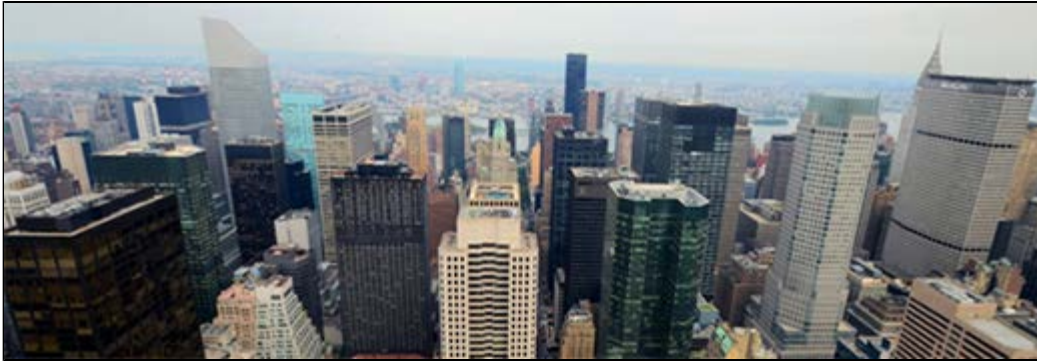


## East Midtown Rezoning Overview



Skyline of East Midtown

### Overview

The Department of City Planning is proposing a rezoning of East Midtown, a 73-block area surrounding Grand Central Terminal. The purpose of the rezoning is to ensure the area's future as a world-class business district and major job generator for New York City. The plan provides zoning incentives to promote the development of a handful of new, state-of-the-art commercial buildings over coming decades so that East Midtown's office stock remains attractive to a broad range of businesses, including major corporate tenants. Development under the rezoning is expected to expand the City's tax base, add thousands of permanent jobs in East Midtown and fund improvements to the subway and pedestrian network in the area. The East Midtown plan is also the first initiative to require a higher standard for energy efficiency, ensuring that new office towers in East Midtown utilizing the zoning incentives will be at the leading edge of energy efficiency.

There has been little Class A office stock constructed in the past two decades in East Midtown, threatening the district's long-term preeminence. The East Midtown plan encourages development of a select number of new commercial buildings to ensure that the area continues to serve a diverse range of businesses. In recognition that the future of Midtown also depends on the quality of its public realm, the rezoning will require that in exchange for additional density, developers contribute to a District Improvement Fund that will fund significant improvements to the area's transit and pedestrian network. These public realm improvements will make East Midtown greener, enhance the pedestrian experience and improve the subway transportation network in and around Grand Central Terminal. Over time, based on projected development, this dedicated fund would provide more than a half billion dollars for improvements and amenities.

The rezoning covers the area 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 area includes Grand Central Terminal at its core with Park Avenue as its central spine, and is served by the Lexington Avenue subway and cross-town subway lines on 42nd and 53rd Streets.

Although East Midtown historically has been one of the most sought after office markets in the New York region, the average age of its office buildings is more than 70 years old. Much of East Midtown's office building stock has low floor-to-ceiling heights and numerous interior columns that fail to meet the needs of corporate tenants. Without new office buildings that meet modern standards, the area's competitiveness as a premier business district will be compromised.

Current zoning has proven to be an impediment to reinvestment in East Midtown. In the past decade, only two office buildings, both of which are mid-sized, have been developed under existing zoning. In addition, many buildings that predate the existing zoning are built with more floor area than currently allowed, creating a deterrent for redevelopment of these older office buildings. As these older buildings become less desirable for office tenants, they become more economically attractive for conversion from office to residential or hotel use, which erodes the commercial core.

In addition, there are a series of pedestrian network challenges in the area, including narrow sidewalks and a lack of open space. Absent intervention, East Midtown would become less desirable as a business district, and the huge public investment in its transit and regional transportation infrastructure, including East Side Access and the Second Avenue Subway, would fail to realize its full potential to generate jobs and tax revenues for the City.

The plan establishes a new East Midtown Subdistrict as part of the Midtown Special District and replaces special permit requirements with an "earned as-of-right" zoning framework that provides both for a more efficient and predictable process for commercial development as well as an incentive for public realm improvements.

This proposal is a targeted plan. Development at increased FARs would only be permitted on "Qualifying Sites" of a minimum size. Within the Subdistrict, these Qualifying Sites are defined as sites with the full frontage along most avenue blockfronts or 200 feet of frontage along 42nd Street, as well as a minimum site size of 25,000 square feet. New commercial buildings on Qualifying Sites could exceed the base 15 FAR in exchange for contributions of \$250 per square foot to a proposed District Improvement Fund.

The fund would be dedicated to critical transit and pedestrian improvements throughout the area such as additional, relocated or reconstructed stair, ramp and escalator connections within the Grand Central subway station as well as a full range of at-grade public realm improvements which would be prioritized with input from area stakeholders.

The proposed rezoning would also streamline the process for landmark transfers in the area surrounding Grand Central Terminal, known as the Grand Central Subarea. In this area, only after contributing into the District Improvement Fund for 3 FAR, developers of Qualifying Sites could purchase additional floor area from Grand Central subarea landmark buildings through an expedited process without special permit review.

The proposed East Midtown rezoning is expected to spur new development that would replace approximately 10 million square feet of aging commercial space, and add approximately 4.5 million square feet of commercial space. This new modern office space will ensure the area's continuing role as a premier business district and economic engine. Given that the plan will primarily replace outdated buildings, the City estimates the area's overall building stock of nearly 90 million square feet would only increase by approximately five percent over the next 20 years.

The rezoning initiative is the result of two years of detailed analysis by City Planning, as well as extensive and active consultation with stakeholders. Please see the [Public Review](#) page for updates on the proposal's progress through the City's Uniform Land Use Review Procedure (ULURP).

## East Midtown Rezoning

### Background & Existing Conditions

#### Background & Existing Conditions

The East Midtown office district is one of the largest job centers in New York City and a premier business address. The rezoning area, generally bounded by East 39th Street to the south, East 57th Street to the north, Second and Third avenues to the east and Fifth Avenue to the west, contains approximately 70 million square feet of office space, approximately 200,000 workers, and numerous Fortune 500 companies.

This area is centered on Grand Central Terminal, one of the City's major transportation hubs and civic spaces. Around the Terminal and to the north, are some of the City's best known office buildings, including Lever House and the Chrysler Building, along with a mix of other landmarks, civic structures, and hotels.

The area's transportation network is currently being expanded through two major public infrastructure projects: East Side Access, and the Second Avenue subway. The East Side Access project would, for the first time, provide Long Island Rail Road commuters one-seat access to East Midtown through the construction of a new below-grade station connected to Grand Central. Construction of East Side Access is scheduled to be completed in 2019. Additionally, the Second Avenue Subway project, whose first phase (from East 63rd to East 96th streets) is currently under construction, would alleviate congestion on the Lexington Avenue subway line which runs through the East Midtown office district. Construction of the first phase of the Second Avenue Subway project is scheduled to be completed in 2016.



East Midtown Office District - [View a larger image.](#)

#### Current Status and Recent Trends

East Midtown is today one of the most sought-after office markets in the New York region. One of the key strengths of East Midtown has been the wide range of office space that can be found there, including buildings of different sizes and ages allowing the area to meet the needs of diverse tenants at varying price points.

Overall, East Midtown's office tenants have historically been financial institutions and law firms, with some of the country's largest banks headquartered there. Recent trends have both reinforced and altered this role. The area has become home to the City's hedge fund and private equity cluster because of the area's cachet and easy access to the Metro-North commuter shed. This has led to a spike in rents for high-quality space in the area's top-tier buildings. On the other end of the office market spectrum, the area has also developed a more-diverse roster of tenants as rents dropped with the economic downturn, accommodating tenants who were previously priced out of the area. Both of these trends have helped the area recover from the 2008 recession, with vacancy rates falling to the range of 7 to 8% percent.

