea				Northern Subarea			Any other Areas	
		Grand Central Subarea Core	Non-Core		Along Park Ave, north of Grand Central Terminal	Northern Subarea Core	Non-Core			
		C5-3	C5-2.5 C6-4.5	C5-3 C6-6	C5-3	C5-3	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6
A	Basic Maximum FAR	15	12	15	15	15	12	15	12	15
B	Additional FAR through District Improvement Bonus (DIB) (Section 81-621)	3	3	3	3	3	1.2	1.5	2.4	3
C	Additional FAR for further contributions to DIB (Section 81-	6	6.6	3.6	3.6	3.6	1.2	1.5	-	-

	621) or transfer of development rights from landmark buildings (Sections 81-622)									
D	Total as-of-right FAR	24	21.6	21.6	21.6	21.6	14.4	18	14.4	18
E	Additional FAR through special permit (Section 81-625)	6	NA	NA	2.4	2.4	-	-	-	-
F	Maximum FAR permitted for #qualifying Sites#	30	21.6	21.6	24	24	14.4	18	14.4	18

81-621

District improvement bonus for qualifying sites

The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# for a #qualifying site# to be increased up to the maximum amount specified in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), as applicable, provided that the requirements for applications in paragraph (a) of this Section have been completed, and that, thereafter, a contribution has been deposited in the #East Midtown District Improvement Fund#, in the amount set forth in paragraph (b) of this Section, or a contribution in-kind has been made in accordance with the provisions of paragraph (c) of this Section. All #floor area# certified pursuant to this Section shall be utilized within site geometry of the #qualifying site# as it existed at the time of application. Upon approval, legal instruments

and notices of restrictions shall be executed by the applicant in accordance with the provisions of paragraph (d) of this Section.

(a) Requirements for applications

The following requirements for applications shall be completed and submitted, as applicable, prior to, or as part of an application:

- (1) an affidavit shall be submitted to the Chairperson attesting that, at the time of #development#, no #buildings# will remain within the minimum site geometry described in paragraphs (a) and (b) of the definition of #qualifying site# set forth in Section 81-611 (Definitions);
- (2) a site plan demonstrating compliance with the minimum site geometry described in paragraphs (a) and (b) of the definition of #qualifying site# set forth in Section 81-611 and zoning calculations for the proposed #development# on the #qualifying site# shall be submitted to the Chairperson;
- (3) for #qualifying sites# replacing the amount of #floor area# allocated to a hotel #use# pursuant to paragraph (e) of the definition of #qualifying site# set forth in Section 81-611, the permitted amount of hotel #floor area# shall be that amount shown on either the previous #building's# construction documents submitted for approval to the Department of Building's at the time of such #building's# construction, #enlargement# or subsequent alteration, as applicable; or on an as-built drawing set completed by a licensed architect prior to such #building's# demolition; and
- (4) for #qualifying sites# meeting the criteria of paragraph (a) of the definition of #adjacent lot# with regard to such #zoning lot's# adjacency to Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship between the proposed #development# on such #qualifying site# and Grand Central Terminal has been submitted to the Chairperson.

(b) Contribution to the #East Midtown District Improvement Fund#

Monies shall be contributed to the #East Midtown District Improvement Fund# at the #East Midtown District Improvement Fund Contribution Rate#, except that such contribution amount for #non-complying floor area# reconstructed pursuant to the provisions of Section 81-64 (Special Provisions Regarding Non-Complying Floor Area) shall be 50 percent of the #East Midtown District Contribution Rate#.

(c) Contribution in-kind

District improvements may be made directly by the applicant, provided that:

- (1) the applicant has entered into an agreement, in a form satisfactory to the #East Midtown District Improvement Fund Committee#, with regard to:
 - (i) the selection of a district improvement project by the applicant which has been identified as a priority project by the #Committee# pursuant to 81-681 (The East Midtown District Improvement Fund Committee);
 - (ii) the design of such district improvement project to a standard acceptable to the #Committee#. To arrive at such a determination, the #Committee# shall consult with applicable agencies, as necessary; and
 - (iii) a detailed schedule for the construction of such district improvement project;
- (2) the #Committee#, with the assistance of relevant agencies, as necessary, has determined that the reasonable anticipated cost of such priority improvement project, is equivalent to the monetary contribution the #development# would be required to make if utilizing the provisions of paragraph (b) of this Section; and
- (3) any #development# on a #qualifying site# utilizing bonused #floor area# pursuant to this paragraph shall not receive a temporary certificate of occupancy from the Department of Buildings for such bonused portion of the #building# until the Chairperson has certified that the improvements are substantially complete and usable by the public.

(d) Legal instruments and notice of restrictions

Upon certification, legal instruments shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments and the payment of such non-refundable contribution or approval of such contribution in-kind shall be a precondition to the filing for or issuing of any foundation permit by the Department of Buildings allowing a #development# on a #qualifying site#.

Notice of the restrictions upon further #development# or #enlargement# on the #qualifying site# shall be filed by the owners in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the City Planning Commission, in a form acceptable to the Commission.

The notice of restrictions shall specify the amount of bonus #floor area# certified pursuant to this Section, and the total amount of #floor area# utilized on the #qualifying site#.

81-622

Transfer of development rights from landmarks to qualifying sites

Within the Grand Central or Northern Subareas, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, the Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# to a #qualifying site# proposed for #development#, provided that the requirements for applications in paragraph (a) of this Section have been completed, the conditions set forth in paragraph (b) of this Section, have been met, and the transfer instruments required pursuant to paragraph (c) of this Section have been executed.

(a) Requirements for applications

An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and #receiving lot#. The following requirements for applications shall be completed and submitted, as applicable, prior to, or as part of an application:

- (1) prior to, or concurrently with the application, the applicant shall comply with the certification provisions of Section 81-621 (District improvement bonus for qualifying sites), including the contribution to district improvements required pursuant to paragraphs (b) or (c) of such Section, as applicable. The proposed #development# shall utilize the #floor area# bonus of such Section to the full extent set forth in Row B in Table I of Section 81-62;
- (2) site plans and zoning calculations for the #granting lot# and #receiving lot# shall be submitted to the Chairperson;
- (3) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#; and
- (4) a report from the Landmarks Preservation Commission shall be submitted to the Chairperson concerning the continuing maintenance program of the #landmark building or other structure#;

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to this Section.

(a) Conditions and limitations

The transfer of development rights, shall be subject to the following conditions and limitations:

- (1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the basic maximum #floor area# set forth in Row A in Table I of Section 81-62, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to Section 81-621;
- (2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the applicable amount set forth in Table I of Section 81-62; and

- (3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

(b) Transfer instruments and notice of restrictions

The owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson a copy of a transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Chairperson of the City Planning Commission, in a form acceptable to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

81-623

Special building performance requirements for all qualifying sites

In order to ensure that #developments# on #qualifying sites# are designed to achieve a level of energy performance that substantially exceeds code requirements while remaining reasonably achievable for high-rise commercial construction based on contemporary best practices for such buildings, no building permit shall be issued for a #development# on a #qualifying site# unless such #building# has been designed to reduce energy cost by a minimum of 15 percent, as determined by the methodology prescribed in the 2011 New York City Energy Conservation Code (NYCECC). Compliance with this paragraph shall be demonstrated to the Department of Buildings at the time of issuance of the building permit. The Commission may, by rule, modify the minimum percentage set forth in this Section, as necessary, to ensure that the performance standard required by this Section is maintained, taking into account changes in the methodologies or standards of the New York City Energy Conservation Code.

81-624**Authorization for zoning lots with limited wide street block frontage**

In the East Midtown Subdistrict, the City Planning Commission may allow, by authorization, the utilization of the #floor area# provisions set forth in Section 81-62 (Special Floor Area Provisions for Qualifying Sites) for #zoning lots# which do not meet the #wide street block# frontage criteria established in paragraph (b) of the definition of #qualifying sites#, as set forth in Section 81-611 (Definitions), provided that the conditions of paragraph (a) and the findings of paragraph (b) of this Section are met. For the purpose of Section 81-60, inclusive, any #zoning lot# authorized pursuant to this Section shall be considered a #qualifying site#.

(a) Any application for such authorization shall contain information sufficient to allow the Commission to determine that the following conditions are met:

- (1) At the time of #development#, the #zoning lot# will have a #lot width# which extends across a minimum of 75 percent of the #wide street block# frontage, or for at least 150 feet of #wide street# frontage, whichever is less; and such #lot width# will extend continuously to a depth of 100 feet, as measured perpendicular to the #wide street line#;
- (2) Other than the #wide street block# frontage criteria established in paragraph (b) of the definition of #qualifying site#, as set forth in Section 81-611, the #zoning lot# shall comply with all other criteria established in such definition, including the minimum #lot area# required by paragraph (a) of such definition. At the time of #development#, no existing #buildings or other structures# shall remain within the modified minimum site geometry;
- (3) the #floor area ratio# of the proposed #building# does not exceed the amount set forth in Row D in Table I of Section 81-62, as applicable, and the #development# complies with the applicable certification provisions of Sections 81-621 (District improvement bonus for qualifying sites) and Section 81-622 (Transfer of development rights from landmarks to qualifying sites) prior to, or concurrently with such authorization application; and

(4) the proposed #building# complies with all the applicable height and setback regulations of the Special Midtown District.

(b) In order to grant such authorization, the Commission shall find that:

- (1) the #building# footprint, including the size and configuration thereof, will be sufficient to accommodate a substantial #non-residential# or #mixed building#;
- (2) the percentage of #block# frontage the proposed #building# occupies, and the proposed distribution of #bulk# for such #building# can accommodate the proportional amount of #floor area# being granted pursuant to this Section in a manner which ensures the surrounding #streets# and public spaces will have ample access to light and air;
- (3) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate movement between the #building# and adjoining public spaces;;
- (4) where applicable, due consideration has been demonstrated for the relationship between the proposed #building# and any existing #building# on the #wide street block# frontage, especially with regard to streetscape and the distribution of #bulk#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area

81-625

Special permit for superior developments

For #qualifying sites# in the areas designated on Map 5 (Applicability of special permit for superior developments) in Appendix A of this Chapter, in order to facilitate the #development# of exceptional #buildings# that substantially contribute to the East Midtown Subdistrict through urban design excellence and architectural distinctiveness, outstanding energy performance, the

provision of high-quality public space and streetscape amenities and significant enhancements to the pedestrian circulation network, the City Planning Commission may allow, by special permit, additional #floor area#, and in conjunction with such additional #floor area#, modifications to #street wall#, height and setback and mandatory district plan element regulations, as set forth in paragraph (a) of this Section. In order to grant such increases in #floor area# or modifications to #street wall#, height and setback, or mandatory district plan element regulations, applications shall comply with the conditions of paragraph (b), as applicable, the findings of paragraph (c), as applicable and requirements of paragraph (d) of this Section.

