

Appendix A
Zoning Text Amendment

PROPOSED
VANDERBILT CORRIDOR
TEXT AMENDMENT

October 14, 2014

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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* * *

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81-00
GENERAL PURPOSES

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

* * *

- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to protect and strengthen the economic vitality and competitiveness of the Grand Central Subdistrict by facilitating the development of exceptional and sustainable buildings within the Vanderbilt Corridor and enabling improvements to the pedestrian and mass transit circulation network;
- ~~(o)~~ to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- ~~(p)~~ to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- ~~(q)~~ to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- ~~(r)~~ to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

* * *

**81-03
District Plan**

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

The District Plan ~~partly consists of~~ includes the following four 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	<u>Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict</u> Network of Pedestrian Circulation.

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

* * *

**81-20
BULK REGULATIONS**

**81-21
Floor Area Ratio Regulations**

* * *

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

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

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

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)						
	Outside the Grand Central Subdistrict					Grand Central Subdistrict	
	C6-4	C6-5	C5-2.5 C6-4.5	C6-7T	C5-3 C6-6	C5-2.5	C5-3 C6-6
	C5P	M1-6	C6-6.5		C6-7		
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}	---	1.0 ²	---	---
C.	Maximum Total FAR with As-of-Right Incentives						
	8.0	11.0 ^{1,2,8}	13.0 ^{1,3}	14.0	16.0	12.0	15.0
D.	Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvement (Section 74-634)						
	---	2.0 ^{1,7}	2.4 ¹	---	3.0	2.4	3.0
E.	Maximum Total FAR with District-wide and As-of-Right Incentives						
	8.0	12.0	14.4	14.0	18.0	14.4	18.0
F.	Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)						
	---	2.0	---	---	3.0	---	---
G.	Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:						
	---	12.0	---	---	18.0	---	---
H.	Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:						
	Development rights (FAR) of a "granting site" (Section 81-744)						
	---	10.0	12.0	14.0	15.0	---	---
	Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))						
	---	2.0	2.4	2.8	3.0	---	---

	Inclusionary Housing (Sections 23-90 and 81-22)						
	---	2.0 ⁴	---	---	---	---	---
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 Limit	No Limit		
	1.6	2.0	2.4			2.4	No Limit
(b)	a "receiving lot" (Section 81-634)						
	---	---	---	---	---	1.0	1.0
(c)	a "receiving lot" (Section 81-635)						
	---	---	---	---	---	9.6	6.6

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

--- --- --- --- --- --- 15.0

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

--- --- --- --- --- --- 15.0

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

9.6 14.4 14.4 No Limit No Limit 21.6 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, and limited to 30.0 FAR on a #zoning lot# located within the Vanderbilt Corridor, pursuant to Sections 81-635 or 81-64 in the Grand Central Subdistrict
 - 7 Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
 - 8 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities)

* * *

81-213

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

* * *

81-214

Special provisions within the Vanderbilt Corridor in the Grand Central Subdistrict

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 4 (Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict) of Appendix A of this Chapter, additional #floor area# may be permitted by the City Planning Commission pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus), or any combination thereof, up to the maximum permitted #floor area# set forth in Row N or Row O of the Table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), respectively. In no event shall the total #floor area ratio# of the #zoning lot# resulting from such proposed #development# or #enlargement# exceed 30.0.

* * *

81-254

Special permit for height and setback modifications

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

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

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

Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus).

* * *

81-60 SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT

81-61 General Provisions

In order to preserve and protect the character of the Grand Central Subdistrict, as well as to expand and enhance the Subdistrict's extensive pedestrian and mass transit circulation network, and to facilitate the development of exceptional and sustainable buildings within the Vanderbilt Corridor, special regulations are set forth in Section 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT), inclusive, governing urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the ~~surface and subsurface pedestrian circulation~~ and mass transit circulation network.

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

As ~~stated~~ set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites), transfer of development rights from landmark sites may be allowed pursuant to Section 81-63 (Transfer of Development Rights from Landmark Sites).

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

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

* * *

81-611 Special Use Provisions

Within the Vanderbilt Corridor, as shown in Map 4 (Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict) in Appendix A of this Chapter, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission, pursuant to Section 81-65 (Special permit for transient hotels).

* * *

81-625

Pedestrian circulation space requirements

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

- (a) no arcade shall be allowed within the Subdistrict; ~~and~~
- (b) within the Subdistrict, a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and
- (c) within the Subdistrict, for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 4 (Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict) of Appendix A of this Chapter, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Grand Central Public Realm Improvement Bonus) may be applied toward the pedestrian circulation space requirement.

81-626

Retail continuity requirements

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 4 (Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict) of Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 2 (Retail and Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64

(Special Permit for Grand Central Public Realm Improvement Bonus) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity along Designated Streets).