#### Long-Term Challenges

While this area has historically performed strongly as an office district and continues to do so, the City has identified a number of long-term challenges that must be addressed in order for East Midtown to remain one of the region's premier job centers. Primarily, this is in relation to the area's aging office building inventory that over time is unlikely to provide contemporary space and amenities desired by tenants, which are crucial to competing on the global stage. Consequently, the area's importance as a premier office district could diminish, and the anticipated economic benefits of new jobs and an expanded tax base from substantial investment in transit infrastructure (including the ongoing East Side Access and Second Avenue Subway projects) would not be realized. Long-term challenges affecting the East Midtown district include:

- Aging office building stock
- Current zoning and limited office development
- Pedestrian network challenges



### **Aging Office Building Stock**

The East Midtown rezoning area contains approximately 400 buildings, of which more than 300 were constructed prior to the 1961 zoning, with the average age being 73 years old. As a result, much of the East Midtown's office building stock has low floor-to-ceiling heights and numerous interior columns that increasingly fail to meet the needs of corporate tenants. Without new office buildings that meet modern standards, the area's competitiveness as a premier business district will be compromised.

Because these buildings are increasingly less competitive with the office building inventory in other global business centers, the less marketable office buildings may convert to other uses, especially to residential or hotel uses. Recent conversions include hotel conversions such as the Library Hotel at 299 Madison Avenue and the Marriott Courtyard at 866 Third Avenue, and residential conversions such as the condominiums at 5 East 44th Street. The continued trend of office space conversion combined with the aging office building stock will erode the commercial core, and the city would fail to capitalize on the considerable concentration of regional rail infrastructure in East Midtown and ongoing expansion of the transit network.



300 Buildings within the District were constructed prior to 1961 - [View a larger image.](#)



Building within the District were constructed prior to 1961

### **Challenges of Current Zoning and Limited Recent Office Development**

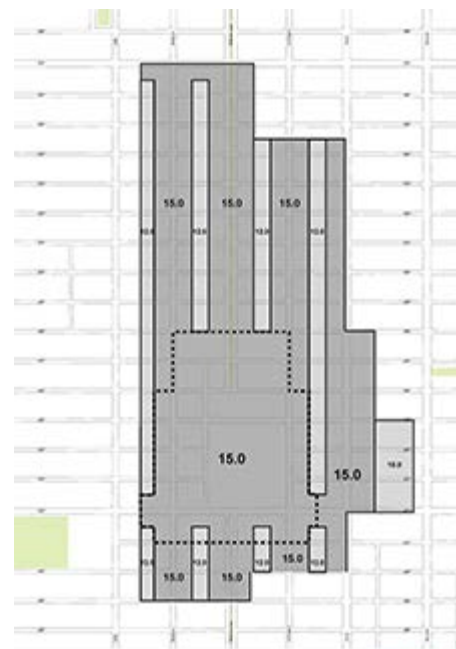
Existing zoning regulations are not appropriate for East Midtown's current needs and may impede the area's continued status as a premier office district.

Current zoning has proven to be an impediment to reinvestment in East Midtown. In the past decade, only two office buildings, both of which are mid-sized, have been developed under existing zoning. In addition, many buildings that predate the existing zoning are built with more floor area than currently allowed, creating a deterrent for redevelopment of these older office buildings. As these older buildings become less desirable for office tenants, they become more economically attractive


for conversion from office to residential or hotel use, which erodes the commercial core.

Existing commercial zoning in most of the area allows commercial density to an as-of-right Floor Area Ratio (FAR) of only 15 along the avenues and 12 on some mid-blocks. While the permitted floor area in some locations can be modestly increased through special permits for subway improvements and landmark transfers, these special permits are subject to full public review (ULURP), they have been rarely sought, and therefore, have not incentivized new development nor provided public benefits.

In the area immediately surrounding Grand Central Terminal, an FAR of up to 21.6 can be achieved by a City Planning Commission special permit established in 1992. The purpose of the special permit was to facilitate new development through the transfer of development rights from landmarks, chiefly from Grand Central Terminal, while also providing for improvements to the underground pedestrian network that links Grand Central to surrounding buildings. However, use of the Grand Central special permit requires lengthy negotiations with the City and MTA regarding transit/pedestrian improvements, and a full public review (ULURP) of each transfer. The only project to utilize this special permit, at 383 Madison Avenue, was completed in 2001. Over 1 million square feet of Grand Central Terminal's development rights remain unused.



**Existing Maximum As-of-right FAR**  
 12.0 Current Maximum FAR  
 \*\*\*\* Current Grand Central Subdistrict  
 DRAFT AND CONFIDENTIAL  
 East Midtown Study  
 EVERANN

Existing Maximum As-of-right FAR -   
[View a larger image.](#)

### ***Pedestrian Network Challenges***



East Midtown contains some of the City's best known public and civic spaces, including the Seagram Building Plaza, Park Avenue, and Grand Central Terminal's main hall. It also contains a below-grade pedestrian network which connects the Terminal to the Grand Central subway station at 42nd Street, and to surrounding buildings, allowing for a more-efficient distribution of pedestrians in the area. Along with the additional subway stations to the north, East Midtown is one of the most transit-rich locations in the City and the pedestrian network is one of the area's unique assets. However, the area faces a number of challenges to creating a pedestrian network fully befitting the area's role as one of the premier office districts in the world. These include:

- The Grand Central subway station, a transfer point for regional rail and the 4, 5, 6, 7 and 42nd street shuttle subway lines, is one of the busiest in the entire subway system with nearly half a million daily users. This station, however, experiences pedestrian circulation constraints including platform crowding and long dwell times for the Lexington Avenue line (4, 5, and 6), which limits train through-put, creating a subway system bottleneck.



- The sidewalks of Madison and Lexington avenues are narrow, approximately 12 to 13 feet wide, given the scale of pedestrian use they handle. The effective widths of these sidewalks are even narrower when subway grates and other sidewalk furniture are included. Side street sidewalks in the area are narrow as well.



- While East Midtown includes a number of privately-owned public spaces, it contains no significant publicly-controlled open spaces. This situation would be somewhat ameliorated by the permanent development of Pershing Square into public open space.



map of area plaza and open spaces - [View a larger image.](#)



- Vanderbilt Avenue, the front door to Grand Central Terminal, is bleak and underutilized.



### **Long Term Consequences of Current Challenges**

Absent intervention, East Midtown's competitiveness as a premier business district will be compromised, and the huge public investment in its transit and regional transportation infrastructure, including East Side Access and the Second Avenue Subway, would fail to realize its full potential to generate jobs and tax revenues for the City. The introduction of new, state of the art sustainable office buildings, coupled with investment in the transit and pedestrian realms, can ensure the area's continuing role as a premier business district and economic engine.



# East Midtown Rezoning Proposal

## Proposal

In order to stay competitive for the long term, the city's proposal seeks to achieve the following goals:

- Protect and strengthen East Midtown as one of the world's premier business addresses and key job center for the City and region;
- Seed the area with new modern and sustainable office buildings to maintain its preeminence as a premier office district;
- Improve the area's pedestrian and built environments to make East Midtown a better place to work and visit; and
- Complement ongoing office development in Hudson Yards and Lower Manhattan to facilitate the long-term expansion of the City's overall stock of office space.

View the [proposed text amendment](#).

To accomplish these goals, the plan establishes a new East Midtown Subdistrict as part of the Midtown Special District and replaces special permit requirements with an "earned as-of-right" zoning framework that provides both for a more efficient and predictable process for commercial development as well as an incentive for public realm improvements.



## New Earned As -of-right Framework for Qualifying Sites

This proposal is a targeted plan. Development at increased FARs would only be permitted on "Qualifying Sites" of a minimum size. Within the Subdistrict, these Qualifying Sites are defined as sites with the full frontage along most avenue blockfronts or 200 feet of frontage along 42nd Street, as well as a minimum site size of 25,000 square feet. New commercial buildings on Qualifying Sites could exceed the base 15 FAR in exchange for contributions of \$250 per square foot to a proposed District Improvement Fund. The fund would be dedicated to critical transit and pedestrian improvements throughout the area such as additional, relocated or reconstructed stair, ramp and escalator connections within the Grand Central subway station as well as a full range of at-grade public realm improvements.

