



THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD
U.S.P.S. 0114-660

Printed on paper containing
40% post-consumer material

VOLUME CXL NUMBER 148

THURSDAY, AUGUST 1, 2013

PRICE \$4.00

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THE CITY RECORD

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EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services.

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Published Monday through Friday, except legal holidays by the Department of Citywide Administrative Services of the City of New York under Authority of Section 1066 of the New York City Charter.

Subscription—\$500 a year; daily, \$4.00 a copy (\$5.00 by mail) Periodicals Postage Paid at New York, N.Y.
POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, 17th Floor, New York, N.Y. 10007 - 1602

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1 Centre Street, 17th Floor
New York N.Y. 10007-1602
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Subscription Changes/Information
1 Centre Street, 17th Floor
New York N.Y. 10007-1602
Telephone (212) 669-8252

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY PLANNING COMMISSION

PUBLIC HEARINGS

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

BOROUGH OF BROOKLYN Nos. 1, 2 & 3 LIVONIA COMMONS No. 1

CD 5 C 130374 ZMK

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

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

Livonia Avenue, a line midway between Van Sinderen Avenue and Snediker Avenue, Livonia Avenue, and Van Sinderen Avenue; and

- establishing within a proposed R7A District a C2-4 District bounded by a line 100 feet northerly of Livonia Avenue, Williams Avenue, Livonia Avenue, Georgia Avenue, a line 100 feet northerly of Livonia Avenue, a line midway between Sheffield Avenue and Pennsylvania Avenue- Granville Payne Avenue, Livonia Avenue, Sheffield Avenue, a line 100 feet southerly of Livonia Avenue, and Snediker Avenue;

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

No. 2

CD 5 C 130375 HUK

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

No. 3

CD 5 C 130376 HAK

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

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

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

No. 4

BUSHWICK UNITED EARLY LEARNING CENTER CD 4 C 130126 PQK

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

No. 5

UTD BUSHWICK EARLY LEARNING CHILD CARE CENTER CD 4 C 130162 PQK

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

No. 6

NYC FIRE DEPARTMENT & JOINT EMS CD 18 C 130307 PCK

IN THE MATTER OF an application submitted by the Fire Department and the Department of Citywide Administrative

Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 10110 Foster Avenue (Block 8149, p/o Lot 1), for use as an ambulance station, warehouse facility and offices.

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

CD 6 C 130248 ZMM

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

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

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

No. 8

CD 5, 6 N 130247 ZRM

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

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

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Midtown District

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Chapter 1 Special Midtown District

81-00 GENERAL PURPOSES

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

- to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- to control the impact of buildings on the access of

- light and air to the streets and avenues of Midtown;
- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to protect and strengthen East Midtown as one of the world's premier business addresses and a vital job center for the City and region due, in part, to its proximity to the transit-rich, architectural icon, Grand Central Terminal, by facilitating the development of state-of-the-art, highly energy-efficient commercial buildings, and improvements to the overall public realm;
- (o) to expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the area's special character;
- (p) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (q) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (r) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

81-01 Definitions
 For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 81-261 (Definitions), ~~or~~ 81-271 (Definitions) or Section 81-611 (Definitions).

81-03 District Plan
 The regulations of this Chapter are designed to implement the #Special Midtown District# Plan.

- The District Plan partly consists of the following four maps:
- Map 1 Special Midtown District and Subdistricts
 - Map 2 Retail and Street Wall Continuity
 - Map 3 Subway Station and Rail Mass Transit Facility Improvement Areas
 - Map 4 East Midtown Subareas and Subarea Core ~~Network of Pedestrian Circulation~~
 - Map 5 Applicability of special permit for superior development

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

81-04 Subdistricts and Subareas
 In order to carry out the purposes and provisions of this Chapter, five special Subdistricts are established within the #Special Midtown District#. In each of these Subdistricts certain special regulations apply which do not apply in the remainder of the #Special Midtown District#. The Subdistricts are outlined on Map 1 (Special Midtown District and Subdistricts) in Appendix A.

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

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

The Subdistricts are also subject to all other regulations of

the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District# and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves. Within the East Midtown Subdistrict, certain special regulations apply to subareas which do not apply within the remainder of the subdistrict. Such subareas are established, as follows:

- Grand Central Subarea
- Park Avenue Subarea

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

* * *

81-067 Modification of provisions for minimum base height and street wall location in Historic Districts
 Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-65 (Special Street Wall Requirements) ~~81-621 (Special street wall requirements)~~ pertaining to the East Midtown ~~Grand Central~~ Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts).