81-63

Transfer of Development Rights from Landmark Sites

* * *

81-635

Transfer of development rights by special permit

Within the portion of the Subdistrict bounded by East 41st Street, East 48th Street, Lexington and Madison Avenues (the Grand Central Subdistrict Core Area as shown on Map 1 in Appendix A), the City Planning Commission may permit the transfer of development rights from a “granting lot” to a “receiving lot”, and, in conjunction with such transfer, the Commission may permit modifications to #bulk# regulations, mandatory plan elements, and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that the Commission determines that the #development# or #enlargement# complies with the conditions of paragraph (b), the findings of paragraph (c), and the additional requirements of paragraph (d) of this Section.

(a) The Commission may permit:

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

- (i) for #zoning lots# located within the Vanderbilt Corridor, as shown in Map 4 (Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict) in Appendix A of this Chapter, the resultant #floor area ratio# on the “receiving lot” does not exceed 30.0; and
- (ii) for #zoning lots# outside the Vanderbilt Corridor, the resultant #floor area ratio# on the “receiving lot” does not exceed 21.6;

~~(b)~~(2) modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted

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

~~(e)(3) the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify the provisions of Sections 81-621 (Special street wall requirements), 81-622 (Special height and setback requirements), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions; and~~

~~(d)(4) notwithstanding the provisions of paragraph (e) of this Section, for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations; and~~

(5) for #zoning lots# located within the Vanderbilt Corridor, as shown on Map 4, modifications to:

(i) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-621 (Special street wall requirements), inclusive;

(ii) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, or 81-622 (Special height and setback requirements); or

(iii) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-Street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading requirements), 81-625 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of

pedestrian circulation space set forth in Section 37- 51 (Amount of Pedestrian Circulation Space) shall be permitted.

(b) Conditions

[INSERT CONDITIONS FROM BELOW]

(c) Findings

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

- (1) ~~that~~ a program for the continuing maintenance of the landmark has been established;
- (2) for any proposed improvement required pursuant to this Section:
 - (i) ~~that~~ the improvement to the above or below-grade surface and subsurface pedestrian or mass transit circulation network provided by the ~~#development#~~ or ~~#enlargement#~~ increases public accessibility to and from Grand Central Terminal, ~~pursuant to the following requirements:~~
 - (ii) ~~that~~ the streetscape, the site design and the location of ~~#building#~~ entrances contribute to the overall improvement of pedestrian circulation within the Subdistrict and minimize congestion on surrounding ~~#streets#;~~ and
 - (iii) ~~that~~ a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the Subdistrict;
- (3) for #developments# or #enlargements# with a proposed #floor area ratio# in excess of 21.6 on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 4, the #building# has met the ground floor level, #building# design and sustainable design measures set forth in the applicable conditions and findings of Section 81-641 (Additional floor area for the provision of public realm improvements):
- (4) where the modification of #bulk# regulations is proposed:

~~(i)(ii)~~ ~~that the~~ any proposed modification of ~~#bulk# regulations,~~ regulations governing ~~#zoning lots#~~ divided by district boundaries or the permitted transfer of ~~#floor area#~~ will not unduly increase the ~~#bulk#~~ of any ~~#development#~~ or ~~#enlargement#~~ on the “receiving lot,” density of population or intensity of ~~#use#~~ on any ~~#block#~~ to the detriment of the occupants of ~~#buildings#~~ on the ~~#block#~~ or the surrounding area;

~~(ii)(iii)~~ ~~that,~~ for ~~#enlargements#~~ to existing ~~#buildings#~~, ~~the~~ any proposed modifications of height and setback requirements and the requirements of Section 81-62 are necessary because of the inherent constraints or conditions of the existing ~~#building#~~, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed ~~#enlargement#~~ which accommodates the transfer of development rights due to the conditions imposed by the existing ~~#building#~~ or configuration of the site; and

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

(5) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 4, any proposed modifications meet the applicable application requirements and findings set forth in Section 81-642 (Permitted modifications in conjunction with additional floor area).

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

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

For #developments# or #enlargements# on #zoning lots# located outside of the Vanderbilt Corridor, the following shall apply: As a condition for granting a special permit pursuant to this Section, the design of the ~~#development#~~ or ~~#enlargement#~~ shall include a major improvement of the above or below-grade, surface and/or subsurface pedestrian or mass transit circulation

network in the Subdistrict (~~as shown on Map 4 in Appendix A of this Chapter~~). 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.

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, the City Planning Commission may, in its discretion, require that, where appropriate, the design of the #development# or #enlargement# include provisions for public amenities including, but not limited to, publicly accessible open spaces, and subsurface pedestrian passageways leading to subway or rail mass transit facilities.