(a) The City Planning Commission may, by special permit, allow:

(1) Additional #floor area#, beyond the applicable #floor area ratio# permitted by Row D in Table I of Section 81-62 (Special Floor Area Provisions For Qualifying Sites) up to the applicable amount set forth in Row E in such Table; and

(2) In conjunction with such additional #floor area#:

(i) modifications to the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-65 (Special Street Wall Requirements), inclusive;

(ii) modifications to the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, and 81-66 (Special Height and Setback Requirements), inclusive;

(iii) modifications to the mandatory district plan element regulations of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-Street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility), 81-67 (Special Mandatory District Plan Element Requirements), inclusive, or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37- 51 (Amount of Pedestrian Circulation Space) or the curb cut and loading

berth provisions of Section 81-676 (Curb cut restrictions and loading berth requirements) shall be permitted; and

(iv) modification of the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements)

(b) Any application for such special permit shall contain information sufficient to allow the Commission to determine that the following conditions are met:

(1) The proposed #development# complies with the applicable certification provisions of Sections 81-621 (District improvement bonus for qualifying sites) and Section 81-622 (Transfer of development rights from landmarks to qualifying sites) prior to, or concurrently with such special permit application. Compliance with such certifications shall include demonstration that:

(i) all proposed #floor area# for such #development# up to, and in excess of, the amount permitted by Row D in Table I of Section 81-62, will be achieved through the applicable contribution to district improvements in accordance with the provisions of Section 81-621 or a transfer of development rights from landmarks in accordance with the provisions of Section 81-622; and

(ii) any district improvement contribution in-kind provided pursuant to paragraph (c) of Section 81-621 is for an improvement that is separate and distinct from the additional above and below-grade site improvements required pursuant to conditions (b)(2) and (b)(3) of this Section;

(2) the proposed #development# provides a major at-grade improvement to the above-grade pedestrian network, consisting of open or enclosed space or spaces, which are open to the public for public use and enjoyment. The improvement shall substantially increase the general accessibility of the network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous connections to Grand Central Terminal. A site plan shall be submitted of

sufficient scope and detail to enable the Commission to determine that such publicly-accessible space:

(i) to the greatest extent feasible, includes amenities required for #public plazas#, as set forth in Section 37-70 (PUBLIC PLAZAS), including but not limited to a variety of seating types, planting beds and trees, paving, lighting, litter receptacles, and public space signage. Such publicly accessible space shall apply the applicable minimum and maximum dimensional criteria for such amenities set forth in Section 37-70:

(ii) fronts upon a #street# or a pedestrian circulation space in close proximity to and full view of an adjoining sidewalk; and

(iii) to the greatest extent feasible, is wrapped by ground floor #uses# and transparent materials in accordance with the provisions of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses);

(3) where located within the Grand Central Subarea Core, the proposed #development# provides a major improvement to the below-grade pedestrian network. Such below-grade improvement shall be in addition to the at-grade open or enclosed space required pursuant to paragraph (2) of this Section, and shall increase the general accessibility of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not be limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the proposed #development# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

Schematic or concept plans of the proposed improvement to the below-grade pedestrian circulation network, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement shall be provided at the time of filing of the application and shall be a prerequisite to the

certification thereof. In addition, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall at the time of filing of the application each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement, and such letters shall be a prerequisite to the certification of the application;

(4) any proposed modifications to height and setback regulations within the proposed #development# are demonstrated through materials submitted to the Commission, including but not limited to:

(i) drawings, including but not limited to plan views and axonometric views, that illustrate how the proposed #building# will not comply with the provisions of Sections 81-26 or 81-27, or as such provisions are modified pursuant to Section 81-66;

(ii) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-66; and

(iii) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66;

(5) the proposed #development# exceeds the #building# performance standards set forth in Section 81-623 (Special building performance requirements for all qualifying sites). Information regarding the proposed #development's# energy performance shall be submitted to the Commission; and

(6) the applicant has submitted drawings sufficient to demonstrate to the Commission the building design of the proposed #development#, and to enable the Commission to evaluate such #building# in the context of adjacent #buildings# and the Manhattan skyline. Such drawings shall include, but shall not be limited to,

measured elevation drawings, axonometric views, and renderings showing such proposed #building# within the Manhattan skyline.

(c) To grant such special permit, the Commission shall find that:

(1) the public benefit derived from the proposed #development# merits the proportional amount of additional #floor area# being granted pursuant to this Section;

(2) the pedestrian circulation space provided by the #development#, including but not limited to the at-grade, open or enclosed public space required pursuant to condition (b)(2) of this Section shall:

(i) be a prominent space of generous proportions and quality design that is inviting to the public, provides considerable amounts of light and air for occupants, and is highly visible and accessible from the adjoining sidewalk. Such space shall contain elements to ensure its contribution to a lively streetscape and offer amenities for the comfort and convenience of the public, including, but not limited to, abundant greenery through a combination of planting beds and trees, and generous amounts of seating in a variety of different types. The applicant shall demonstrate particular

consideration for the choice, amount and quality of such proposed elements and amenities;

(ii) significantly contribute to the pedestrian circulation network by providing generous pedestrian accessibility through and around the site, and fluid connections to pedestrian circulation spaces in the immediate vicinity thereof; and

(iii) significantly contribute to the overall improvement of pedestrian circulation and reduction of congestion on surrounding #streets# within the Subdistrict through the provision of a vibrant streetscape, and a well-designed site plan, which demonstrates the strategic locations of pedestrian circulation space, #building# entrances, and, where applicable, the provision of more direct pedestrian access to Grand Central Terminal;

(2) any below-grade improvements required as part of the proposed #development# pursuant to condition (b)(3) of this Section shall:

(i) provide significant and generous connections to the below-grade pedestrian circulation network and surrounding #streets#. Where #street# level entryways from the proposed #development# into the below-grade pedestrian circulation network or subway stations or other rail transit facilities are provided, such entryways shall be well-integrated with the proposed at-grade improvements to the pedestrian network required by condition (2) of this Section;

(ii) where applicable, provide major improvements to public accessibility to and from subway stations and other rail transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing connections, including the provision of escalators or elevators; and

(iii) where applicable, provide significant improvements to the environment of subway stations and other rail transit facilities through the provision of direct daylight access, or through improvements to noise control, air quality, lighting or rider orientation;

(3) with regard to the #building bulk# of the proposed #development#:

(i) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces. Above the ground floor level, access to light and air to the surrounding #streets# and public spaces is ensured through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;

(ii) all components of the #building# are well-integrated and demonstrate a well-designed combination of articulation, choice of materials and amounts of

fenestration, which contribute to create a prominent and distinctive #building# which also complements the character of the surrounding area;

(iii) with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District's height and setback regulations, any modifications thereto will result in a compelling distribution of #bulk# on the #zoning lot#;

(4) the proposed #development# comprehensively integrates 'green' building systems into the #building# and site design, and exhibits innovations in 'green' building technology which will place the #development# at the forefront of sustainable building design; and

(5) all of the separate elements within the proposed #development#, including but not limited to, the proposed #building#, the proposed open or enclosed publicly accessible space, and any required below-grade improvements to the pedestrian circulation network, are well integrated and will result in a superior #development# that will present a significant contribution to the East Midtown area and its collection of world-renowned #buildings#.

(d) Agreements and Declaration of Restrictions

A written declaration of restrictions, in a form acceptable to the City Planning Commission, setting forth the obligations of owner or developer to construct, maintain and provide public access to a public improvement required under condition (b)(2) of this Section shall be recorded against such property in the Office of the Register of the City of

New York (County of New York). Such written declaration shall also stipulate that no building permit shall be granted by the Department of Buildings for any portion of a #building# on a #qualifying site# which has been granted additional #floor area# pursuant to the provisions of this Section until all contributions to district improvements required by paragraph (b)(1)(i) of this Section, as applicable, have been made by the owner or developer. Proof of recordation of the declaration of restrictions shall be submitted to the City Planning Commission, in a form acceptable to the Commission.

Prior to the grant of a special permit which includes an improvement required under condition (b)(3) of this Section, where applicable, to the extent required by the

Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement, the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA and any such other entities.

Except where the Commission allows for phased implementation of public improvements required under conditions (b)(2) and (b)(3) of this Section, no temporary certificate of occupancy for any #floor area# of the #development# on a #qualifying site# shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission, acting in consultation with the Metropolitan Transportation Authority, as appropriate, and the areas are usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development#, all improvements shall be 100 percent complete in accordance with the approved plans and, where applicable, such final completion shall have been certified by letter from the Metropolitan Transportation Authority, and any other entities that retain control and responsibility for the area of the proposed improvement.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may stipulate appropriate hours of access to at-grade publicly accessible spaces and below-grade improvements provided in accordance with the provisions of this Section.

81-626

Special Permit for Use Modifications

In the East Midtown Subdistrict, the City Planning Commission may allow, by special permit, modifications to the #use# criteria established in paragraph (e) of the definition of #qualifying site# in Section 81-611 (Definitions), to allow any #use# permitted by the underlying zoning district regulations on #qualifying sites# or #buildings developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-Complying Floor Area), provided that the conditions of paragraph (a) and the findings of paragraph (b) are met. In conjunction with such

modification to permitted #uses#, the Commission may permit modifications to the location of #use# provisions set forth in Section 81-614 (Location of uses in mixed buildings), as necessary.

(a) Any application for such special permit shall contain information sufficient to allow the Commission to determine that the following conditions are met:

(1) no more than 40 percent of the #building's floor area# shall be allocated to #residential use#; and

(2) the #East Midtown District Improvement Fund Contribution Rate# for all proposed #floor area# for such #development# in excess of the basic maximum #floor area# established in Row A in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) utilizing the provisions of Section 81-621 (District improvement bonus for qualifying sites) has been adjusted, as necessary, to account for any increase in #residential floor area#, in the manner described in such definition in Section 81-611.

(b) In order to grant such special permit, the Commission shall find that:

(1) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate movement between the #building# and adjoining public spaces;

(2) above the ground floor level, adequate access to light and air is provided for #residential# and hotel #uses#, as applicable, through a well-composed distribution of #bulk# which utilizes setbacks, recesses and other forms of articulation;

(3) the mix of #uses# in the proposed #building# will not undermine the achievement of the goals and purposes set forth for the East Midtown District and the #Special Midtown District#. In order to make such determination, the applicant shall demonstrate to the Commission that sufficient #development# sites exist within

the East Midtown Subdistrict to reasonably accommodate the Subdistrict's projected office demand; and

- (4) where the location of #use# provisions are being modified, sufficient separation of #residential uses# from #non-residential uses# exists within the #building#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area

81-63

Special Floor Area Provisions for All Other Sites

The provisions of this Section shall apply to all #zoning lots# that are not #qualifying sites# in the East Midtown Subdistrict. For such #zoning lots#, the #floor area# provisions of Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings), shall not apply. In lieu thereof, the provisions of this Section shall apply. The #residential floor area# provisions of Section 81-24 (Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses) shall apply.