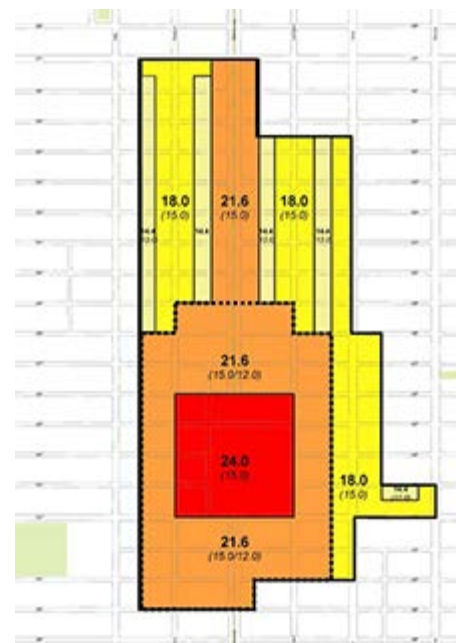
The maximum FARs that major new developments on Qualifying Sites could achieve under this earned as-of-right framework are:

- Directly around Grand Central Terminal – 24 FAR
- Along Park Avenue – 21.6 FAR
- Other areas to the east and west – 18/14.4 FAR

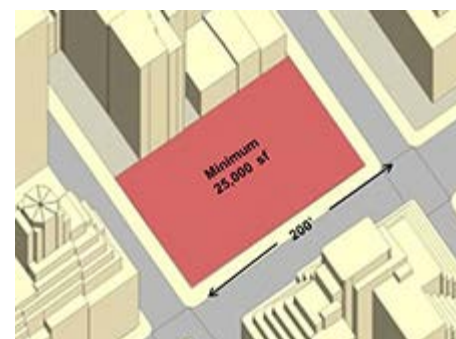
Sites that do not meet "qualifying criteria" would be governed by existing maximum FARs.

The proposal allows for increases above today's allowable densities on Qualifying Sites in two ways:

- District Improvement Bonus (DIB): New commercial buildings on Qualifying Sites could exceed the base 15 FAR in exchange for contributions of \$250 per square foot to a proposed District Improvement Fund. The fund would be dedicated to critical transit and pedestrian improvements throughout the area such as additional, relocated or reconstructed stair, ramp and escalator connections within the Grand Central subway station as well as a full range of at-grade public realm improvements.
- Landmark Transfer: In the Grand Central Subarea, only after contributing into the District Improvement Fund for a minimum of 3 FAR, Qualifying Sites could purchase additional floor area from Grand Central subarea landmark buildings through an expedited process without special permit review. The Landmark Transfer is described more fully in the Grand Central Subarea section below.



Earned as-of-right zoning framework for Qualifying Sites - [View a larger image](#).



Qualifying Site Criteria - [View a larger image](#).

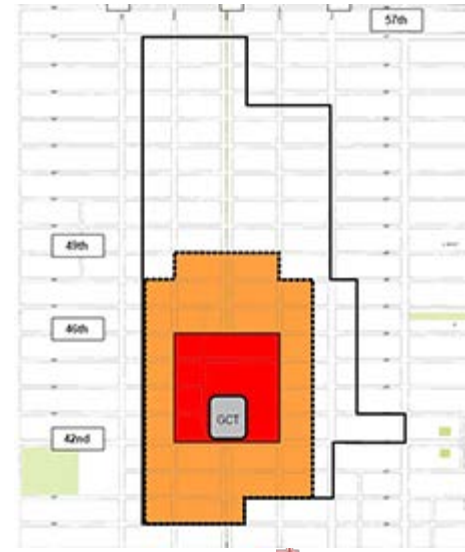


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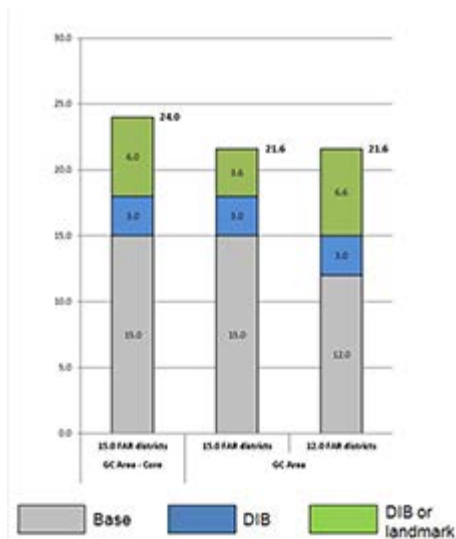
### The Grand Central Subarea:

The City believes that, over the long term, most new development in East Midtown should be around Grand Central Terminal. Given its access to regional rail, the area has the best transportation access in East Midtown and also the largest concentration of its aging office stock.

To accomplish this, the rezoning would redefine the existing Grand Central Subdistrict as a new Grand Central Subarea within the East Midtown Subdistrict. The Subarea would be generally expanded one block north to East 49th Street, fully across Lexington and Madison avenues, and south to East 39th Street. Additionally, a Grand Central Core would be included within the Subarea representing the area directly around the Terminal, bounded by East 42nd and 46th streets, and Lexington and Madison Avenues.



Grand Central Subarea - [View a larger image](#).



Grand Central Subarea Chart - [View a larger image](#).

For Qualifying Sites within the Grand Central Core, floor area increases would be permitted up to 24.0 FAR from the existing base maximum FAR of 15.0. Use of the District Improvement Bonus would be required in order to increase FAR from 15.0 to 18.0; contributions to the District Improvement Fund (DIF) would be used to ensure that development in the area is accompanied by pedestrian network improvements. Above 18.0 FAR, Qualifying Sites could reach the maximum 24.0 FAR through utilization of either or both of the District Improvement Bonus and the new Landmark Transfer mechanism.

For Qualifying Sites within the remainder of the Grand Central Subarea, floor area increases would be permitted up to 21.6 FAR from the existing base maximum FAR of 15.0/12.0. To achieve this maximum FAR would require utilization of the District Improvement Bonus for the first 3.0 FAR (from 15.0 to 18.0 FAR or from 12.0 to 15.0 FAR respectively). Above the first 3.0 FAR, Qualifying Sites could reach the maximum 21.6 FAR through additional utilization of either or both of the DIB and the new Landmark

Transfer mechanism.

#### Additional Subarea Mechanisms and Requirements:

The existing Grand Central Subdistrict contains a number of additional zoning mechanisms and requirements, most of which would be maintained or amended in the new Grand Central Subarea. These include:

**FAR As-of-right Landmark Transfer** - The existing Grand Central Subdistrict permits 1.0 FAR as-of-right transfers from the Subdistrict's landmark buildings via Chair certification. This mechanism would be continued within the expanded subarea to allow opportunity for transfer to sites which are not Qualifying Sites.

**Existing Landmark transfer Special Permit** - The existing Grand Central Subdistrict permits a transfer of landmark rights within the area bounded by East 41st and East 48th streets, and Madison and Lexington avenues, up to a maximum of 21.6 FAR and modification of height and setback requirements by special permit. The permit would be maintained.

**Other Zoning Controls** - As in other existing subdistricts within the Special Midtown District, the existing Grand Central Subdistrict contains a series of bulk and urban design requirements tailored to the unique conditions of the Subdistrict. These include special street wall, pedestrian circulation space and loading requirements. These requirements would be modified to ensure appropriate as-of-right development in the area, such as:

- Streetwall requirements – In order to match the high-streetwall character of the area, special streetwall requirements would be required along Madison, Lexington and Park Avenues, as well as along 42nd Street, Vanderbilt Avenue, and the area's side streets. Such streetwall requirements would include provisions for recesses and articulation that allow for greater design flexibility.
- Modifications to height and setback controls – These controls would be modified to allow as-of-right development at the levels permitted through the new mechanisms, taking into account the unique block configurations found in the area and the high-streetwall character found there.