81-20 BULK REGULATIONS

81-21 Floor Area Ratio Regulations
 The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of this Section or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) shall not apply in the East Midtown Subdistrict, where the special #floor area# provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) and 81-63 (Special Floor Area Provisions for All Other Sites) shall apply, as applicable.

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

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

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS					
	C5-2.5		C5-3		C5-3	
	C6-4	C6-5	C6-4.5	C6-6	C6-6	C6-6
C5P	M1-6	C6-5.5	C6-7T	C6-7	C5-2.5	C6-6

- A. Basic Maximum FAR

8.0	10.0	12.0	14.0	15.0	12.0	15.0
-----	------	------	------	------	-----------------	-----------------
- B. Maximum As-of-Right #Floor Area# Allowances: (District-wide Incentives), #Public plaza# (Section 81-23)

—	1.0 ^{1,2}	1.0 ^{1,3}	—	1.0 ²	—	—
---	--------------------	--------------------	---	------------------	---	---
- C. Maximum Total FAR with As-of-Right Incentives

8.0	11.0 ^{1,2,7,8}	13.0 ^{1,3}	14.0	16.0	12.0	15.0
-----	-------------------------	---------------------	------	------	-----------------	-----------------
- D. Maximum Special Permit #Floor Area# Allowances: (District-wide Incentives), Subway station improvement (Section 74-634)

—	2.0 ^{1,6,7}	2.4 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
- O. Maximum amount of transferable development rights (FAR) from landmark #zoning lot# that may be utilized on:
 - (a) an "adjacent lot" (Section 74-79)

1.6	2.0	2.4	No Limit	No Limit	2.4	No Limit
-----	-----	-----	----------	----------	----------------	---------------------
 - (b) a "receiving lot" (Section 81-634)

—	—	—	—	—	1.0	1.0
---	---	---	---	---	-----	-----
 - (c) a "receiving lot" (Section 81-635)

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

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

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

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

The provisions of paragraph (c) of Section 74-792 as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark "granting lot" for transfer purposes. Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

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

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

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

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

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

81-23 Floor Area Bonus for Public Plazas

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

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

- (a) on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);
- (c) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and
- (d) on #zoning lots#, any portion of which is within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, or on #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-611 (Definitions) ~~on #zoning lots#, any portion of which is in the Grand Central Subdistrict.~~

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

A major portion of a #public plaza# may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (Pedestrian Circulation Space), provided that the overlapping portion of the #public plaza# also conforms to the design standards of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a #public plaza# for purposes of calculating the proportional restrictions set forth in Section 37-71.5.

* * *

81-253 Special provisions for East Midtown Grand Central, Theater, Fifth Avenue, Penn Center and Preservation Subdistricts

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

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

81-254 Special permit for height and setback modifications
In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

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

81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)

- | | |
|---------------------------|---|
| Section 81-624 | (Special permit for superior developments) |
| Section 81-634 | (Transfer of development rights from landmarks by special permit) |
| Section 81-635 | (Transfer of development rights by special permit). |

* * *

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

81-60 SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

81-61 General Provisions

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

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

81-611 Definitions

Adjacent lot

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

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

East Midtown District Improvement Fund

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

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

East Midtown District Improvement Fund Committee

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

East Midtown District Improvement Fund Contribution Rate

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

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

Granting lot

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

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

Landmark #building or other structure#

For the purposes of Section 81-60, inclusive, a "landmark

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

Qualifying Site

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

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

Receiving lot

For the purposes of Section 81-60, inclusive, a "receiving lot" shall mean a #zoning lot# to which development rights of a "granting lot" are transferred. Such "receiving lot" may receive a transfer of development rights pursuant to Sections 81-622 (Transfer of development rights from landmarks to qualifying sites), 81-624 (Special permit for superior developments) or 81-633 (Transfer of development rights from landmarks by certification) or 81-634 (Transfer of development rights from landmarks by special permit).