Table II of this Section shall apply to all #zoning lots# that are not #qualifying sites#. The basic maximum #floor area ratio# for such #zoning lots# shall be as specified in Row A. Where such #zoning lot# is located outside the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, such #floor area ratio# may be increased up to the amount specified in Row B pursuant to Section 81-631 (Floor area bonus for public plazas). Where such #zoning lot# is eligible for a subway improvement, the basic maximum #floor area ratio# may be increased up to the amount specified in Row D, pursuant to Section 81-632 (Floor area bonus for subway station improvements). Where such #zoning lot# is an #adjacent lot# in relation to a #landmark or other structure#, the basic maximum #floor area ratio# may be increased up to the amount specified in Row G.1 pursuant to Section 74-79 (Transfer of Development Sites from Landmark Sites). Where such #zoning lot# is a #receiving lot# in the Grand Central Subarea, the basic maximum #floor area ratio# may be increased up to the amount specified in Row G.2 or G.3 pursuant to the applicable provisions of Sections 81-633 (Transfer of development rights from landmarks) and 81-634 (Transfer of development rights by certification in the Grand Central Subarea) or 81-635 (Transfer of development rights by special permit in the Grand Central Subarea). Where such #zoning lot# is a #receiving lot# in the

Northern Subarea, the basic maximum #floor area ratio# may be increased up to the amount specified in Row G.4 or G.5 pursuant to the applicable provisions of Sections 81-633 and 81-636

(Transfer of development rights by authorization in the North Subarea) or 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

Within the Grand Central or Northern Subarea, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-633, but not both. Any #development# using the provisions of Section 74-79 shall also be subject to the modifications set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites). Whenever there is an inconsistency between any provisions in Section 74-79 and Table II of this Section, the table in this Section shall apply.

#Zoning lots# with #landmark buildings or other structures# may transfer development rights pursuant to Section 81-633 and the applicable subsequent Section, only to the Subarea of the East Midtown Subdistrict within which such #landmark building or other structure# is located, or, where applicable, to the Subarea which it #abuts#..

TABLE II									
MAXIMUM FLOOR AREA ALLOWANCES FOR ALL OTHER SITES IN THE EAST MIDTOWN SUBDISTRICT									
Row	Means for achieving permitted FAR on a #zoning lot# for all other sites	Grand Subarea		Central		Northern Subarea		Any other Areas	
		Grand Central Subarea Core	Non-Core		Northern Subarea Core	Non-Core			
		C5-3	C5-2.5	C5-3	C6-4.5	C6-6	C5-3	C5-2.5	C5-3
A	Basic Maximum	15	12	15	15	12	15	12	15

	FAR								
B	Additional FAR for provision of a #public plaza# (Section 81-631)	-	-	-	1	1	1	1	1
C	Total as-of-right FAR	15	12	15	16	13	16	13	16
D	Additional FAR for subway station improvements through special permit (Section 81-632)	3	2.4	3	3	2.4	3	2.4	3
E	Maximum FAR of a #landmark or other structure# for transfer purposes (Sections 81-633, 81-634, 81-635, 81-636 and 81-637)	15	12	15	15	12	15	-	-
F	Maximum FAR of a #landmark or other structure# for transfer purposes (Section 74-79)	15	12	15	16	13	16	13	16
G	Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on:								

	1	an #adjacent lot# (Sections 74-79)	No limit	2.4	No limit	No limit	2.4	No limit	2.4	No limit
	2	a #receiving lot# in Grand Central Subarea through certification by Chairperson of the CPC (Section 81-634)	1	1	1	-	-	-	-	-
	3	a #receiving lot# in Grand Central Subarea through special permit (Section 81-635)	6.6	9.6	6.6	-	-	-	-	-
	4	a #receiving lot# in the Northern Subarea through authorization (Section 81-636)	-	-	-	3	2.4	3	-	-
	5	a #receiving lot# in the Northern Subarea through special permit (Section 81-637)	-	-	-	6.6	-	-	-	-
H		Maximum FAR permitted	No limit	21.6	No limit	No limit	14.4	No limit	14.4	No limit

81-631

Floor area bonus for public plazas

For all #zoning lots# that are not #qualifying sites# within the East Midtown Subdistrict, except within the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, the basic maximum #floor area ratio# permitted on such

#zoning lots# shall be increased, up to the amount specified in Row B of Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), where a #public plaza# is provided in accordance with the provisions of Section 81-23 (Floor Area Bonus for Public Plazas).

81-632

Floor area bonus for subway station improvements

For all #zoning lots# that are not #qualifying sites# within the East Midtown Subdistrict, the City Planning Commission may permit an increase in the amount of #floor area# permitted on such #zoning lots#, up to the amount specified in Row D in Table II of Section 81-63 (Special Floor Area Provisions for all other sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and

Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

81-633

Transfer of development rights from landmarks

In accordance with the provisions of Sections 81-634 through 81-637, the Chairperson of the City Planning Commission may certify, or the City Planning Commission may permit, or authorize, as applicable, the transfer of development rights from a #landmark building or other structure# to a #zoning lot#, as set forth in paragraph (a) of this Section, provided that the application requirements of paragraph (b), the conditions and limitations of paragraph (c) and the transfer instruments and notice of restrictions of paragraph (d) of this Section are met.

(a) Eligible transfers and permitted modifications

The following transfer of development rights shall be allowed on #zoning lots# other than #qualifying sites# within the East Midtown Subdistrict:

(1) In the Grand Central Subarea:

- (i) The Chairperson of the City Planning Commission shall, by certification, allow a transfer of development rights from a #granting lot# to a

#receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.2 in Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-634 (Transfer of development rights from landmarks by certification in the Grand Central Subarea);

(ii) The City Planning Commission may, by special permit, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.3 in Table II, as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea).

(2) In the Northern Subarea:

(i) The City Planning Commission may, by authorization, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.4 in Table II, as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-636 (Transfer of development rights from landmarks by authorization in the Northern Subarea); and

(iii) The City Planning Commission may, by special permit, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.5 in Table II, as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

(b) Application requirements

An application filed with the City Planning Commission, or the Chairperson thereof, as applicable, shall be made jointly by the owners of the #granting lot# and #receiving lot# and shall include:

- (1) a site plan and zoning calculations for the #granting lot# and #receiving lot#;
- (2) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#;
- (3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#, and for those #receiving lots# meeting the criteria of paragraph (a) of the definition of #adjacent lot# with regard to such #zoning lot's# adjacency Grand Central Terminal, a report concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal; and
- (4) any such other information as may be required by the Commission or Chairperson, as applicable.

(c) Conditions and limitations

Any transfer of development rights from a #granting lot# to a receiving lot# pursuant to this Section shall be subject to the following conditions and limitations:

- (1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable maximum #floor area# on such landmark #zoning lot# set forth in Row E in Table II of Section 81-63, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#;
- (2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights under this Section shall not exceed the applicable amount set forth in Row G.2 through G.5 in Table II of Section 81-63;

(3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

(d) Transfer instruments and notice of restrictions

The owners of the #granting lot# and the #receiving lot# shall submit to the Commission or the Chairperson, as applicable, a copy of a transfer instrument legally sufficient in both form and content to effect such a transfer. Notices of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Commission or the Chairperson, as applicable, in a form acceptable to the Commission or the Chairperson.

Both the instrument of transfer and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

81-634

Transfer of development rights from landmarks by certification in the Grand Central Subarea

Within the Grand Central Subarea, the Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(1)(i) of Section 81-633 (Transfer of development rights from landmarks), provided that the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633 are met.

In conjunction with such transfer of development rights, the Chairperson shall allow modifications to the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows:

For any #receiving lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations which allow a greater #floor area ratio# may be located on a portion of such #receiving lot# within a district which allows a lesser #floor area ratio#, provided that the amount of such #floor area#, #dwelling units# or #rooming units# to be located on the side of the district boundary permitting the lesser #floor area ratio# shall not exceed 20 percent of the basic maximum #floor area ratio# or number of #dwelling units# or #rooming units# of the district in which such #bulk# is to be located.

81-635

Transfer of development rights from landmarks by special permit in the Grand Central Subarea

Within the Grand Central Subarea, the City Planning Commission may allow, by special permit, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(1)(ii) of Section 81-633 (Transfer of development rights from landmarks), and, in conjunction with such transfer, the Commission may allow modifications to #bulk# and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633, the conditions of paragraph (b), the findings of paragraph (c), and the additional requirements of paragraph (d) of this Section are met.

(a) In conjunction with such transfer of development rights, the Commission may permit:

(1) modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-

22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;

(2) the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify the provisions of Sections 81-65 (Special Street Wall requirements), 81-66 (Special Height and Setback requirements), 81-67 (Special Mandatory District Plan Element Requirements), 81-625 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions; and

(3) notwithstanding the provisions of paragraph (a)(2)(ii) of this Section, for #developments# or #enlargements# on #zoning lots# with a #lot area# of more than 40,000 square feet that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations.

(b) As a condition for approval, the applicant shall demonstrate to the Commission that the design of the #development# or #enlargement# includes a major improvement of the surface and/or subsurface pedestrian circulation network in the portion of the Subdistrict. The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage. The Commission may require, where appropriate, the provision of similar public amenities for #developments# or #enlargements# in the Northern Subarea.

(c) In order to grant such special permit, the Commission shall find that the improvement to the surface and subsurface pedestrian circulation network provided by the #development#

or #enlargement# increases public accessibility to and from Grand Central Terminal, pursuant to the following:

- (1) that the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the portion of the Subdistrict and minimize congestion on surrounding #streets#, and that a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within such portion of the Subdistrict;
 - (2) that the modification of #bulk# regulations, regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the #receiving lot#, density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;
 - (3) that, for #enlargements# to existing #buildings#, the modifications of height and setback requirements and the requirements of Sections 81-65 (Special Street Wall requirements), 81-66 (Special Height and Setback requirements), 81-67 (Special Mandatory District Plan Element Requirements), 81-625 (Pedestrian circulation space requirements), are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and
 - (4) that, for #developments# or #enlargements# on #zoning lots# with a #lot area# of more than 40,000 square feet that occupy an entire #block#, modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed.
- (d) Any application filed with the Commission pursuant to this Section shall include a plan of the required pedestrian network improvement, as well as information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement to the surface and/or sub-surface of the pedestrian circulation network. The applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of

such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to Uniform Land Use Review Procedure (ULURP) certification of the special permit application, as required by Section 197-c of the New York City Charter, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

Prior to the grant of a special permit the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, as applicable, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond for completion of the improvement.

The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City Planning Commission.

Except where modified by the Commission to allow for phased implementation, no temporary certification of occupancy for any #floor area# of the #development# on a #qualifying site# shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission, acting in consultation with the Metropolitan Transportation Authority, as appropriate, and the areas are usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development#, all improvements shall be 100 percent complete in accordance with the approved plans and such final completion shall have been certified by letter from the Metropolitan Transportation Authority.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area

81-636**Transfer of development rights from landmarks by authorization in the Northern Subarea**

Within the Northern Subarea, the City Planning Commission may allow, by authorization, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(2)(i) of Section 81-633 (Transfer of development rights from landmarks), and, in conjunction with such transfer, the Commission may allow associated modifications to provisions regarding #zoning lots# divided by district boundaries, as forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633, the conditions of paragraph (b) and the findings of paragraph (c) of this Section are met.