- Sidewalk widening requirement – While existing streetwall requirements for Madison and Lexington Avenues permit sidewalk widenings up to ten feet along these streets, sites with 200 feet of frontage on wide streets would now be required to provide sidewalk widenings that would translate into sidewalks with a minimum width of 20 feet along these streets. In addition, developments fronting along side streets between East 43rd and 47th streets between Vanderbilt and Madison avenues would also be required to provide sidewalk widenings that would translate into sidewalks with a minimum width of 15 feet along these streets.
- Mass transit access – Developments on sites in the Grand Central Core, where the subway bonus is permitted, or which currently have existing mass transit access, would be required to provide easements for mass transit access. Additionally, if such easement is improved as part of the development, such access points would be able to count toward the required pedestrian circulation space calculations.
- Retail continuity – Existing retail requirements for Madison and Lexington Avenue would be maintained, however a minimum retail depth of 30 feet would be added to ensure usable retail spaces. In addition, new retail requirements would be included for Vanderbilt Avenue to further activate the new pedestrian space at that location, described below. Additionally, Qualifying Sites would be required to devote a minimum of 50 percent of their side street frontage to retail uses.
- Other modifications – Existing Grand Central Subdistrict provisions for building lobbies would be maintained with maximum lobby widths added for Vanderbilt Avenue and side streets between Vanderbilt and Madison avenues. The current Curb Cut requirements would be maintained, but a process to allow for modification due to subsurface conditions would be established. Finally, lighting standards would be added to the Pedestrian Circulation Space requirements.

District Improvement Bonus and Landmark Transfer Applications - The current Grand Central Subdistrict regulations require sites that utilize landmark floor area (either through the 1.0 FAR as-of-right transfer or the existing special permit) to demonstrate as part of their application an LPC report that there exists a harmonious relationship between the new development and the landmark. Under the proposal, this requirement would be modified to apply to all developments adjacent to Grand Central Terminal utilizing the DIB or the new landmark transfer mechanisms described above.

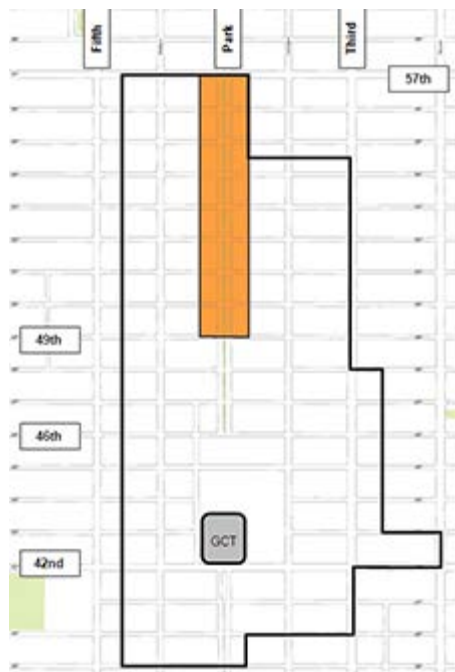
Program for Continuing Maintenance - As under the current Grand Central Subdistrict zoning text, any transfer of development rights under the Proposed Action must include a program for continuing maintenance of the landmark. For Grand Central Terminal, this requirement has been met through an agreement to set aside five percent of transfer proceeds for continuing maintenance of the Terminal.

### ***Park Avenue Subarea***

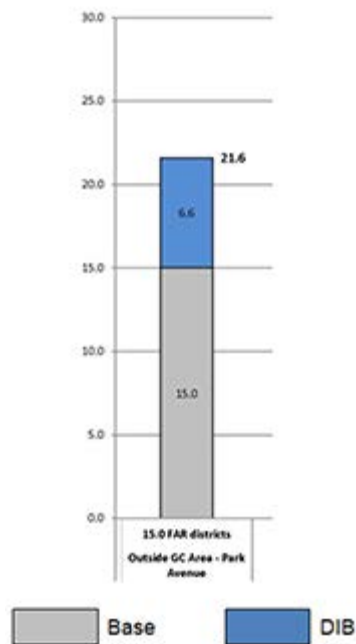
The East Midtown Subdistrict would include a Park Avenue Subarea, which would encompass the frontage along Park Avenue between East 46th and East 57th streets, for the area within 125 feet of Park Avenue (reflecting the existing 15.0 FAR C5-3 zoning designation).

For the limited number of Qualifying Sites within the Park Avenue Subarea, as-of-right floor area increases would be permitted up to 21.6 FAR from the existing base maximum FAR of 15.0. Utilization of the DIB will be required to achieve this maximum FAR.

Other Zoning Controls - To ensure that as-of-right development takes account of the unique conditions along Park Avenue, the streetwall requirements along Park Avenue in the Grand Central Subarea would also apply along Park Avenue in this Subarea. Other underlying urban design and height and setback controls would continue to apply.



Park Avenue Subarea - [View a larger image](#)

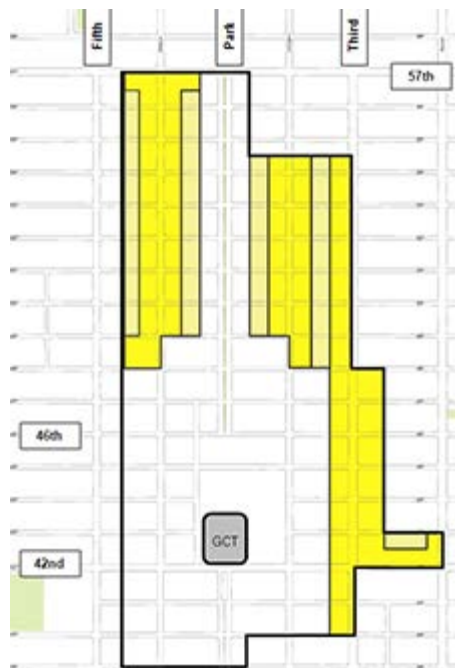


Avenue Subarea Chart - [View a larger image](#)

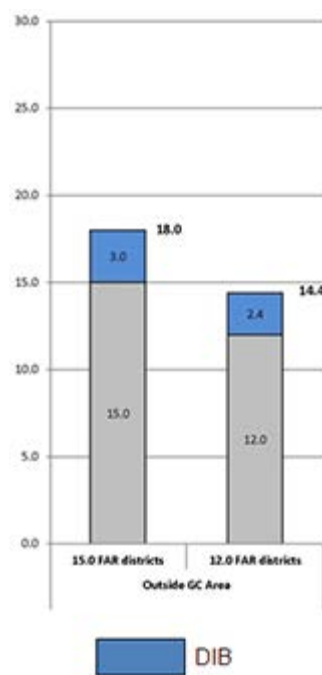
**Other Areas**

Other areas within the East Midtown Subdistrict include the Madison Avenue and Lexington Avenue corridors, north of the Grand Central Subarea and adjoining midblocks areas. For the limited number of Qualifying Sites within these Other Areas, as-of-right floor area increases would be permitted to increase from existing maximum base FAR of 15.0 FAR to 18.0 FAR along avenues, and from existing maximum base FAR of 12.0 to 14.4 in midblock areas. Achieving this maximum FAR would require utilization of the DIB. Because the buildings in these areas are more modern on average, few property owners are likely to undertake the costly multiyear process of emptying, demolishing and reconstructing buildings.

Underlying urban design and height and setback controls would continue to apply in these areas.



Other Subarea - [View a larger image](#)



Other Subarea Chart - [View a larger image](#)

**The District Improvement Fund**

The District Improvement Bonus mechanism would permit higher maximum as-of-right FARs through contribution to a District Improvement Fund (DIF) dedicated to area-wide pedestrian network improvements. The DIF would provide the flexibility to fund improvements, where needed, as development occurs in East Midtown, rather than having improvements be tied to specific development sites.

The DIF would be focused on City-priority improvements to the pedestrian network, both above- and below-grade. The zoning text establishes the required contribution rate, initially set at \$250 per square foot, which would be adjusted annually, and includes provisions for the use and governance of the DIF. These would include the creation of a DIF committee, consisting of five Mayoral appointees including the Chair of the City Planning Commission, which would be responsible for maintaining and adjusting a list of priority district improvements in the East Midtown area over time, and dispersing funds for such projects as contributions to the DIF are made. Public participation would be required in the prioritization process and standards for what types of projects may be funded through the DIF.

To determine a contribution rate for the DIB that reflects the market for commercial development rights in the area, the City commissioned a development rights valuation study from Landauer Valuation & Advisory, a subsidiary of Newmark Grubb Knight Frank. View the [report](#).

The proposal also includes a 'payment-in-kind' provision that would permit property developers to construct improvements, and receive credit for their expenditure, in lieu of payment into the DIF.