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

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

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

81-62 Special Floor Area Provisions for Qualifying Sites

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

Table I of this Section shall apply only to #qualifying sites#. The basic maximum #floor area ratio# for #qualifying sites# shall be as specified in Row A. Such #floor area ratio#, shall be increased, up to the amount specified in Row B, only pursuant to Section 81-621 (District improvement bonus for qualifying sites). For #qualifying sites# that have maximized such increased #floor area# permitted in Row B, additional #floor area# shall be permitted, up to the amount specified in Row C, through further contributions pursuant to Section 81-621, or through the transfer of development rights pursuant to Section 81-622 (Transfer of development rights from landmarks to qualifying sites). For #qualifying sites# that have achieved the #floor area ratio# specified in Row D, such #floor area ratio# may be further increased up to the amount specified in Row E pursuant to Section 81-624 (Special permit for superior developments).

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

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

**81-621
District improvement bonus for qualifying sites**
The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# for a #qualifying site# to be increased up to the maximum amount specified in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), as applicable, provided that the requirements for applications in paragraph (a) of this Section have been completed, and that, thereafter, either a contribution has been deposited in the #East Midtown District Improvement Fund#, in the amount set forth in paragraph (b) of this Section, or a contribution in-kind has been made in accordance with the provisions of paragraph (c) of this Section. All #floor area# certified pursuant to this Section shall be utilized within site geometry of the #qualifying site# as it existed at the time of application.

(a) Requirements for applications

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

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

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

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

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

(c) Contribution in-kind

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

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

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

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

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

**81-622
Transfer of development rights from landmarks to qualifying sites**
Within the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, the Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# to a #qualifying site# proposed for #development#, provided that the requirements for applications in paragraph (a) of this Section have been completed, the conditions set forth in paragraph (b) of this Section, have been met, and the transfer instruments required pursuant to paragraph (c) of this Section have been executed.

(a) Requirements for applications

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

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

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

(b) Conditions and limitations

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

- (1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the basic maximum #floor area# set forth in Row A in Table I of Section 81-62, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly

accessible open areas# or the provision of district improvements pursuant to Section 81-621;

- (2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the applicable amount set forth in Row C in Table I of Section 81-62; and
- (3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

(c) Transfer instruments and notice of restrictions

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

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

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

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

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

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

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

- (1) Additional #floor area#, beyond the applicable #floor area ratio# permitted by Row D in Table I of Section 81-62 (Special Floor Area Provisions) up to the applicable amount set forth in Row E in such Table; and
- (2) In conjunction with such additional #floor area#:#
 - (i) modifications to the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-65 (Special Street Wall Requirements), inclusive;
 - (ii) modifications to the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, and 81-66 (Special Height and Setback Requirements), inclusive;
 - (iii) modifications to the mandatory district plan element regulations of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-Street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility), 81-67 (Special Mandatory District Plan Element Requirements), inclusive, or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37- 51 (Amount of Pedestrian Circulation Space) or the curb cut and loading berth provisions of Section 81-676 (Curb cut restrictions and

loading berth requirements) shall be permitted; and

(v) modification of the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements)

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

(1) The proposed #development# complies with the applicable certification provisions of Sections 81-621 (District improvement bonus for qualifying sites) and Section 81-622 (Transfer of development rights from landmarks to qualifying sites) prior to, or concurrently with such special permit application. Compliance with such certifications shall include demonstration that:

(i) all proposed #floor area# for such #development# up to, and in excess of, the amount permitted by Row D in Table I of Section 81-62, will be achieved through the applicable contributions to district improvements under 81-621 or, in the Grand Central Subarea, a transfer of development rights from landmarks in accordance with the provisions of Section 81-622; and

(ii) any district improvement contribution in-kind provided pursuant to paragraph (c) of Section 81-621 is for an improvement that is separate and distinct from the additional above and below-grade site improvements required pursuant to conditions (b)(2) and (b)(3) of this Section;

(2) the proposed #development# provides a major at-grade improvement to the above-grade pedestrian network, consisting of open or enclosed space or spaces, which are open to the public for public use and enjoyment. The improvement shall substantially increase the general accessibility of the network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous connections to Grand Central Terminal. A site plan shall be submitted of sufficient scope and detail to enable the Commission to determine that such publicly-accessible space:

(i) to the greatest extent feasible, includes amenities required for #public plazas#, as set forth in Section 37-70 (PUBLIC PLAZAS), including but not limited to a variety of seating types, planting beds and trees, paving, lighting, litter receptacles, and public space signage. Such publicly accessible space shall apply the applicable minimum and maximum dimensional criteria for such amenities set forth in Section 37-70;

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

(iii) to the greatest extent feasible, is wrapped by ground floor #uses# and transparent materials in accordance with the provisions of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses);