- (a) In conjunction with such transfer of development rights, the Commission may authorize modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#.
- (b) As a condition for approval, the applicant shall demonstrate to the Commission that on (date of adoption), and at the time of application, the #receiving lot# did not meet the minimum site geometry established in paragraphs (a) and (b) of the definition of #qualifying site#.
- (c) In order to grant such authorization, the Commission shall find that the authorized transfer of #floor area will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#; and that the program for continuing maintenance will result in the preservation of the landmark.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

81-637**Transfer of development rights from landmarks by special permit in the Northern Subarea**

Within the Northern Subarea, the City Planning Commission may allow, by special permit, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(2)(ii) of Section 81-633 (Transfer of

development rights from landmarks), and, in conjunction with such transfer, the Commission may allow associated modifications to provisions regarding #zoning lots# divided by district boundaries, as forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633, the conditions of paragraph (b) and the findings of paragraph (c) of this Section are met.

(a) In conjunction with such transfer of development rights, the Commission may permit modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#.

(b) As a condition for approval, the applicant shall demonstrate to the Commission that on (date of adoption), and at the time of application, the #receiving lot# did not meet the minimum site geometry established in paragraphs (a) and (b) of the definition of #qualifying site#.

(c) In order to grant such special permit, the Commission shall find:

(1) that the permitted transfer of #floor area will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#;

(2) that the program for continuing maintenance will result in the preservation of the landmark; and

(3) the scale and placement of the #building# on the #zoning lot# is harmonious with the surrounding neighborhood character.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

81-64

Special Provisions for Retaining Non-complying Floor Area

In the East Midtown Subdistrict, a #non-complying commercial building# with #non-complying floor area# constructed prior to December 15, 1961 may be demolished and reconstructed to the extent of its prior #non-complying floor area# in accordance with the applicable district #bulk# regulations, upon certification of the Chairperson of the City Planning Commission to the Department of Buildings that:

(a) such reconstructed #building#:

(1) will comply with the #use# provisions of paragraph (e) of the definition of #qualifying site# set forth in Section 81-611 (Definitions), inclusive;

(2) will be located on a #zoning lot# that either is a #qualifying site#; or has frontage along a #wide street# and a #lot area# of at least 20,000 square feet;

(a) will have no existing #building# to remain within the minimum site geometry described within paragraph (a)(2) of this Section;

(b) will comply with the #building# performance requirements of Section 81-623 (Special building performance requirements for all qualifying sites); and

(c) shall utilize all #floor area# certified pursuant to this Section within the site geometry of the #zoning lot# as it existed at the time of application.

(b) contributions to the #East Midtown District Improvement Fund# are made for the amount of #floor area# in the reconstructed #building# equivalent to the #non-complying floor area# at 50 percent of the #East Midtown District Contribution Rate#. For this purpose, the amount of #non-complying floor area# exceeding the basic maximum #floor area ratio# set forth in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) or Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), as

applicable, shall be calculated on the basis of the #lot area# of the #development# site used to comply with paragraph (a)(2) of this Section.

Calculations of the amount of #non-complying floor area# in such existing #building#, and where applicable, the amount of #floor area# allocated to a hotel #use# to be replaced in such reconstructed #building# pursuant to paragraph (e) of the definition of #qualifying site# set forth Section 81-611, shall be shown on either the #building's# construction documents submitted for approval to the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or on an as-built drawing set completed by a licensed architect prior to such #building's# demolition.

Certification pursuant to the provisions of this Section shall be a precondition to the issuance of any demolition permit by the Department of Buildings on a #zoning lot# reconstructing #non-complying floor area#. No foundation permit for a #building# reconstructed pursuant to the provisions of this Section shall be issued by the Department of Buildings prior to July 1, 2017, and no certificate of occupancy for the reconstructed #building# shall be issued until the Department of Buildings determines such reconstructed #building# is compliant with the provisions of this Section.

Notice of the restrictions upon further #development# or #enlargement# on the #zoning lot# occupied by the #building# reconstructing #non-complying floor area# shall be filed by the owners in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the City Planning Commission, in a form acceptable to the Commission.

The notice of restrictions shall specify the total amount of #non-complying floor area# in the #non-complying building# demolished on the #zoning lot#, the amount of #floor area# from such #non-complying building# utilized in the reconstructed #building#, and the total amount of #floor area# utilized on such #zoning lot#.

81-65

Special Street Wall Requirements

The applicable #street wall# regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, and 81-43 (Street Wall Continuity Along Designated Streets)

shall be modified for #developments# and #enlargements# within the East Midtown Subdistrict in accordance with the provisions of this Section, inclusive.

81-651

Special street wall requirements along designated streets

#Buildings# that front upon designated #streets#, as shown on Map 2 (Retail and Street Wall Continuity) in Appendix A of this Chapter that are within the Grand Central Subarea and the Northern Subarea Core, as shown on Map 4 (East Midtown Subarea and Subarea Core), shall comply with the #street wall# requirements of this Section.

For #buildings# with frontage along designated #streets#, a #street wall# shall be provided for the entire length of a #zoning lot's# designated #street# frontage, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines fifteen feet from and parallel to such #street lines#. Where intersecting #streets# provide a sidewalk widening pursuant to Section 81-671, the #street wall# width shall be reduced to the extent of such widening. Furthermore, #street wall# lengths may be modified, to the minimum extent necessary, to accommodate required transit access that is open to the sky, pursuant to the provisions of Section 81-672 (Mass transit access). All #street walls# along designated #streets# shall be located in accordance with paragraphs (a) through (d) of this Section, as applicable, and shall extend to the minimum heights specified in such applicable paragraph.

Any #street wall# below the applicable minimum #street wall# height that is set back more than one foot from a #street line# or sidewalk widening line shall be considered a recess. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 81-675. Above the ground floor, the aggregate width of all recesses in the #street wall# shall not exceed 30 percent of the entire width of such #street wall# at any such level, and no recess shall be permitted within 30 feet of the intersection of two #street lines#. The maximum depth of any recess shall be ten feet if such recess is not open to the sky, and 15 feet if such recess is open to the sky. All recesses shall be at least twice as wide as they are deep.

The #street wall# provisions of this Section, inclusive, shall also apply to the portion of any #narrow street# frontage within 50 feet of the designated #street line#, and may apply on such #narrow street# frontage to a depth of 125 feet from such designated #street line#.

All heights shall be measured from #curb level#.

In addition, the following regulations shall apply:

(a) 42nd Street

The provisions of this paragraph shall apply to #buildings# fronting upon 42nd Street.

The #street wall# of all #buildings# fronting upon 42nd Street shall be located on the 42nd Street #street line#. For portions of #buildings# along 42nd Street and along #street# frontages within 125 feet of the #street line# of 42nd Street, the minimum height of such #street walls# without setback shall be 120 feet or the height of the #building#,

whichever is less, and the maximum height shall be 150 feet. However, such #street wall heights# shall be modified as set forth in paragraph (c) of this Section, where maximum #street wall# heights for #buildings# fronting on Vanderbilt Avenue or Depew Place are required to be maintained along 42nd Street.

(b) Madison and Lexington Avenues

The provisions of this paragraph shall apply to #buildings# fronting upon Madison or Lexington Avenues.

(1) Street wall location

Where the #building# has frontage along the entire Madison Avenue or Lexington Avenue #block# front, the #street wall# shall be located at the sidewalk widening required pursuant to Section 81-671 (Sidewalk widening). For all other #buildings# the #street wall# location shall match the location of an existing adjacent #building#, except that the #street wall# need not be located beyond ten feet of the Madison or Lexington Avenue #street line#.

(2) Street wall height requirements

(i) For portions of #buildings# along Madison or Lexington Avenues or along #narrow streets# within 125 feet of the Madison or Lexington Avenue #street line#, the minimum height of such #street walls# without setback shall be 120 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet.

(ii) For portions of #buildings# along #narrow streets# beyond 125 feet of the Madison or Lexington Avenue #street line#, the maximum height of the #street wall# shall be as follows:

a. where the height of the #street wall# of the adjacent #building# is less than 90 feet, the maximum height of such portion of the #street wall# shall be 90 feet;

b. where the height of the #street wall# of the adjacent #building# is between 90 and 120 feet, the maximum height of such portion of the #street wall# shall be 120 feet; and

c. where the height of the #street wall# of the adjacent #building# exceeds a height of 120 feet, the height of such portion of the #street wall# may match the height of such adjacent #building#, provided that the height of such #street wall# does not exceed a height of 150 feet.

(c) Vanderbilt Avenue and Depew Place

The provisions of this paragraph shall apply to #buildings# fronting upon Vanderbilt Avenue and Depew Place. For the purpose of this Section, Depew Place, between 42nd Street and 46th Street, as shown on Map 2 (Retail and Street Wall Continuity) in Appendix A of this Chapter, shall be considered a #street#. For the purpose of applying #street wall# height requirements, where two #street# levels exist, #curb level# shall be measured from the lower #street# level.

(1) Street wall location

For #buildings# fronting along Vanderbilt Avenue or Depew Place, the #street wall# shall be located on the Vanderbilt Avenue or Depew Place #street line#.

(2) Streetwall height requirements along Vanderbilt Avenue

For #buildings# fronting upon Vanderbilt Avenue, the minimum height of a #street walls# without setback shall be 90 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 100 feet. Where such frontages intersect 42nd Street, the #street wall# height along Vanderbilt shall be maintained along 42nd Street for a minimum depth of 15 feet. Above the maximum height permitted at the #street line#, every portion of a #building# shall be set back at least 15 feet from the #street line# of Vanderbilt Avenue.

(3) Street wall height requirements along Depew Place

For #buildings# fronting upon Depew Place, the minimum height of a #street wall# without setback shall be 90 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 100 feet. Where such frontages intersect 42nd Street, the #street wall# height along Depew Place shall be maintained along 42nd Street for a minimum depth of 60 feet. Above the

maximum height permitted at the #street line#, every portion of a #building# shall be set back at least 60 feet from the #street line# of Depew Place.

d. Park Avenue

The provisions of this paragraph shall apply to #buildings# fronting upon Park Avenue

(1) Street wall location requirements

Where a #building# has frontage along the entire Park Avenue #block# front, the #street wall# shall be located within ten feet of the Park Avenue #street line#. For all other #buildings# the #street wall# location shall match the location of an

existing adjacent #building#, except that the #street wall# need not be located beyond ten feet of the Park Avenue #street line#.

(2) Street wall height requirements

The minimum height of a #street wall# without setback shall be 120 feet or the height of the #building#, whichever is less, and the maximum height shall be 150 feet.