The City has identified certain priority improvements that address the greatest potential needs of the area as well as those created by the new development, and can most benefit office workers, visitors and residents. The City is also encouraging the public to provide additional ideas for improvements in East Midtown for purposes of the future DIF committee process. Identified priorities include:

#### ***Improvements to the Grand Central Subway Station:***

The Grand Central subway station is one of the busiest in the entire system and also has numerous pedestrian circulation issues. In this station, the DIF could be used to construct new connections between the commuter rail facilities and the subway station, a reconfigured mezzanine level, and additional, relocated or reconstructed stair, ramp and escalator connections to the subway platforms of the Lexington Avenue line and the Flushing line from the mezzanine, with early priority items focused on the Lexington line.

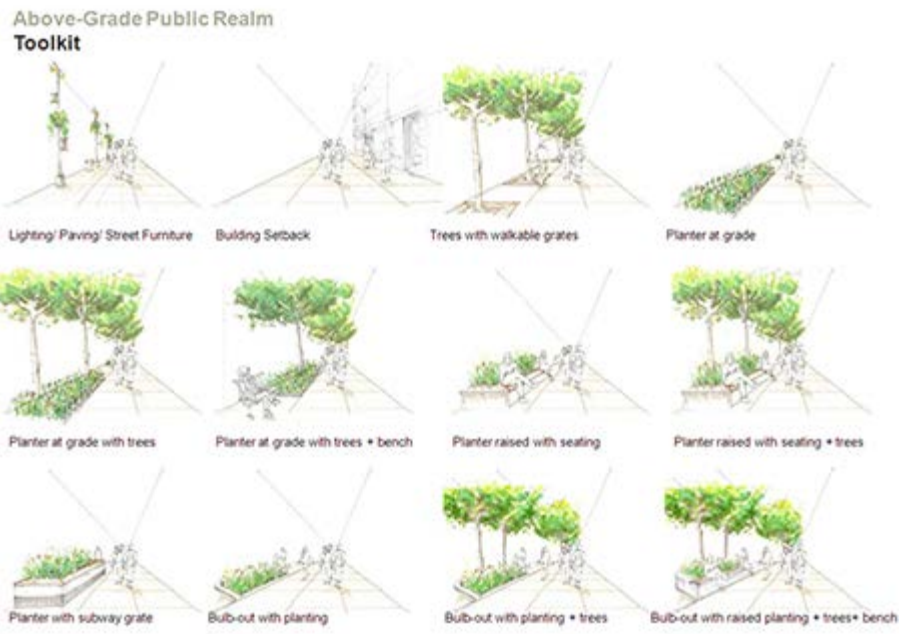


**Below-grade, priority to Grand Central Subway Station and particularly the Lexington Line station**

[View a larger image.](#)

#### ***Improvements to the Public Realm***

In addition to improvements to the Grand Central subway station, the District Improvement Fund created by the East Midtown rezoning would facilitate above-grade improvements over time which would be prioritized with input from area stakeholders.



 [View a larger image.](#)

Drawing from a palette of urban design interventions such as the addition of trees, plantings, benches, curb extensions, lighting, sidewalk widening, and building setbacks, the Department has identified a variety of strategies for greening the pedestrian environment throughout East Midtown. The conceptual designs introduce key elements that make public space effective and enjoyable – shade, places to sit, and places to meet. The vision also includes the potential for transforming Vanderbilt Avenue, a bleak and underutilized street, into a distinguished pedestrian gateway while still allowing for uninterrupted cross town traffic and vehicular access to Grand Central Terminal and other adjacent buildings. The concept includes connecting Vanderbilt Avenue to other streetscape improvements throughout the area.



 [View the Public Realm presentation.](#)



 [View the Vanderbilt Avenue presentation.](#)

In response to requests from Council member Daniel Garodnick and the Community board led East Midtown Task Force, the New York City Department of Transportation (DOT) and the Department of City Planning (DCP) selected an international team of the Jonathan Rose Company, Gehl Architects and Skanska to lead a public planning and design process to create an *East Midtown Public Realm Vision Plan*, a blueprint for re-envisioning world-class streets for one of City's premier commercial districts. The consultant team will lead three public workshops in the spring and summer to facilitate discussions with local stakeholders and identify priorities and preferred approaches to enhance the public realm in this area, with a final vision plan intended for release in fall 2013.

[Participate in the Public Realm Visioning Process.](#)

### Superior Development Special Permit

East Midtown is a place of global distinction and a key part of the City's skyline. Several iconic towers, including the Chrysler Building, and the Seagram and Lever House towers distinguish and define East Midtown's character. The plan provides opportunities for new, extraordinary buildings at densities beyond those that would be permitted as-of-right on Qualifying Sites, provided they create significant public benefits.

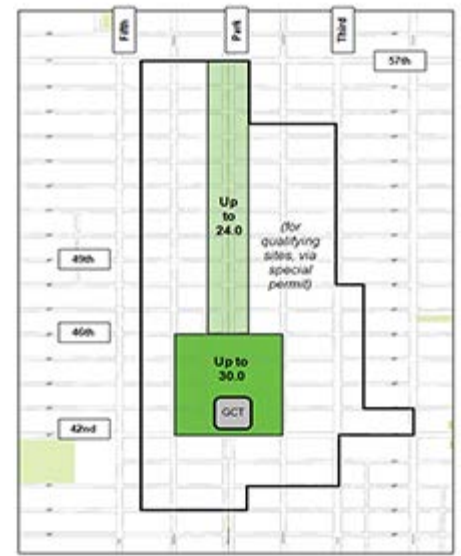
This provision for a Special Permit for Superior Developments sets a high bar for approval as

a condition of allowing new skyline-piercing towers to be introduced into the East Midtown context.

To exceed the new as-of-right framework in East Midtown, a full public review process (ULURP) would be required for developments on Qualifying Sites. The maximum FAR under this special permit would only be granted to buildings that demonstrate extraordinary public benefits and exemplify urban design excellence. The special permit process would determine how much additional FAR is merited.



Up to 30 FAR around Grand Central Terminal and up to 24 FAR on the Park Avenue corridor could be granted through a discretionary review, only for “superior developments” that: make a significant contribution to the skyline, result in a superior site plan and massing, and make significant contributions to the pedestrian network. The buildings seeking additional FAR must also include extraordinary on-site public amenities such as a major new public space (indoor and/or outdoor) and, in the case of sites around Grand Central Terminal, incorporate direct and generous connections to the underground pedestrian network. To be eligible for the special permit for density above the “earned as-of-right” FAR in the Grand Central Subarea, sites must be at least 40,000 square feet. Site size eligibility for the special permit in the Park Avenue Subarea would remain at a minimum of 25,000 square feet.



Special Permit - [View a larger image.](#)

#### Existing Non-Complying Buildings

The East Midtown plan also addresses the non-complying buildings that are “overbuilt” relative to current zoning (that is, have more floor area than could be built today), which has been a strong deterrent to the replacement of outdated buildings.

To make redevelopment on these sites more attractive, the plan allows overbuilt buildings on sites of at least 20,000 square feet with Avenue frontage to be redeveloped at their existing FAR, provided the developer contributes to the District Improvement Fund for the amount of built floor area above the existing base FAR. The contribution rate for floor area in overbuilt buildings would be \$125 per square foot, 50 percent of the base rate for the District Improvement Bonus described above. The retention of this non-complying floor area in the new development would be permitted by Chair certification. Qualifying Sites using this mechanism can continue to achieve maximum FARs utilizing the DIB, and, in the Grand Central Subarea, the new landmark transfer mechanism as well.

#### Sustainability Requirement

In order to qualify for the additional floor area above the base FAR, new developments would also be required to exceed New York City Energy Conservation Code requirements for energy efficiency by 15 percent, the first such linking of zoning with sustainable standards. This requirement will ensure that East Midtown continues to be a cutting edge district offering commercial buildings that further the goals of the City to reduce energy use and greenhouse gases, while offering businesses economical and sustainable spaces.

#### “Sunrise” Provision

The East Midtown proposal is a critical piece of an economic development strategy to ensure the City’s future and continuing growth. Given the significance of East Midtown to the City – for its jobs, tax base, and its critical transportation role—the City has prioritized this new regulatory framework to strengthen East Midtown’s continued competitiveness on the global stage.