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

Schematic or concept plans of the proposed improvement to the below-grade pedestrian circulation network, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement shall be provided at the time of filing of the application and shall be a prerequisite to the certification thereof. In addition, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall at the time of filing of the application each

provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement, and such letters shall be a prerequisite to the certification of the application;

(4) any proposed modifications to height and setback regulations within the proposed #development# are demonstrated through materials submitted to the Commission, including but not limited to:

(i) drawings, including but not limited to plan views and axonometric views, that illustrate how the proposed #building# will not comply with the provisions of Sections 81-26 or 81-27, or as such provisions are modified pursuant to Section 81-66;

(ii) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-66; and

(iii) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66;

(5) the proposed #development# exceeds the #building# performance standards set forth in Section 81-623 (Special building performance requirements for all qualifying sites). Information regarding the proposed #development's# energy performance shall be submitted to the Commission; and

(6) the applicant has submitted drawings sufficient to demonstrate to the Commission the building design of the proposed #development#, and to enable the Commission to evaluate such #building# in the context of adjacent #buildings# and the Manhattan skyline. Such drawings shall include, but shall not be limited to, measured elevation drawings, axonometric views, and renderings showing such proposed #building# within the Manhattan skyline.

(c) To grant such special permit, the Commission shall find that:

(1) the public benefit derived from the proposed #development# merits the proportional amount of additional #floor area# being granted pursuant to this Section;

(2) the pedestrian circulation space provided by the #development#, including but not limited to the at-grade, open or enclosed public space required pursuant to condition (b)(2) of this Section shall:

(i) be a prominent space of generous proportions and quality design that is inviting to the public, provides considerable amounts of light and air for occupants, and is highly visible and accessible from the adjoining sidewalk. Such space shall contain elements to ensure its contribution to a lively streetscape and offer amenities for the comfort and convenience of the public, including, but not limited to, abundant greenery through a combination of planting beds and trees, and generous amounts of seating in a variety of different types. The applicant shall demonstrate particular consideration for the choice, amount and quality of such proposed elements and amenities;

(ii) significantly contribute to the pedestrian circulation network by providing generous pedestrian accessibility through and around the site, and fluid connections to pedestrian circulation spaces in the immediate vicinity thereof; and

(iii) significantly contribute to the overall improvement of pedestrian circulation and reduction of congestion on surrounding #streets# within the Subdistrict through the provision of a vibrant streetscape, and a well-designed site plan, which demonstrates the strategic locations of pedestrian circulation space, #building# entrances, and, where applicable, the provision of more direct pedestrian access to Grand Central Terminal;

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

(i) provide significant and generous connections to the below-grade pedestrian circulation network and surrounding #streets#. Where #street# level entryways from the proposed #development#

into the below-grade pedestrian circulation network or subway stations or other rail transit facilities are provided, such entryways shall be well-integrated with the proposed at-grade improvements to the pedestrian network required by condition (2) of this Section;

(ii) where applicable, provide major improvements to public accessibility to and from subway stations and other rail transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing connections, including the provision of escalators or elevators; and

(iii) where applicable, provide significant improvements to the environment of subway stations and other rail transit facilities through the provision of direct daylight access, or through improvements to noise control, air quality, lighting or rider orientation;

(4) with regard to the #building bulk# of the proposed #development#:

(i) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and fluid connections to public spaces. Above the ground floor level, access to light and air to the surrounding #streets# and public spaces is ensured through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;

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

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

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

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

(d) Agreements and Declaration of Restrictions

A written declaration of restrictions, in a form acceptable to the City Planning Commission, setting forth the obligations of owner or developer to construct, maintain and provide public access to a public improvement required under condition (b)(2) of this Section shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Such written declaration shall also stipulate that no building permit shall be granted by the Department of Buildings for any portion of a #building# on a #qualifying site# which has been granted additional #floor area# pursuant to the provisions of this Section until all contributions to district improvements required by paragraph (b)(1)(i) of this Section, as applicable, have been made by the owner or developer. Proof of recordation of the declaration of restrictions shall be submitted to the City Planning Commission, in a form acceptable to the Commission.