81-652

Special street wall requirements along narrow streets

#Buildings# that front upon #narrow streets# within the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, beyond any required #street wall# wrap-around distance from a designated #street# pursuant to the applicable regulations of Section 81-651 (Special street wall requirements along designated streets), shall comply with the requirements of this Section.

(a) Street wall width and location

A #street wall# shall be provided for at least 80 percent of the length of a #zoning lot's narrow street# frontage, exclusive of any required wrap-around distance from a designated street. Such #street wall# shall be located within ten feet of the #street line#. However, such requirements may be reduced, to the minimum extent necessary, to accommodate required transit access that is open to the sky, pursuant to the provisions of

Section 81-672 (Mass transit access), and pedestrian circulation space provided pursuant to Section 81-675 (Pedestrian circulation space requirements).

(b) Recesses

Recesses are permitted in accordance with the provisions for designated #streets#, as set forth in Section 81-651 (Special street wall requirements along designated streets).

(c) Street wall height requirements

The minimum height of #street walls# without setback shall be 60 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall be 90 feet above #curb level#. However, where an adjacent #building# existing prior to (date of adoption) has a #street wall# height that exceeds 90 feet, as measured from #curb level#, the #street wall# of the #development# or #enlargement# may match such existing #building's street wall# height, provided that no portion of such #developed# or #enlarged street wall# exceeds a height of 150 feet, as measured above #curb level#.

81-66

Special Height and Setback Requirements

#Buildings# in the East Midtown Subdistrict using the daylight compensation method of height and setback regulations shall utilize the provisions of Section 81-661 (For buildings using daylight compensation method in the Grand Central Subarea) or 81-662 (For buildings using daylight compensation method along Park Avenue), as applicable. #Buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central Subarea may utilize the provisions of either Section, but not both.

#Buildings# in the East Midtown Subdistrict using the daylight evaluation method of height and setback regulations shall utilize the provisions of Section 81-663 (For buildings using daylight evaluation method in the Grand Central Subarea) or 81-664 (For buildings using daylight evaluation method along Park Avenue), as applicable. #Buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central Subarea may utilize the provisions of either Section, but not both.

81-661

For buildings using daylight compensation method in the Grand Central Subarea

For #buildings# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-26 (Height and Setback Regulations-Daylight Compensation) shall apply to all #buildings# on a #zoning lot#, except that:

- (a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):

- (1) no #compensating recess# shall be required where #encroachments#, or portions thereof, are provided on the portion of the #building# below a height of 150 feet, as measured from #curb level#;
- (2) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not extend without diminution or dimension downward to the lowest level of #encroachment#, as set forth in paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of #encroachment# provided at such level. The provisions of paragraphs (c)(2) and (c)(3) of Section 81-264 shall apply to such #compensating recesses#; and
- (3) where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. The Vanderbilt Avenue portion of such modified #zoning lot# may be considered a #compensating recess# for encroachments along such #building's narrow street frontage zone#, provided that:
- (i) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (d) of Section 81-655 (Special street wall requirements along Vanderbilt Avenue and Depew Place); and
- (ii) the #street frontage zone# calculation along Madison Avenue shall not include Vanderbilt Avenue; and

(b) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-265 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in paragraph (c) shall be modified to 20 percent of the length of the #front lot line#.

81-662

For buildings using daylight compensation method along Park Avenue

For #buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central or Northern Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-26 (Height and Setback Regulations-Daylight Compensation) shall apply to all #buildings# on a #zoning lot#, except that the set back requirements of Table A, B, or C in paragraph (b) of Section 81-263 (Standard setback requirements) shall not apply to the Park Avenue frontage of such #building#. In lieu thereof, the Park Avenue wall of such #building# shall be set back behind the applicable #setback line# to the depth of the #setback line# required at that point, depending upon the height of the wall at that point, in accordance with the applicable requirements of Table D of this Section.

Table D

SETBACK REQUIREMENTS ON STREETS AT LEAST 140 WIDE

Depth of #Setback Line# from #Street Line# at Stated Heights above #Curb Level#.

Height	Depth of #Setback Line#	Height	Depth of #Setback Line#
210	0.00	470	29.75
220	1.00	480	30.50
230	2.50	490	31.50
240	4.25	500	32.00
250	5.50	510	33.00
260	7.00	520	33.50
270	8.75	530	34.50
280	10.00	540	35.00
290	11.25	550	35.50

300	12.75	560	36.00
310	14.25	570	37.00
320	15.25	580	37.50
330	16.25	590	38.00
340	17.50	600	38.50
350	18.75	610	39.00
360	19.75	620	39.75
370	21.00	630	40.25
380	21.75	640	41.00
390	23.00	650	41.50
400	23.75	660	41.75
410	25.00	670	42.25
420	25.75	680	43.00
430	26.75	690	43.50
440	27.50	700	43.75
450	28.50	710	44.25
460	29.25	Above 710	*

*For every 10 feet of height above 710 feet, the depth shall increase by one foot.

81-663

For buildings using daylight evaluation method in the Grand Central Subarea

For #buildings# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) shall apply to all #buildings# on a #zoning lot#, except that:

(a) For the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):

- (1) the computation of daylight evaluation shall not include any daylight blockage, profile daylight blockage or available daylight for that portion of the #street wall# of the #building# below 150 feet above #curb level#; and

(2) The computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to paragraph (c) of such Section, may apply along designated #streets# where #street wall# continuity is required; and

(b) For the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart), where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. Such modified #zoning lot# may be utilized to create a modified pedestrian view along Vanderbilt Avenue and intersecting #narrow streets# provided that:

(1) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (d) of Section 81-655 (Special street wall requirements along Vanderbilt Avenue and Depew Place);

(2) #vantage points# along Vanderbilt Avenue are taken 30 feet east of the easterly #street line# instead of the #center line of the street#; and

(3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#.

81-664

For buildings using daylight evaluation method along Park Avenue

For #buildings# on #qualifying site# with frontage along Park Avenue in the Grand Central or Northern Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-27 (Alternate

Height and Setback Regulations-Daylight Evaluation) shall apply to all #buildings# on a #zoning lot#, except that:

- (a) for the purposes of establishing #vantage points# along Park Avenue to construct a #daylight evaluation chart# pursuant to the provisions of Section 81-272 (Features of the Daylight Evaluation Chart), the definition of #centerline of the street#, as set forth in Section 81-271 (Definitions), shall be modified along Park Avenue to be a line 70 feet from, and parallel to, the Park Avenue #street line# of the #zoning lot#;
- (b) For the purposes of calculating the daylight evaluation score pursuant to paragraph (c) of Section 81-274 (Rules for determining the daylight evaluation score) the computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees may apply along designated #streets# where #street wall# continuity is required; and
- (c) the overall score calculated pursuant to paragraphs (h) of Section 81-274 shall include a reflectivity calculation, pursuant to Section 81-276 (Modification of score for reflectivity), irrespective of whether reflectivity is utilized to achieve the passing score.

81-67

Special Mandatory District Plan Element Requirements

In the East Midtown Subdistrict, the provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall apply, except as modified in this Section.

81-671

Sidewalk widenings

All sidewalk widenings provided pursuant to the provisions of this Section shall be improved as sidewalks to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. The design provisions set forth in paragraph (f) of Section 37-53 (Design Standards for Pedestrian Circulations Spaces) shall apply, except as modified in this Section. All sidewalk widenings provided in accordance with the provisions of this Section shall constitute pedestrian circulation space, as required pursuant to Section 81-45 (Pedestrian Circulation Space).

(a) Mandatory sidewalk widenings

(1) Along Madison and Lexington Avenues

Along Madison and Lexington Avenues, in the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, all #developments# and #enlargements# shall provide mandatory sidewalk widenings as follows:

- (i) where such #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage, sidewalk widening shall be provided to the extent necessary so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#.

However, no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#;

- (ii) where such #development# or #enlargement# is on a #zoning lot# which does not occupy the entire #block# frontage, a sidewalk widenings shall be provided where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#.

(2) Along #narrow streets# between 43rd and 47th Streets

Along #narrow streets# from 43rd to 47th Streets between Vanderbilt and Madison Avenues, in the Grand Central Subarea, as shown on Map 4, for #developments# and #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along either the #narrow street line#, sidewalk widenings shall be provided to the extent necessary so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#.

The Commissioner of the Department of Buildings may waive such sidewalk widening requirement where the Commissioner of the Department of Transportation certifies that a sidewalk widening on the portion of the sidewalk adjacent to a proposed #development# or #enlargement# is planned by the City of New York in conjunction with the improvement of Vanderbilt Avenue, and #narrow streets# immediately adjacent thereto.

(b) Permitted sidewalk widenings

Sidewalk widenings may be provided, pursuant to the applicable underlying regulations of Section 37-50 (Pedestrian Circulation Space):

(1) along #narrow streets# in the Grand Central Subarea, as shown on Map 4, for #developments# and #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along such side #street line#; and

(2) where a #street wall#, or portions thereof, is permitted to be located beyond the #street line# pursuant to the applicable provisions of Section 81-65 (Special Street Wall Requirements), inclusive.

(c) Permitted obstructions

In the Grand Central Subarea, as shown on Map 4, awnings and canopies shall be permitted obstructions within a sidewalk widening provided that no structural posts or supports are located within any portion of the sidewalk or such widening.

81-672

Mass transit access

#Developments# and #enlargements# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, involving ground level construction on a #zoning lot# where subway or rail mass transit access is currently provided; or on a #zoning lot# which physically adjoins a subway station or rail mass transit facility, including any mezzanines, platforms, concourses or connecting

passageways; or on a #zoning lot# in the Grand Central Subarea Core, as shown on Map 4, shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of this Section.

Prior to filing any applications with the Department of Buildings for an excavation permit or building permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority and the Chairperson of the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

Within 60 days after receipt of such application, the Metropolitan Transportation Authority and the Chairperson shall jointly certify whether or not an easement is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the Metropolitan Transportation Authority and the Commission indicate that such easement is required, the owner shall submit a site plan indicating the location and type of easement volume that would be most compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the Metropolitan Transportation Authority and the Commission. Copies of such certification shall be forwarded

by the City Planning Commission to the Department of Buildings.

If such easement is required on the #zoning lot#, an off-street subway or rail mass transit access improvement may be constructed and maintained by either the owner of the #development# or #enlargement#, or the Metropolitan Transportation Authority, as follows:

(a) where such mass transit access is constructed and maintained by the owner of the #development# or #enlargement#, every square foot of transit access may constitute three square feet of pedestrian circulation space required pursuant to Section 81-45 (Pedestrian Circulation Space), not to exceed 3,000 square feet, provided that:

(1) such mass transit access is improved to the standards set forth in Section 81-48 (Off-street Improvement of Access Rail Mass Transit Facility);

(2) where the #building's# lobby abuts such mass transit access, such mass transit access provides a direct connection to the #building's# lobby which is open during normal business hours; and

(3) such mass transit access provides directional #signs# in accordance with the provisions of Section 81-412 (Directions signs). Such #signs# shall be exempt from the maximum #surface area# of non-illuminated signs permitted by Section 32-642 (Non-illuminated signs);

(b) where such mass transit access is constructed and maintained by the Metropolitan Transportation Authority, such construction and maintenance shall exclude any #building# columns, footings or any other permitted obstructions associated with the #development# or #enlargement# located within the transit easement volume.