Under the plan’s Sunrise Provision, new development may receive building permits beginning in July 2017, augmenting the long-term expansion of the City’s overall stock of office space. This would allow sequencing of development consistent with comprehensive planning objectives in other parts of Manhattan and a zoning framework in East Midtown around which property owners can plan for future development.

#### Zoning Map Amendment

The rezoning area is currently zoned predominantly as high density commercial (zoning districts C5 and C6) within the Special Midtown District. The area between Second and Third Avenues along East 42nd Street, is entirely commercial in character, with a number of existing office buildings. The Special Midtown District generally follows the boundary of Midtown’s commercial areas and thus this area would more appropriately be located in the Midtown District, and additionally as part of the East Midtown Subdistrict. By incorporating the area into Midtown, the Special District regulations, including height and setback and streetscape requirements, would become applicable. These are more tailored to the needs of the area than the generic 1961 high-density commercial zoning provisions that

now apply.

In order to do this, the rezoning would replace the existing C5-2 designations for the block located between East 42nd and East 43rd streets, and Second and Third Avenues with C5-3 and C5-2.5, districts. The C5-3 and C5-2.5 districts will be mapped within the Special Midtown District, and be incorporated into the East Midtown Subdistrict.

The C5-3 designation would be mapped along the East 42nd Street and Second Avenue frontages, which are both wide streets and reflect the typical wide street zoning pattern in Midtown. Midblock areas along East 43rd street would be mapped to C5-2.5, reflecting the typical midblock Midtown zoning pattern.

### East Midtown Subdistrict Zoning Map Change



 [View a larger image.](#)

## East Midtown Rezoning "A" Applications

The Department of City Planning (DCP) has proposed modifications to its [East Midtown](#) rezoning proposal in response to specific concerns expressed by local stakeholders during the public review process. On sites that are eligible for redevelopment under the rezoning, the changes allow new office developments to include 20% residential use, a mixed-use approach that has been a goal of community leaders. In addition, in response to concerns expressed by landmarked religious institutions, the Department is proposing giving all landmarks located in the northern section of the zoning area increased flexibility to transfer their unused air rights. The modifications also address concerns about hotels in two ways: first, by reducing the amount of hotel use permitted on individual sites to 20% of the new development in order to reflect that the primary goal of the rezoning is to encourage office development; second, by allowing sites currently occupied by large hotels to rebuild their hotel square footage in the new development, in recognition of the importance of full service hotels to Midtown and the economy. More detail on each of these proposals, as well as other changes, is provided below.

These proposed modifications are incorporated in an "A" text application. The "A" text application would expand the scope of the original application in response to stakeholder input. The City Planning Commission will hold its hearing August 7th on both the originally proposed zoning text and on the "A" text modifications. [View the proposed "A" text amendment.](#)

Changes in the modified "A" text include:

### 1) Changes to Allowed Uses on Sites Utilizing Zoning Incentives

#### Residential Development

- Under the existing proposal, only fully commercial (office, hotel and retail) buildings qualify for zoning incentives, provided the site meets certain "Qualifying Site" criteria of a minimum site size of 25,000 square feet and 200 feet of frontage on a wide street.
- The Department received recommendations that new developments should allow for a mix of residential use to complement commercial uses in the new buildings and contribute to the vitality of the area.
- In order to provide for this mix of uses, without undermining the proposal's chief goal of incentivizing modern office development, City Planning is proposing to modify the proposal to allow up to 20% of a building's floor area as residential use as-of-right. That percentage of residential use could be increased up to 40% through a Special Permit process (full ULURP).
- As with commercial uses in new major developments, developers must make contributions to the District Improvement Fund in order to take advantage of zoning incentives. The rate for contributions for residential floor area will be established by a separate appraisal from the appraisal previously conducted for commercial floor area, and the contribution rate for a development will be based on its ratio of residential and commercial use.

#### Hotel Development

- During the process, concerns were also expressed that allowing hotel use to occupy the entirety of a new development would undermine the proposal's chief goal of incentivizing modern office space.
- In response, the modified proposal would restrict as-of-right hotel use to 20% of the floor area of a new development. The remainder of the new building could be developed as hotel only through a Special Permit process (full ULURP) that determined such a use did not conflict with the goals of a predominantly office district.
- A number of large full service hotels currently exist in the rezoning area and are a vital component of the area's strong commercial identity. The modified proposal would allow development on sites that now include a hotel use to have the opportunity to fully rebuild their hotel space on site. These sites would be exempt from the 20% limitation mentioned above.
- In sum, the modified proposal would restrict non-office uses to 20% of any new development, facilitating a better mix of uses, while requiring 80% of a new development to be dedicated to office use. Increases in the mix of non-office uses would only be allowed by Special Permit.

### 2) Creation of a Northern Landmark Transfer Area

- Under existing zoning rules, city landmarks may only transfer unused floor area to 'adjacent' lots, defined as lots which either adjoin or are across the street or catty-corner

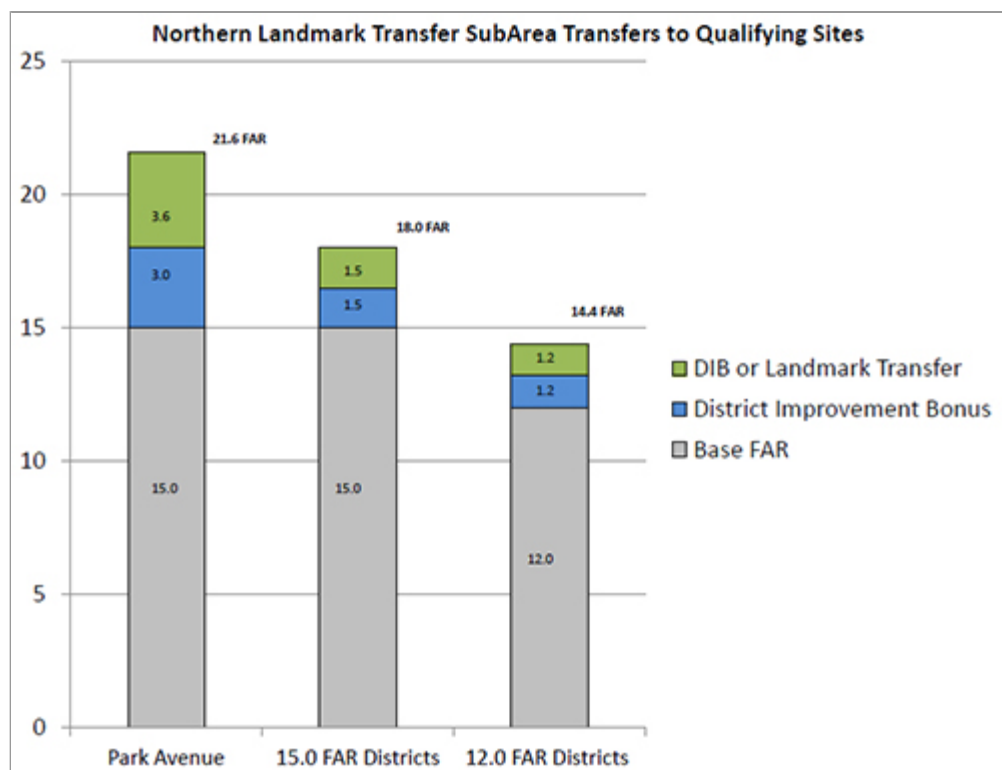


from the landmark. Transfers are made through a special permit process.

- In 1992, the City Planning Commission recognized the unique relationship between Grand Central Terminal and its surrounding area by allowing for the transfer of unused floor area from the Terminal to sites within a broader geographic district, known as the Grand Central Subarea.
- Having received recommendations from stakeholders— and in recognition of the unique ensemble of iconic landmarks that exist and contribute to the character of the area to the north of Grand Central Subarea -- the revised proposal would create a new Northern Subarea similar in nature to the Grand Central Subarea.
- The Northern Subarea would stretch from 48th and 49th streets in the south to 57th Street in the north, from Third Avenue in the east to the East Midtown subdistrict's western boundary east of Fifth Avenue, and encompass major landmarks such as St. Patrick's cathedral, St. Bartholomew's Church, Central Synagogue, and Lever House.
- Starting in 2019, these landmarks would be allowed to transfer unused development rights to Qualifying Sites as-of-right up to their maximum permitted FARs (21.6 FAR on Park Avenue and 18 FAR and 14.4 FAR in Other areas).