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

Except where the Commission allows for phased implementation of public improvements required under conditions (b)(2) and (b)(3) of this Section, no temporary certification of occupancy for any #floor area# of the #development# on a #qualifying site# shall be granted by the

Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission, acting in consultation with the Metropolitan Transportation Authority, as appropriate, and the areas are usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development#, all improvements shall be 100 percent complete in accordance with the approved plans and, where applicable, such final completion shall have been certified by letter from the Metropolitan Transportation Authority, and any other entities that retain control and responsibility for the area of the proposed improvement.

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

81-633 Special Floor Area Provisions for All Other Sites
The provisions of this Section shall apply to all #zoning lots# that are not #qualifying sites# in the East Midtown Subdistrict. For such #zoning lots#, the #floor area# provisions of Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings), shall not apply. In lieu thereof, the provisions of this Section shall apply. The #residential floor area# provisions of Section 81-24 (Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses) shall apply.

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

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

TABLE II

MAXIMUM FLOOR AREA ALLOWANCES FOR ALL OTHER SITES IN THE EAST MIDTOWN SUBDISTRICT

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

81-631 Floor area bonus for public plazas
For all #zoning lots# that are not #qualifying sites# within the East Midtown Subdistrict, except within the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, the basic maximum #floor area# permitted on such #zoning lots# shall be increased, up to the amount specified in Row B of Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), where a #public plaza# is provided in

accordance with the provisions of Section 81-23 (Floor Area Bonus for Public Plazas).

81-632 Floor area bonus for subway station improvements
For all #zoning lots# that are not #qualifying sites# within the East Midtown Subdistrict, the City Planning Commission may permit an increase in the amount of #floor area# permitted on such #zoning lots#, up to the amount specified in Row D in Table II of Section 81-63 (Special Floor Area Provisions for all other sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

81-633 Transfer of development rights from landmarks by certification
The Chairperson of the City Planning Commission shall certify a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site# within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, and shall allow modifications to provisions regarding #zoning lots# divided by district boundaries, as forth in paragraph (a) of this Section, provided that the requirements for applications of paragraph (b), the conditions and limitations of paragraph (c), the transfer instruments and notice of restrictions of paragraph (d) of this Section are met.

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

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

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

(b) Requirements for applications

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

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

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

(c) Conditions and limitations

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

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

(d) Transfer instruments and notice of restrictions

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

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

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

81-634 Transfer of development rights from landmarks by special permit

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

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

- (1) a transfer of development rights from a #granting lot# to a #receiving lot# provided that the resultant #floor area ratio# on the #receiving lot# does not exceed 21.6; and
- (2) in conjunction with such transfer of development rights, the Commission may permit:
 - (i) modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;
 - (ii) the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify the provisions of Sections 81-65 (Special Street Wall requirements), 81-66 (Special Height and Setback requirements), 81-67 (Special Mandatory District Plan Element Requirements), 81-625 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions; and
 - (iii) notwithstanding the provisions of paragraph (a)(2)(ii) of this Section, for #developments# or #enlargements# on #zoning lots# with a #lot area# of more than 40,000 square feet that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations.

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

- (1) An application filed with the City Planning Commission shall be made jointly by the owners of the #granting lot# and #receiving lot# and shall include site plan and zoning calculations for the #granting lot# and #receiving lot#;
- (2) with regard to the transfer of development rights from a #granting lot# to a #receiving lot#, pursuant to this Section:
 - (i) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the maximum #floor area# on such landmark #zoning lot# set forth in Row E in Table II of Section 81-63, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
 - (ii) for each #receiving lot#, the #floor area# allowed by the transfer of development rights under this Section shall not exceed the applicable amount set forth in Row G.3 in Table II of Section 81-63;

- (iii) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred;
- (iv) a program for the continued maintenance of the #landmark building or other structure# has been established; and
- (v) a report from the Landmarks Preservation Commission has been submitted to the Commission concerning the continuing maintenance program of the #landmark building or other structure#, and for those #receiving lots# on an #adjacent lot# to Grand Central Terminal, a report concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

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

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

Any application filed with the Commission pursuant to this Section shall include a plan of the required pedestrian network improvement, as well as information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement to the surface and/or sub-surface of the pedestrian circulation network. The applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to Uniform Land Use Review Procedure (ULURP) certification of the special permit application, as required by Section 197-c of the New York City Charter, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

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

(Pedestrian circulation space requirements), are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and

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

(d) Transfer instruments and notice of restrictions

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

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

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

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

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

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

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

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

- (a) such reconstructed #building#:
 - (1) will be wholly comprised of #commercial floor area#;
 - (2) will be located on a #zoning lot# that either:
 - (i) is a #qualifying site#; or
 - (ii) has frontage along a #wide street# and a #lot area# of at least 20,000 square feet;
 - (3) will comply with the #building# performance requirements of Section 81-623 (Special building performance requirements for all qualifying sites); and
 - (4) shall utilize all #floor area# certified pursuant to this Section within the site geometry of the #zoning lot# as it existed at the time of application.