In either case, the floor space occupied by such easement for mass transit access shall not count as #floor area#.

81-673

Building lobby entrance requirements

In addition to the provisions of Section 81-47 (Major Building Entrances), #developments# and #enlargements# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, shall provide #building# lobby entrances in accordance with the provisions of this Section.

(a) Required lobby entrances

For #buildings developed# or #enlarged# on the ground floor after August 26, 1992, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby. #Buildings developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).

(b) Maximum lobby widths

For #building# entrances located on a #wide street# frontage, the maximum lobby width shall be 40 feet or 25 percent of the #building's street wall# width, whichever is less. However, the maximum width of a lobby along Vanderbilt Avenue shall be 60 feet.

(c) Through #block# provisions

Required #building# entrances on opposite #street# frontages may be connected directly to the #building# lobby by providing a through #block# connection in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.

81-674

Retail continuity provisions

In addition to the provisions of Section 81-42 (Retail Continuity along Designated Streets), #developments# and #enlargements# in Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, shall provide retail continuity in accordance with the provisions of this Section.

(a) Along designated #streets#

For #buildings# with frontage on designated #streets# other than Vanderbilt Avenue, where retail continuity is required, as shown in Map 2 (Retail and Street Wall Continuity) in Appendix A of this Chapter, ground floor level retail, personal service or amusement

#uses# required by Section 81-42 shall extend to a minimum depth of 30 feet, as measured perpendicular to the #street wall#.

(b) Along #narrow streets# of #qualifying sites#

For #buildings# on #qualifying sites#, a minimum of 50 percent of a #building's# ground floor level #street wall# frontage along a #narrow street# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district

regulations but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Such ground floor level retail, personal services or amusement #uses# shall extend to a minimum depth of 30 feet, as measured perpendicular to the #street wall#.

(c) Along Vanderbilt

For #developments# and #enlargements# of #buildings# with frontage upon Vanderbilt Avenue, within 60 feet of Vanderbilt Avenue, as measured perpendicular to a #building's# Vanderbilt Avenue #street wall#, the ground floor level or the portion of a #building's street wall# frontage below a height of 60 feet, whichever is less, shall be allocated exclusively to:

- (1) Retail #uses# listed in Use Groups 6A, 6C, and 10A, with access to each establishment provided directly from Vanderbilt Avenue;
- (2) transit access connections provided in accordance with the provisions of Section 81-672 (Mass transit access);
- (3) enclosed publicly-accessible spaces; or
- (4) #building# entrance lobbies, not to exceed the maximum #street wall# width set forth in paragraph (b) of Section 81-673 (Building lobby entrance requirements).

(d) Required transparency

(1) Along designated #streets# and #qualifying sites#

For portions of ground floor #commercial# and #community facility uses# provided pursuant to paragraphs (a) and (b) of this Section, at least 50 percent of the #street wall# surface of each required establishment shall be glazed with clear

untinted transparent material. For the purpose of this glazing requirement, the establishment's #street wall# surface shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is more.

(2) Along Vanderbilt

Any #building# fronting along Vanderbilt Avenue shall provide transparency as follows. At least 70 percent of the #street wall# surface, as measured from #curb level# to a height of 60 feet above #curb level#, shall be glazed with clear untinted transparent material.

81-675

Pedestrian circulation space requirements

All #developments# and #enlargements# within the East Midtown Subdistrict shall be subject to the provisions of Sections 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACES), and 81-45 (Pedestrian Circulation Space), except that:

- (a) no arcade shall be allowed on Madison and Lexington Avenues in the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, except where an existing arcade is located, a new arcade may be provided which connects to such existing arcade, provided that such new arcade complies with the provisions of paragraph (a) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces);
- (b) No #floor area# bonus shall be granted for the provision of a #public plaza# within the Grand Central Subarea; and
- (c) The minimum dimension of a #building# entrance recess area set forth in paragraph (b) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be measured from the #street wall# instead of the #street line# where a sidewalk widening is provided pursuant to Section 81-653 (Sidewalk widening); and
- (d) For all pedestrian circulation spaces in the Grand Central Subarea, lighting shall be provided as follows:
 - (1) Within sidewalk widenings, a minimum level of illumination of two horizontal foot candles shall be maintained between sunset and sunrise; and
 - (2) For all other pedestrian circulation spaces, a minimum level of illumination of five horizontal foot candles shall be maintained between sunset and sunrise.

81-676**Curb cut restrictions and loading berth requirements**

For #developments# or #enlargement# within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, in addition to the provisions of Sections 81-30 (OFF-STREET PARKING AND LOADING REGULATIONS), inclusive, and 81-44 (Curb Cut Restrictions), the following shall apply:

(a) Loading berth provisions

For #through lots#, the required loading berth shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

However, the Commissioner of Buildings may waive such head-in, head-out requirements, provided that:

(1) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are otherwise permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:

(i) a #building# existing on (date of adoption) containing #residences#;

(ii) a #non-residential building# existing on (date of adoption) that is three or more #stories# in height; or

(iii) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or

(2) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

(b) Curb cuts provisions

The maximum width of any curb cut (including splays) shall be 15 feet for one-way traffic and 25 feet for two-way traffic. Curb cuts shall not be permitted on 47th Street between Park and Madison Avenues or on 45th Street between Depew Place and Madison Avenue.

81-68

Supplemental Provisions

81-681

The East Midtown District Improvement Fund Committee

The #East Midtown District Improvement Fund Committee#, shall administer the #East Midtown District Improvement Fund#, and have the following powers and duties:

- (a) The #Committee# shall identify and prioritize physical above and below grade pedestrian network improvements, including publicly accessible open space, within the East Midtown Subdistrict, or in a location immediately adjacent thereto, which may be funded through contributions to the #Fund#. All such improvements shall meet the definition of a capital project under Section 210 of the New York City Charter. The priority of such improvements shall be determined through consideration of the following:
- (1) The benefit such physical improvements, including but not limited to subway stations, sidewalks and publicly accessible open spaces, provide to the East Midtown pedestrian network. Priority shall be given to improvements to the Grand Central – 42nd Street subway station, the Lexington Avenue / 53rd Street and 51st Street subway station, and to the pedestrian network in the immediate vicinity of Grand Central Terminal; and
 - (2) The ability of such improvement to address the potential for significant adverse impacts identified in the City Environmental Quality Review (CEQR) No. X in connection with the adoption of provisions of this Chapter establishing the East Midtown Subdistrict.

- (b) The #Committee# shall maintain and adjust, as necessary, a list of such priority district improvement projects within the East Midtown Subdistrict. Such list shall include, but not be limited to, the following information regarding each priority improvement:
- (1) The project sponsor or lead agency, as applicable;
 - (2) The purpose and need for such improvement;
 - (3) The projected timeline, milestones and costs associated with the implementation of such improvement. Such cost assessment shall include any other funding available for the improvement, and the sources of such funding;
 - (4) A description of project readiness with regard to previously conducted engineering or design and other critical path considerations; and
 - (5) The anticipated benefits of such improvement to the immediate area.
- (c) The #Committee# shall adopt procedures for approving and amending such priority district improvement list, as well as a procedure for public comment regarding the initial list and amendments thereto. Amendments to the order of the priorities may be made to reflect changes in project readiness, adjustments to supplemental funding streams and other changes in circumstances. Projects shall be removed from the list when construction is complete and such project is open to the public;
- (d) The #Committee# shall disburse funds from the #District Improvement Fund# for priority district improvement projects, as such funds become available. Improvement projects shall be funded consistent with their priority on the list, as originally approved or subsequently amended;
- (e) The #Committee# shall establish mechanisms for periodic reporting by fund recipients to ensure that , to the maximum extent feasible, projects are completed on time and within the approved budget;
- (f) The #Committee# shall monitor the effectiveness of implemented district improvements in collaboration with the sponsor or agencies involved with such improvement, as applicable.

All meetings of the #East Midtown District Improvement Fund Committee# shall be open to the public, and information regarding East Midtown district improvements, including the current priority list, shall be maintained on a website hosted by the #Committee#.

81-682

The East Midtown District Improvement Fund Contribution Rate

The #East Midtown District Improvement Fund Contribution Rate# shall be adjusted in accordance with the provisions of this Section.

The #Contribution Rate# shall be adjusted, by the Chairperson of the City Planning Commission, annually on August 1 of each calendar year, based on the percentage change in the twelve month average, from July to June of each calendar year, of the “Midtown Asking Rent”, published by the Office of Management and Budget (OMB). However, in no event shall the adjusted #contribution rate# be set below the initial rate established on (date of adoption). In the event that OMB ceases publication of the Midtown Asking Rent, the City Planning Commission may, by rule, select an alternative index of adjustment that the Commission determines reflects an appropriate rate of change in real estate values in the East Midtown area. The #Contribution Rate# shall be determined based upon the rate which is in effect at the time the contribution is received.

81-60

~~SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT~~

81-61

General Provisions

~~In order to preserve and protect the character of the Grand Central Subdistrict, as well as to expand and enhance the Subdistrict’s extensive pedestrian network, special regulations are set forth governing urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network.~~

~~The regulations of Sections 81-60 (SPECIAL REGULATIONS FOR THE GRAND-CENTRAL SUBDISTRICT) are applicable only in the Grand Central Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.~~

~~As stated in Section 81-212, transfer of development rights from landmark sites may be allowed pursuant to Section 81-63.~~

~~The provisions of Section 81-23 (Floor Area Bonus for Public Plazas) are inapplicable to any #zoning lot#, any portion of which is located within the Grand Central Subdistrict.~~

81-62

Special Bulk and Urban Design Requirements

~~In addition to the requirements set forth in Sections 81-25 (General Provisions Relating to Height and Setback of Buildings) and 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of this Section shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the Grand Central Subdistrict. For the purposes of this Section, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 81-25, 81-40 and 81-62 are in conflict, the regulations of this Section shall govern.~~

81-621

Special street wall requirements

~~The requirements of Section 81-43 (Street Wall Continuity Along Designated Streets) shall be applicable within the Subdistrict, except as modified in this Section.~~

~~#Buildings# with frontage on Park, Lexington, Madison and Vanderbilt Avenues, or Depew Place, shall have a #street wall# within 10 feet of the #street line# of such #streets#.~~

~~On 42nd Street, the #street wall# shall be at the #street line#. The width of the required #street wall# shall be at least 80 percent of the length of the #front lot line#. The minimum height of such #street walls# without any setback shall be 120 feet above #curb level# or the height of the~~