[View a larger image](#)



[View a larger image](#)

- As is the case in the Grand Central Subarea, a minimum contribution to the District Improvement Fund would be required before a landmark transfer could be made, to ensure that the use of the new zoning incentives results in a contribution to neighborhood infrastructure. This contribution requirement would apply to the first 3 FAR for sites on Park Avenue, and half of the FAR increase in other areas.
- In addition, transfers to sites that do not meet the Qualifying Site size and frontage requirements could be permitted by discretionary action subject to public review, similar to what is allowed today in the Grand Central Subarea.
- These changes are designed to create an appropriate balance between offering landmarks greater opportunities and flexibility for transfer of development rights to a broader area beyond 'adjacent' sites -- thus facilitating the continued maintenance of their properties -- and ensuring that the District Improvement Fund will be funded to make area-wide subway and pedestrian network improvements.

### 3) Modification of Qualifying Site Requirements Through Discretionary Review

- The original East Midtown proposal limited zoning incentives to “Qualifying Sites” - sites with a minimum of 200 feet of frontage along a wide street and a minimum size of 25,000 square feet.
- The Department received recommendations that the fixed nature of these site criteria could in some cases impede development of viable office sites.
- The modified proposal creates greater flexibility by allowing a site that meets the 25,000sf site size requirement and at least 75% of the frontage requirement to apply for a waiver to use the zoning incentives.
- To receive a waiver through discretionary review, the applicant must demonstrate that the site can still accommodate a viable office development on the site utilizing the existing height and setback controls. The waiver would be granted through an Authorization process that includes referral to the local community board.

### 4) Other Clarifications and Adjustments

- Rooftop uses: In response to community concerns, the modified proposal would facilitate the activation of top floors of mixed-use buildings with uses like observatories and restaurants, by modifying “stacking rules” which prohibit non-residential uses above residences.
- Qualifying Site clarifications: The proposal clarifies that existing buildings are permitted to remain on a Qualifying Site, as long as the minimum cleared site requirements are achieved. It also clarifies that Qualifying Sites can maintain the bonus floor area from existing bonus plazas without proportional contribution into the DIB as long as such spaces are maintained as part of a new development.
- Damage and Destruction: The modified proposal clarifies that the underlying Damage or Destruction provisions of Zoning Section 54-40 continue to apply in the Subdistrict.
- 53rd Street /51st Street Stations: The “A” text revisions to the proposal would maintain the same overall amount of development anticipated under the original proposal, but would alter the mix of uses. As a result, further study of the Lexington Avenue/53rd Street and 51st Street station complex would need to be undertaken once East Side Access is operational to determine if improvements to this station warrant priority as a DIF project as development occurs over the long term.
- Park Avenue Height and Setback Controls: The modified proposal adjusts height and setback controls along Park Avenue to better relate to the street’s overall width. Today, building rules are calculated based on a 100 foot wide street width, despite Park Avenue being 140 wide. The proposal will adjust to allow buildings to account for the 140 foot width.
- Boundaries clarification: The modified proposal provides further clarification as to the applicability of the regulations for sites located on or divided by the Subdistrict’s boundaries, as well as its Subareas.

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The changes to the plan in the A text are consistent with the principle of providing zoning incentives to promote the development of a handful of state-of-the-art , sustainable commercial buildings over coming decades so that East Midtown’s office stock remains attractive to a broad range of businesses, including major corporate tenants. The mix of uses are anticipated to further enhance the attractiveness of the area, expand the City’s tax base, add thousands of permanent jobs in East Midtown and fund improvements to the subway and pedestrian network in the area.

## East Midtown Rezoning

### Public Review

#### Public Review

The rezoning initiative is the result of two years of detailed analysis by City Planning, as well as extensive and active consultation with stakeholders.

On April 22nd, the Department officially certified the Uniform Land Use Review (ULURP) application (C 130248 ZMM and referred the related non-ULURP text amendment (N 130247 ZRM) to begin the formal public review process.


On July 17th, the Department of City Planning (DCP) filed modifications to its East Midtown rezoning proposal in response to specific concerns expressed by local stakeholders during the public review process.

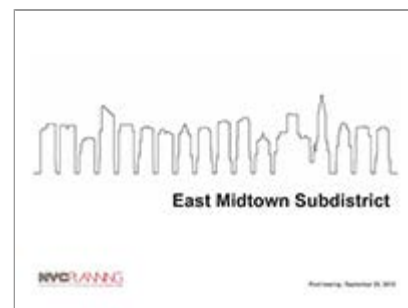
On August 7th, the City Planning Commission held a public hearing on the East Midtown rezoning proposal.

On September 30, 2013, the City Planning Commission (CPC) approved the applications for the East Midtown Rezoning Plan with modifications. The approved Zoning Text amendment was modified by the CPC in response to concerns raised during the public review process.


View the complete  [proposed zoning text amendment](#) as modified by the CPC.

<i>Milestone</i>	<i>Target Dates</i>
Department of City Planning Certification	April 22nd, 2013 -  <a href="#">view the presentation</a>
Manhattan Community Board's 5 & 6 Approval	July 1, 2013
Borough President Approval	July 31, 2013
City Planning Commission Approval ( <a href="#">with modifications</a> ) ( <a href="#">Read the CPC Reports</a> )	September 30, 2013
Application Withdrawn	November 13, 2013

On September 23rd, the City Planning Commission discussed the East Midtown proposal at its Review Session public meeting. The Commission discussed the testimony from Jerome Haims Realty Inc. on the initial contribution rate for the East Midtown DIB ([FEIS appendix 11, page 106](#)), as well as a response from Landauer Valuation and Advisory, the firm that undertook the appraisal to determine the initial rate. The Landauer response can be accessed  [here](#).

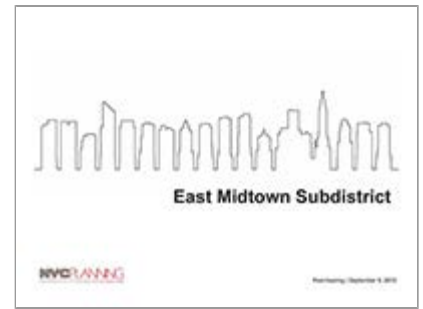


[View the September 23, 2013 Update Presentation](#)

 [View the Public Realm Vision Plan update](#)

 [View the East Midtown Appraisal Report for Residential Use](#)

On September 9th, the City Planning Commission discussed the East Midtown proposal at its Review Session public meeting.

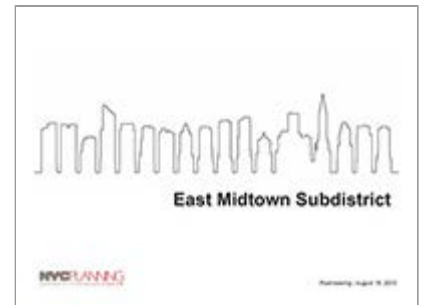


[View the September 9, 2013 Update Presentation](#)

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On August 19th, the City Planning Commission discussed the East Midtown proposal at its Review Session public meeting.

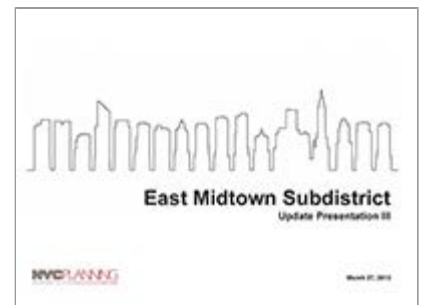
**Note:** the dates included in this presentation have been updated.