- (b) contributions to the #East Midtown District Improvement Fund# are made for the amount of #floor area# in the reconstructed #building# equivalent to the #non-complying floor area# at 50

percent of the #East Midtown District Contribution Rate#. For this purpose, the amount of #non-complying floor area# exceeding the basic maximum #floor area ratio# set forth in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) or Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), shall be calculated on the basis of the #lot area# of the #development# site used to comply with paragraph (a)(2) of this Section. Such calculation shall be verified using either the #building's# construction documents submitted for approval to the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or an as-built drawing set completed by a licensed architect.

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

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

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

81-65 Special Street Wall Requirements

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

81-65.1 Special street wall requirements along designated streets

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

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

Any #street wall# below the applicable minimum #street wall# height that is set back more than one foot from a #street line# or sidewalk widening line shall be considered a recess. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 81-675. Above the ground floor, the aggregate width of all recesses in the #street wall# shall not exceed 30 percent of the entire width of such #street wall# at any such level, and no recess shall be permitted within 30 feet of the intersection of two #street lines#. The maximum depth of any recess shall be ten feet if such recess is not open to the sky, and 15 feet if such recess is open to the sky. All recesses shall be at least twice as wide as they are deep.

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

All heights shall be measured from #curb level#.

In addition, the following regulations shall apply:

- (a) 42nd Street

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

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

 - (1) Street wall location

Where the #building# has frontage along the entire Madison Avenue or Lexington Avenue #block# front, the #street wall# shall be located at the sidewalk widening required pursuant to Section 81-671 (Sidewalk widening). For all other #buildings# the #street wall# location shall match the location of an existing

adjacent #building#, except that the #street wall# need not be located beyond ten feet of the Madison or Lexington Avenue #street line#.

(2) Street wall height requirements

- (i) For portions of #buildings# along Madison or Lexington Avenues or along #narrow streets# within 125 feet of the Madison or Lexington Avenue #street line#, the minimum height of such #street walls# without setback shall be 120 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet.
- (ii) For portions of #buildings# along #narrow streets# beyond 125 feet of the Madison or Lexington Avenue #street line#, the maximum height of the #street wall# shall be as follows:
- (a) where the height of the #street wall# of the adjacent #building# is less than 90 feet, the maximum height of such portion of the #street wall# shall be 90 feet;
- (b) where the height of the #street wall# of the adjacent #building# is between 90 and 120 feet, the maximum height of such portion of the #street wall# shall be 120 feet; and
- (c) where the height of the #street wall# of the adjacent #building# exceeds a height of 120 feet, the height of such portion of the #street wall# may match the height of such adjacent #building#, provided that the height of such #street wall# does not exceed a height of 150 feet.

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

- (1) Street wall location
For #buildings# fronting along Vanderbilt Avenue or Depew Place, the #street wall# shall be located on the Vanderbilt Avenue or Depew Place #street line#.
- (2) Streetwall height requirements along Vanderbilt Avenue
For #buildings# fronting upon Vanderbilt Avenue, the minimum height of a #street wall# without setback shall be 90 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 100 feet. Where such frontages intersect 42nd Street, the #street wall# height along Vanderbilt shall be maintained along 42nd Street for a minimum depth of 15 feet. Above the maximum height permitted at the #street line#, every portion of a #building# shall be set back at least 15 feet from the #street line# of Vanderbilt Avenue.
- (3) Street wall height requirements along Depew Place
For #buildings# fronting upon Depew Place, the minimum height of a #street wall# without setback shall be 90 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 100 feet. Where such frontages intersect 42nd Street, the #street wall# height along Depew Place shall be maintained along 42nd Street for a minimum depth of 60 feet. Above the maximum height permitted at the #street line#, every portion of a #building# shall be set back at least 60 feet from the #street line# of Depew Place.