~~#building#, whichever is less, and the maximum height shall not exceed 150 feet above #curb level#. Where a #zoning lot# is bounded by the intersection of Park, Lexington, Madison and Vanderbilt Avenues, 42nd Street or Depew Place and any other #street#, these #street wall# height regulations shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.~~

~~Beyond 125 feet from the intersection, the maximum height of the #street wall# above #curb level# shall not exceed 120 feet. For such #building#, the provisions of Section 81-262 (Maximum height of front wall at the street line) shall not be applicable.~~

~~However, the ten foot setback requirement of Section 81-263, paragraph (a), shall apply only to those portions of the #building# above this height.~~

81-622

Special height and setback requirements

~~Within the Subdistrict, the provisions of Sections 81-26 (Height and Setback Regulations-Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations Daylight Evaluation) shall apply to all #buildings# on a #zoning lot#, except that:~~

- ~~(a) — where such #buildings# are governed by Section 81-26, no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below 150 feet above #curb level#; or~~
- ~~(b) — where such #buildings# are governed by Section 81-27, the computation of daylight evaluation shall not include any daylight blockage, daylight credit, profile daylight blockage or available daylight for that portion of the #building# below 150 feet above #curb level#. However, the passing score required pursuant to paragraph (i) of Section 81-274 shall apply.~~

81-623

Building lobby entrance requirements

~~For #buildings developed# or #enlarged# on the ground floor after August 26, 1992, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby. #Buildings developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).~~

~~Required #building# entrances on opposite #street# frontages shall be connected directly to the #building# lobby by providing a through #block# connection in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.~~

~~Each required #building# entrance shall include a #building# entrance recess area, as defined in paragraph (b) of Section 37-53, except that for #developments# or #enlargements# with frontage on Madison or Lexington Avenues or 42nd Street, the width of a #building# entrance recess area~~

~~shall not be greater than 40 feet parallel to the #street line# and there may be only one #building# entrance recess area on each such #street# frontage.~~

81-624

Curb cut restrictions and loading berth requirements

~~In addition to the provisions of Section 81-44 (Curb Cut Restrictions), for a #through lot#, the required loading berth shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.~~

~~The maximum width of any curb cut (including splays) shall be 15 feet for one-way traffic and 25 feet for two-way traffic. Curb cuts shall not be permitted on 47th Street between Park and Madison Avenues or on 45th Street between Depew Place and Madison Avenue.~~

81-625

Pedestrian circulation space requirements

~~Any #development# or #enlargement# within the Grand Central Subdistrict shall be subject to the provisions of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off Street Relocation or Renovation of a Subway Stair) and 81-48 (Off Street Improvement of Access to Rail Mass Transit Facility), except that:~~

- ~~(a) — no arcade shall be allowed within the Subdistrict; and~~
- ~~(b) — within the Subdistrict, a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front.~~

81-63

Transfer of Development Rights from Landmark Sites

For the purposes of the Grand Central Subdistrict:

~~A "landmark #building or other structure#" shall include any structure designated as a landmark pursuant to the New York City Charter, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, or any structures within historic districts, statues, monuments or bridges.~~

~~A "granting lot" shall mean a #zoning lot# which contains a landmark #building or other structure#. Such "granting lot" may transfer development rights pursuant to Sections 81-634 or 81-635 provided that 50 percent or more of the "granting lot" is within the boundaries of the Grand Central Subdistrict.~~

~~A "receiving lot" shall mean a #zoning lot# to which development rights of a "granting lot" are transferred. Such "receiving lot" may receive a transfer of development rights pursuant to Sections 81-634 or 81-635 provided that 50 percent or more of the "receiving lot" is within the boundaries of the Grand Central Subdistrict and provided that the~~

~~“receiving lot” occupies frontage on Madison or Lexington Avenues or 42nd Street, if such “receiving lot” is west of Madison Avenue or east of Lexington Avenue.~~

81-631

Requirements for application

~~In addition to the land use review application requirements, an application filed with the City Planning Commission for certification pursuant to Section 81-634 (Transfer of development rights by certification) or special permit pursuant to Section 81-635 (Transfer of development rights by special permit) shall be made jointly by the owners of the “granting lot” and “receiving lot” and shall include:~~

- ~~(a) — site plan and zoning calculations for the “granting lot” and “receiving lot”;~~
- ~~(b) — a program for the continuing maintenance of the landmark;~~
- ~~(c) — a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the landmark and, for those “receiving” sites in the immediate vicinity of the landmark, a report concerning the harmonious relationship of the #development# or #enlargement# to the landmark;~~
- ~~(d) — for #developments# or #enlargements# pursuant to Section 81-635, a plan of the required pedestrian network improvement; and~~
- ~~(e) — any such other information as may be required by the Commission.~~

~~A separate application shall be filed for each transfer of development rights to an independent “receiving lot” pursuant to Section 81-63 (Transfer of Development Rights from Landmark Sites).~~

81-632

Conditions and limitations

The transfer of development rights from a “granting lot” to a “receiving lot,” pursuant to Section 81-63, shall be subject to the following conditions and limitations:

- (a) ~~the maximum amount of #floor area# that may be transferred from a "granting lot" shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on such landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;~~
- (b) ~~for each “receiving lot,” the #floor area# allowed by the transfer of development rights under Section 81-63 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the “receiving lot,” as shown in Section 81-211; and~~
- (c) ~~each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the “granting lot” by the amount of #floor area# transferred. If the landmark designation is removed, the landmark #building# is destroyed or #enlarged#, or the “landmark lot” is redeveloped, the "granting lot" may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.~~

81-633

Transfer instruments and notice of restrictions

~~The owners of the “granting lot” and the “receiving lot” shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of~~

~~the “granting lot” and the “receiving lot” shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York), a certified copy of which shall be submitted to the City Planning Commission.~~

~~Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.~~

81-634

Transfer of development rights by certification

Within the Grand Central Subdistrict, the City Planning Commission may allow by certification:

- (a) ~~a transfer of development rights from a "granting lot" to a "receiving lot" in an amount not to exceed a #floor area ratio# of 1.0 above the basic maximum #floor area ratio# allowed by the applicable district regulations on the "receiving lot," provided that a program for the continuing maintenance of the landmark approved by the Landmarks Preservation Commission has been established; and~~
- (b) ~~in conjunction with such transfer of development rights, modification of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows:~~

~~For any "receiving lot," whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations which allow a greater #floor area ratio# may be located on a portion of such "receiving lot" within a district which allows a lesser #floor area ratio#, provided that the amount of such #floor area#, #dwelling units# or #rooming units# to be located on the side of the district boundary permitting the lesser #floor area ratio# shall not exceed 20 percent of the basic maximum #floor area ratio# or number of #dwelling units# or #rooming units# of the district in which such #bulk# is to be located.~~

81-635

Transfer of development rights by special permit

Within the portion of the Subdistrict bounded by East 41st Street, East 48th Street, Lexington and Madison Avenues (the Grand Central Subdistrict Core Area as shown on Map 1 in Appendix A), the City Planning Commission may permit:

- (a) ~~a transfer of development rights from a “granting lot” to a “receiving lot” provided that the resultant #floor area ratio# on the “receiving lot” does not exceed 21.6;~~
- (b) ~~modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;~~
- (c) ~~the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify the provisions of Sections 81-621 (Special street wall requirements), 81-622 (Special height and setback requirements), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions; and~~
- (d) ~~notwithstanding the provisions of paragraph (c) of this Section, for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations.~~

A special permit for the transfer of development rights to a “receiving lot” shall be subject to the following findings:

- (1) ~~that a program for the continuing maintenance of the landmark has been established;~~
- (2) ~~that the improvement to the surface and subsurface pedestrian circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal, pursuant to the following requirements:~~

- (i) ~~that the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the Subdistrict and minimize congestion on surrounding #streets#, and that a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the Subdistrict;~~
- (ii) ~~that the modification of #bulk# regulations, regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the "receiving lot," density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;~~
- (iii) ~~that, for #enlargements# to existing #buildings#, the modifications of height and setback requirements and the requirements of Section 81-62 are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and~~
- (iv) ~~that, for #developments# or #enlargements# on #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

~~As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the surface and/or subsurface pedestrian circulation network in the Subdistrict (as shown on Map 4 in Appendix A~~

~~of this Chapter). The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.~~

~~The special permit application to the Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement. As part of the special permit application, the applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to ULURP certification of the special permit application, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.~~

~~Prior to the grant of a special permit, the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond for completion of the improvement.~~

~~The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City Planning Commission.~~

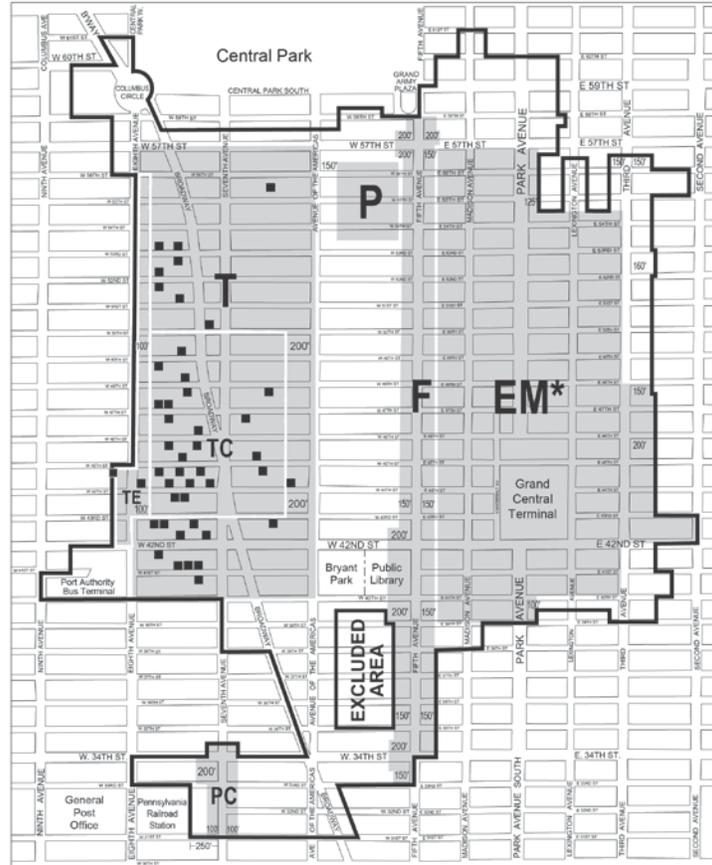
~~No temporary certification of occupancy for any #floor area# of the #development# or #enlargement# on a "receiving lot" shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of~~

~~the City Planning Commission and the area is usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development# or #enlargement#, all improvements shall be 100 percent complete in accordance with the approved plans and such completion shall have been certified by letter from the Metropolitan Transportation Authority.~~

Appendix A

Midtown District Plan Maps

Map 1: Special Midtown District and Subdistricts
[REPLACE EXISTING MAP]