[View the August 19, 2013 Update Presentation](#)

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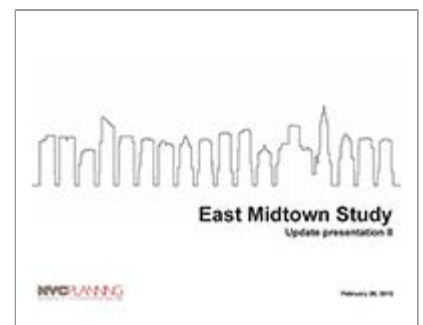
On March 27, 2013, the Department gave an  [update presentation](#) to the Tri-Board Task Force describing proposed bulk regulations, public realm opportunities and other additional information on the proposal.



[View the March 27, 2013 Update Presentation](#)

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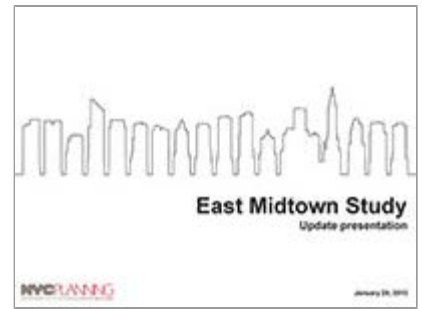
On February 28th 2013 presentation, DCP gave an updated presentation on its proposal to the Tri-Board Task Force focusing on the District Improvement Bonus, Historic Resources, and potential priorities for District Improvement funding.



[View the February 28, 2013 Update Presentation](#)


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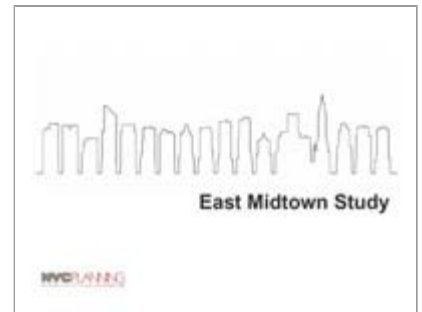
On January 29th, 2013 DCP gave an updated presentation on its proposal to the Tri-Board Task Force describing modifications and additional information on the proposal, including a discussion of the District Improvement Mechanism and pedestrian realm existing conditions.



[View the January 2013 Update Presentation](#)

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In June 2012, DCP gave presentations to Community Boards 5 and 6 on its findings about the area, as well as its initial policy direction. In July 2012, DCP gave a presentation on its draft zoning proposal. A presentation describing the draft zoning proposal is available as a pdf  [here](#).



[View the July 2012 Presentation](#)

For questions regarding the proposal, please email: [EastMidtown@planning.nyc.gov](mailto:EastMidtown@planning.nyc.gov)

## East Midtown Rezoning

### Public Review

#### City Planning Commission Approval with Modifications

On September 30, 2013, the City Planning Commission (CPC) approved the applications for the East Midtown Rezoning Plan with modifications to the (A) application for the text amendment (N 130247(A) ZRM). The original application (N 130247 ZRM) was withdrawn.

The approved Zoning Text amendment was modified by the CPC in response to concerns raised during the public review process. The modifications include the following:

##### Use Modification

Under the (A) application, sites that utilized the District Improvement Bonus (DIB) could develop a maximum of 20 percent of the new building as a mix of hotels and residential uses as-of-right. In addition, sites with existing hotels would be permitted to maintain their total floor area in a new building as-of-right if the amount exceeded the 20 percent cap. The rest of the new building would be required to be developed as a mix of office and retail uses. Higher percentages of residential and hotel use, as well as all other permitted underlying uses, would be available only by use of the Use Modification special permit. The Use Modification special permit would restrict the amount of residential use which could be developed pursuant to the special permit to a maximum of 40 percent of the building.

The Commission modifications permit up to 20 percent of a new building to be developed as use group 6E non-commercial clubs as-of-right. In addition, the modifications restrict the maximum amount of residential use that could be developed through the Use Modification special permit to 25 percent, rather than 40 percent.

##### 'Sunrise' Provision

The (A) application restricted the granting of foundation and building permits for Qualifying Site development until July 1, 2017.

The Commission modifications permit Qualifying Site developments on sites of less than 30,000sf in area to obtain foundation and building permits upon enactment of the Subdistrict.

In addition, the Commission modifications permit sites that utilize the Superior Development special permit, and propose substantial below-grade improvements, to modify the sunrise provision so as to obtain foundation and building permits up to one year earlier (July 1, 2016), on condition that no certificates of occupancy would be granted until 2020.

##### In-Kind Provision

The (A) application permitted new developments to undertake construction of projects on the District Improvement Fund (DIF) Committee's Priority Improvement List in lieu of a monetary contribution into the DIF. This was permitted for all bonus floor area and was allowed as-of-right.

The Commission modifications only allow use of the in-kind provision for the floor area above a required DIB contribution of 3.0 Floor Area Ratio (FAR). In addition, use of the In-Kind provision would require discretionary approval of the CPC through an authorization.

##### DIB Pricing and Adjustment

The (A) application included an initial DIB rate of \$250 per square foot, which would be updated annually based on an included index. Adjustments could not fall below the initial \$250 rate. In addition, it permitted residential use (as described above in the Use Modification section), and anticipated a separate rate for the residential uses.

The Commission modifications include a rate of \$360 per square foot for residential use and a separate annual adjustment index for this residential rate. In addition, the modifications require reappraisals of the DIB rates every three to five years to ensure the rate continues to track conditions in East Midtown.

##### District Improvement Fund and Committee

The Commission modifications add the Chair of the MTA as a non-voting member of the DIF Committee and also modify the requirements for administration and use of the DIF to help ensure it will be an effective mechanism to develop improvement projects in the area over time.

In addition, the Commission modifications include an option that, if chosen to facilitate early development of area improvements, would permit assignment of DIF revenues to a special financing entity to support the financing.

##### Building Performance Requirement

The (A) application required new buildings that used the DIB to meet a higher energy efficiency standard—set at a minimum of 15% over the 2011 NYC energy code. The provision permitted the CPC to modify the provision by rule to keep the standard up to date.

The Commission modifications require DCP to report to the CPC within 90 days of an update to the energy code and recommend modifications to keep the standard up to date. Following receipt of the report, the Commission would adopt a rule to modify the standard, as necessary. These modifications also permit use of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Building Performance Rating method to meet the requirement.

#### Superior Development Special Permit

The (A) application permitted higher FARs than under the as-of-right framework through a new special permit for Superior Development.

The Commission modifications clarify the requirements for an application, the process for obtaining MTA agreements and other approvals, and the timing necessary for required improvements to be completed. The modifications also permit in-kind improvements to be approved under the special permit process, in the event that the DIF Priority Improvement List has not yet been established as of the time of special permit review.

In addition, as described in the 'Sunrise' section above, the Commission modifications permit modification of that provision through use of the Superior Development Special Permit.

#### Mass Transit Easement Requirement

The (A) application included requirements for sites in the Grand Central Subarea to provide easement volumes, if required by the MTA, to allow access between the street and the area's below-grade network. The provision also permitted the development to improve the easement volume and count it toward the required Pedestrian Circulation Space requirements necessary for a new development.

The Commission modifications clarify that easements could be utilized for access to all types of mass-transit facilities. In addition, the modifications clarify the process for working with the MTA to identify the necessary on-site easement.

#### Environmental Requirements

The Commission modifications require sites that use the DIB to comply with a series of measures to partially or fully mitigate the effects of new development as identified in the FEIS, or to avoid the potential for impacts.

#### Other Modifications

The Commission modifications clarify the (A) application's intent and make a series of minor corrections. These include:

- Renumbering and reordering the provisions for ease of use;
- Clarifying requirements and timing of various provisions of the Qualifying Site framework; and
- Clarifying the requirements and applicability of transfers from landmarks.
- Clarify the provisions describing how required streetwalls are to be treated for compliance with height and setback controls in both the Grand Central Subarea and along Park Avenue.

View the complete  [proposed zoning text amendment](#) as modified by the CPC.

## East Midtown Rezoning

### Public Realm Visioning Process

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- Read the [press release](#) announcing the public visioning process for East Midtown's public realm.
- See [background](#) on the public engagement process led by urban design consulting team.
- Read the [Places for People: A Public Realm Vision Plan for East Midtown](#) report.
- Download high-resolution images (large file) from <http://www1.nyc.gov/assets/home/downloads/pdf/reports/2013/Public-Realm-Vision-Plan-East-Midtown-hi-res.pdf>.