(d) Additional requirements

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

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

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

No temporary certification of occupancy for any #floor area# of the #development# or #enlargement# on a "receiving lot" shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission and the area is usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development# or #enlargement#, all improvements shall be 100 percent complete in accordance with the approved plans and such completion shall have been certified by letter from the Metropolitan Transportation Authority.

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

81-64

Special Permit for Grand Central Public Realm Improvement Bonus

In order to facilitate the development of exceptional and sustainable #buildings# within the Vanderbilt Corridor as well as improvements to the pedestrian and mass transit circulation network in the vicinity of Grand Central Terminal, for #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown in Map 4 (Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict) in Appendix A of this Chapter, the City Planning Commission may permit:

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

81-641

Additional floor area for the provision of public realm improvements

For #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown in Map 4 (Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict) in Appendix A of this Chapter, the City Planning Commission may allow by special permit #floor area# in excess of the basic maximum #floor area ratio# established in Row A of the Table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), up to the maximum #floor area# set forth in Row O of such Table, in accordance with the provisions of this Section.

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

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

(a) Conditions and application Requirements

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

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

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

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

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

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

- (ii) Where a #development# or #enlargement# proposes the inclusion of below-grade public realm improvements to generate additional #floor area#, such improvements shall consist of on-site or off-site enhancements to the below-grade pedestrian and mass transit circulation network. Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include improvements such as: on-site or off-site widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network; additional vertical circulation; reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities; or providing direct daylight access, retail #uses#, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways.

Applications shall contain site plans and other materials of sufficient scope and detail to enable the Commission to: evaluate the benefits to the City; determine the appropriate amount of bonus #floor area# to grant; and determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

Where the Metropolitan Transportation Authority (MTA) or any other City or State agency has control of the area of a proposed improvement, the applicant

shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with control of the area of the proposed improvement shall provide a letter to the Commission containing a conceptual approval of the improvement which may include a statement of any considerations regarding the construction and operation of the improvement.

(2) Ground floor level

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

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

- (i) where a #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue, to the extent necessary, so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;
- (ii) where a #development# or #enlargement# is on a #zoning lot# which does not occupy the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#; or
- (iii) where a #development# or #enlargement# with frontage on a #narrow street# between East 43rd Street and East 47th Street is on a #zoning lot# with a #lot width# of 100 feet or more, as measured along the #narrow street line#, a sidewalk widening shall be provided along such #narrow

street#, to the extent necessary, so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

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

(3) #Building# design

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

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

(4) Sustainable design measures

In order to foster the development of sustainable #buildings# in the Grand Central Subdistrict, any #development# or #enlargement# proposed under the provisions

of this Section shall include sustainable design measures, including but not limited to improvements to the #building's# energy performance; enhanced water efficiency; utilization of sustainable or locally sourced materials; and attention to indoor environmental air quality.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine whether the applicable findings in paragraph (b) of this Section have been met. In addition, any application shall include materials demonstrating the #building's# sustainable design measures, including its anticipated energy performance, and the degree to which the such #building's# performance exceeds either the 2011 New York City Energy Conservation Code (NYCECC) or the Building Performance Rating method of the applicable version and edition of American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., Standard 90.1 (ASHRAE 90.1), as referenced within the NYCECC.

(b) Findings

The Commission shall find that:

- (1) for above-grade improvements to the pedestrian circulation network that are located:
 - (i) on-site, the proposed improvements will, to the extent practicable: consist of a prominent space of generous proportions and quality design that is inviting to the public; provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of an adjoining sidewalk; provide or be surrounded by active ground floor retail #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or
 - (ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable, will create: street and sidewalk design that support smooth circulation with comfortable places for walking and resting; opportunities for planting and improvements to pedestrian safety; and a better overall user experience of the above-grade pedestrian circulation network that supports the Grand Central Subdistrict as a high-density business district. Where the area of such improvement is to be established

into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;

- (2) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements will provide:
 - (i) significant and generous connections from the above-grade pedestrian circulation network and surrounding #streets# to the below-grade pedestrian circulation network;
 - (ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing connections; or
 - (iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable.
- (3) the design of the ground floor level of the #building#:
 - (i) contributes to a lively streetscape through a combination of retail #uses# that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces. Such design shall demonstrate consideration for the location of pedestrian circulation space, #building# entrances, and the types of #uses# fronting upon the #street# or adjoining public spaces;
 - (ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous connections to Grand Central Terminal; and
 - (iii) will be well-integrated with on-site, above or below-grade improvements required by this Section, where applicable and practicable;
- (4) the design of the proposed #building#:

- (i) ensures light and air to the surrounding #streets# and public spaces through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;
 - (ii) demonstrates an integrated and well-designed façade, taking into account factors such as #street wall# articulation, choice of materials and amounts of fenestration, which create a prominent and distinctive #building# which complements the character of the surrounding area, especially Grand Central Terminal; and
 - (iii) involves a program that includes an intensity and mix of #uses# that are harmonious with the type of #uses# in the surrounding area;
- (5) the proposed #development# or #enlargement# comprehensively integrates sustainable measures into the #building# and site design that:
 - (i) are in keeping with best practices in sustainable design; and
 - (ii) will substantially reduce energy usage for the #building#, as compared to comparable #buildings#; and
- (6) in addition to the foregoing:
 - (i) the increase in #floor area# being proposed in the #development# or #enlargement# will not unduly increase the #bulk#, density of population, or intensity of #uses# to the detriment of the surrounding area;
 - (ii) the public benefit derived from the proposed above or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional #floor area# being granted to the proposed #development# or #enlargement# pursuant to this special permit; and
 - (iii) all of the separate elements within the proposed #development# or #enlargement#, including above or below-grade improvements, the ground floor level, #building# design, and sustainable design measures, are well-integrated and will advance the applicable goals of the #Special Midtown District# described in Section 81-00 (GENERAL PURPOSES).

(c) Additional Requirements

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

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

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

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

#floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph (c).

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

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

81-642

Permitted modifications in conjunction with additional floor area

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

(a) The Commission may modify:

- (1) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-621 (Special street wall requirements), inclusive;
- (2) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, or 81-622 (Special height and setback requirements); or
- (3) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-Street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility), 81-623 (Building lobby entrance requirements), 81-624

(Curb cut restrictions and loading requirements), 81-625 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37- 51 (Amount of Pedestrian Circulation Space) shall be permitted.

(b) Application requirements

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

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

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the mandatory district plan elements will result in a better site plan for the proposed #development# or #enlargement# which is harmonious with the

mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and

- (2) to the #street wall# or height and setback regulations will result in an improved distribution of #bulk# on the #zoning lot# which is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations).

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

81-65

Special permit for transient hotels

Within the Vanderbilt Corridor, as shown in Map 4 (Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict) in Appendix A of this Chapter, the City Planning Commission may permit the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Use Group 5, or may permit the #conversion# or change of #use# within an existing #building# to a #transient hotel#, provided the Commission finds that the proposed #transient hotel# will:

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

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

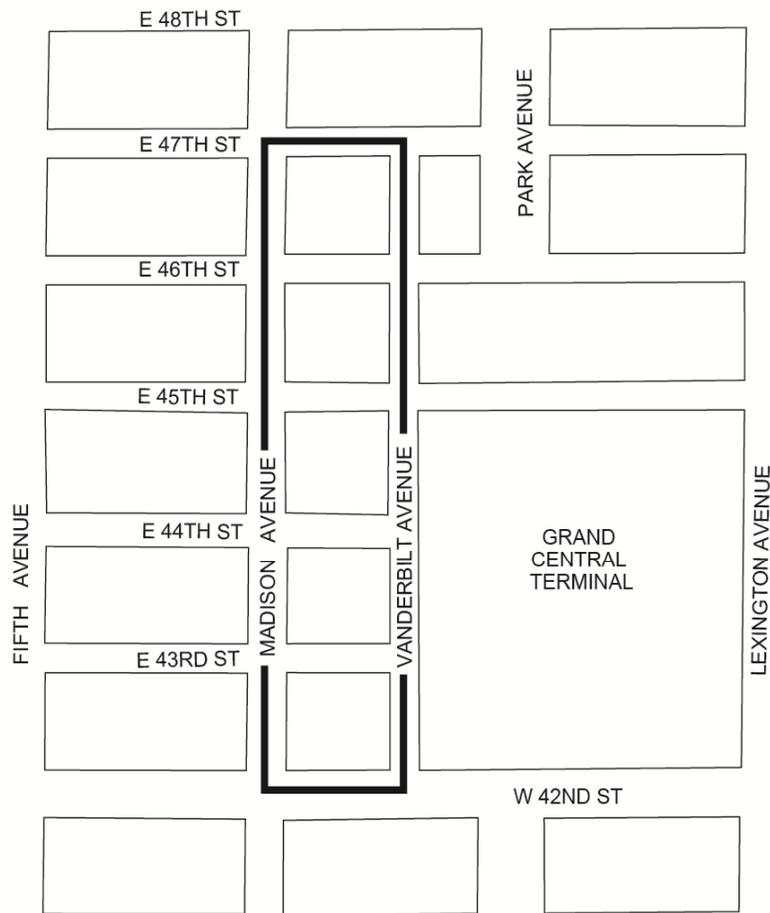
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Appendix A
Midtown District Plan Maps

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Map 4: Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict
Network of Pedestrian Circulation

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MIDTOWN DISTRICT PLAN

MAP 4 - Special Provisions within the Vanderbilt Corridor in the Grand Central Subdistrict

————— Boundary of special provisions pertaining to the Vanderbilt Corridor