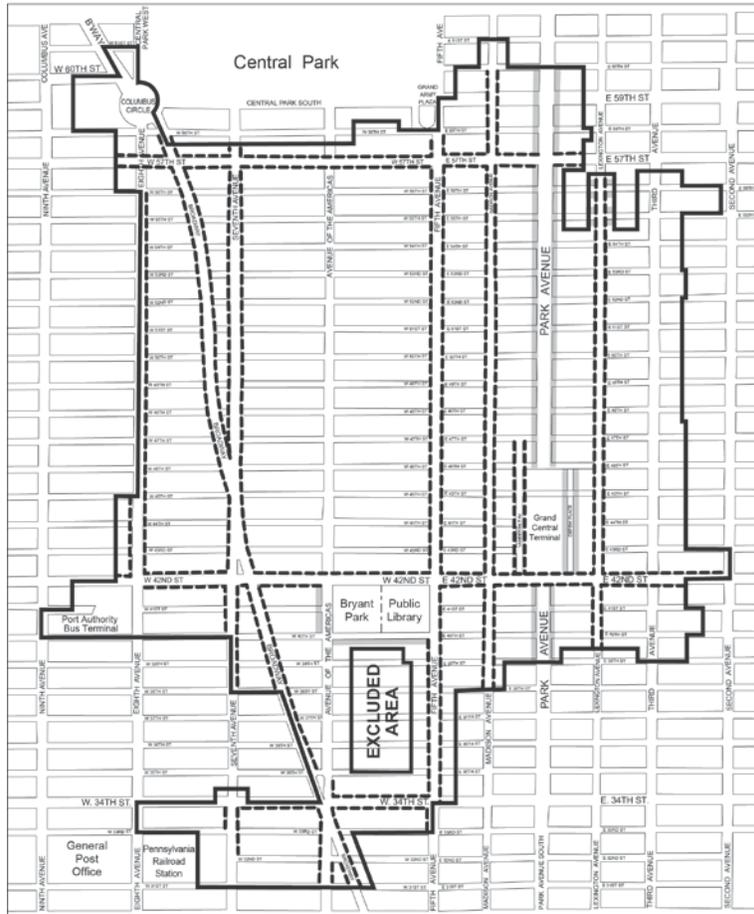
MIDTOWN DISTRICT PLAN
 MAP 1 - Special Midtown District and Subdistricts

- F** Fifth Avenue Subdistrict
- EM** East Midtown Subdistrict
- PC** Penn Center Subdistrict
- P** Preservation Subdistrict
- T** Theater Subdistrict
- TC** Theater Subdistrict Core
- TE** Theater Subdistrict Eighth Avenue Corridor
- Listed Theaters
- Special Midtown District

* East Midtown Subareas and the Grand Central Core are shown on Map 4



Map 2: Retail and Street Wall Continuity
 [REPLACE EXISTING MAP]

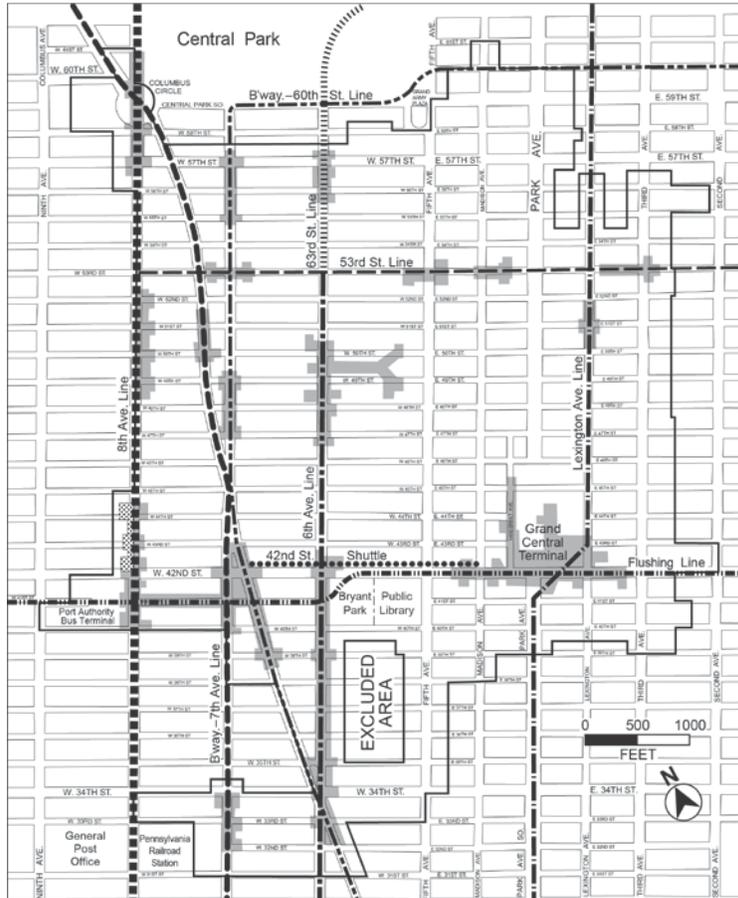


MIDTOWN DISTRICT PLAN
MAP 2 - Retail and Street Wall Continuity

- Retail and Street Wall Continuity required
- Only Street Wall Continuity required
- Special Midtown District



Map 3: Subway Station and Rail Mass Transit Facility Improvement Areas
 [REPLACE EXISTING MAP]

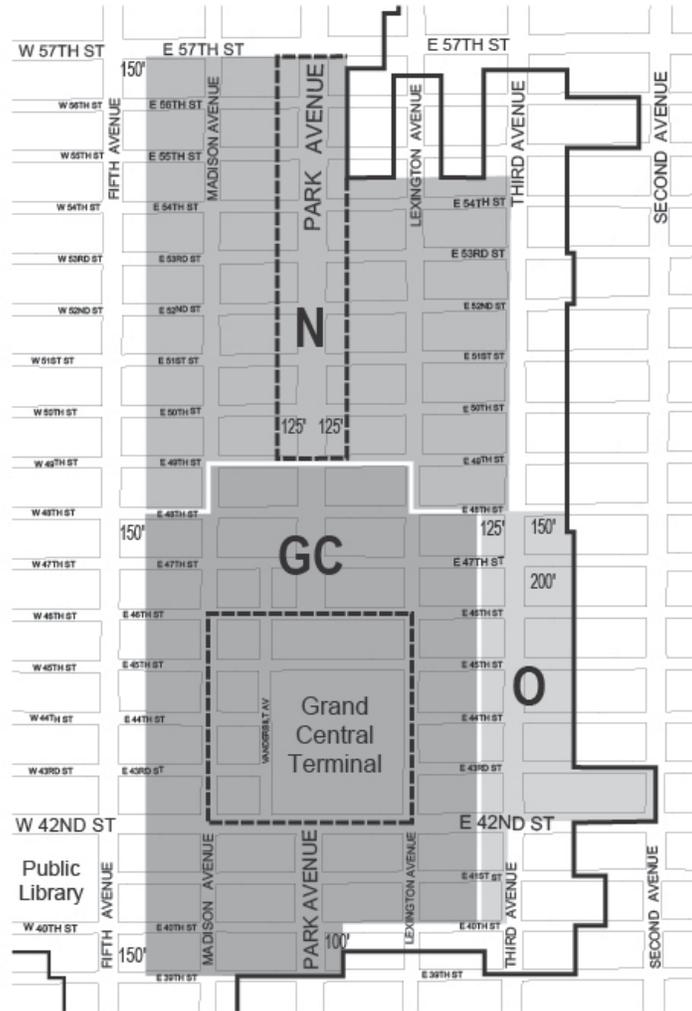


MIDTOWN DISTRICT PLAN

MAP 3 - Subway Station and Rail Mass Transit Facility Improvement Areas

- | | |
|---|----------------------------|
| — Special Midtown District | --- Broadway-60th St. Line |
| ■ Improvement Area | --- 6th Ave. Line |
| ▨ Improvement Area (Subway station improvement bonus pursuant to Section 81-292 not applicable) | --- Lexington Ave. Line |
| ■ 8th Ave. Line | --- 63rd St. Line |
| --- Broadway-7th Ave. Line | --- 53rd St. Line |
| | ●●●●● 42nd St. Shuttle |
| | --- Flushing Line |

Map 4: East Midtown Subareas and Subarea Core Network of Pedestrian Circulation
 [DELETE EXISTING MAP, REPLACE WITH THIS]



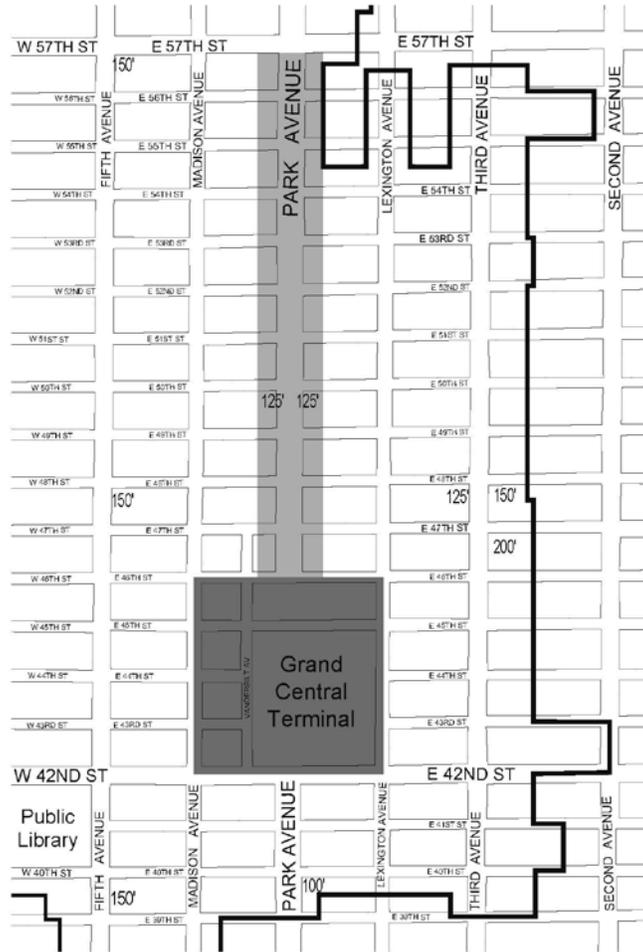
MIDTOWN DISTRICT PLAN
 MAP 4 - East Midtown Subareas and Subarea Cores

GC Grand Central Subarea	GC Grand Central Subarea Core
N Northern Subarea	N Northern Subarea Core
O Other Areas	— Special Midtown District



Map 5: Applicability of special permit for superior developments

[NEW MAP]



MIDTOWN DISTRICT PLAN

MAP 5 - Applicability of special permit for superior developments

-  Up to 30.0 FAR permitted for #qualifying sites#, pursuant to Section 81-624
-  Up to 24.0 FAR permitted for #qualifying sites#, pursuant to Section 81-624



Resolution for adoption scheduling August 7, 2013 for a public hearing.