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

- (1) Street wall location requirements
Where a #building# has frontage along the entire Park Avenue #block# front, the #street wall# shall be located within ten feet of the Park Avenue #street line#. For all other #buildings# the #street wall# location shall match the location of an existing adjacent #building#, except that the #street wall# need not be located beyond ten feet of the Park Avenue #street line#.
- (2) Street wall height requirements
The minimum height of a #street wall# without setback shall be 120 feet or the height of the #building#, whichever is less, and the maximum height shall be 150 feet.

81-652

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

(a) Street wall width and location
A #street wall# shall be provided for at least 80 percent of the length of a #zoning lot's narrow

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

- (b) Recesses
Recesses are permitted in accordance with the provisions for designated #streets#, as set forth in Section 81-651 (Special street wall requirements along designated streets).
- (c) Street wall height requirements
The minimum height of #street walls# without setback shall be 60 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall be 90 feet above #curb level#. However, where an adjacent #building# existing prior to (date of adoption) has a #street wall# height that exceeds 90 feet, as measured from #curb level#, the #street wall# of the #development# or #enlargement# may match such existing #building's street wall# height, provided that no portion of such #developed# or #enlarged street wall# exceeds a height of 150 feet, as measured above #curb level#.

81-66

Special Height and Setback Requirements

81-661

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

- (a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-624 (Encroachments and compensating recesses):
- (i) no #compensating recess# shall be required where #encroachments#, or portions thereof, are provided on the portion of the #building# below a height of 150 feet, as measured from #curb level#;
- (ii) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not extend without diminution or dimension downward to the lowest level of #encroachment#, as set forth in paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of #encroachment# provided at such level. The provisions of paragraphs (c)(2) and (c)(3) of Section 81-264 shall apply to such #compensating recesses#; and
- (iii) where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. The
- (iv) Vanderbilt Avenue portion of such modified #zoning lot# may be considered a #compensating recess# for encroachments along such #building's narrow street frontage zone#, provided that:
- (i) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (d) of Section 81-655 (Special street wall requirements along Vanderbilt Avenue and Depew Place); and
- (ii) the #street frontage zone# calculation along Madison Avenue shall not include Vanderbilt Avenue; and

(b) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-625 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in paragraph (c) shall be modified to 20 percent of the length of the #front lot line#.

81-662

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

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

pursuant to paragraph (c), may apply along designated #streets# where #street wall# continuity is required; and

(b) For the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart), where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. Such modified #zoning lot# may be utilized to create a modified pedestrian view along Vanderbilt Avenue and intersecting #narrow streets# provided that:

- (1) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (d) of Section 81-655 (Special street wall requirements along Vanderbilt Avenue and Depew Place);
- (2) #vantage points# along Vanderbilt Avenue are taken 30 feet east of the easterly #street line# instead of the #center line of the street#; and
- (3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#.

81-67

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

81-671

Sidewalk widenings

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

(a) Mandatory sidewalk widenings

- (1) Along Madison and Lexington Avenues
Along Madison and Lexington Avenues, in the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, all #developments# and #enlargements# shall provide mandatory sidewalk widenings as follows:
- (i) where such #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage, sidewalk widening shall be provided to the extent necessary so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#;
- (ii) where such #development# or #enlargement# is on a #zoning lot# which does not occupy the entire #block# frontage, a sidewalk widenings shall be provided where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#.
- (2) Along #narrow streets# between 43rd and 47th Streets
Along #narrow streets# from 43rd to 47th Streets between Vanderbilt and Madison Avenues, in the Grand Central Subarea, as shown on Map 4, for #developments# and #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along either the #narrow street line#, sidewalk widenings shall be provided to the extent necessary so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#.

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

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

- (1) along #narrow streets# in the Grand Central Subarea, as shown on Map 4, for #developments# and #enlargements# on

#zoning lots# with a #lot width# of 100 feet or more, as measured along such side #street line#; and

- (2) where a #street wall#, or portions thereof, is permitted to be located beyond the #street line# pursuant to the applicable provisions of Section 81-65 (Special Street Wall Requirements), inclusive.

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

81-672

Mass transit access

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

Prior to filing any applications with the Department of Buildings for an excavation permit or building permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority and the Chairperson of the City

Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

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

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

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

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

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

81-673

Building lobby entrance requirements

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

- (a) Required lobby entrances
For #buildings developed# or #enlarged# on the ground floor after August 26, 1992, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby. #Buildings developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).
- (b) Maximum lobby widths
For #buildings# entrances located on a #wide street# frontage, the maximum lobby width shall be 40 feet or 25 percent of the #building's street wall# width, whichever is less. However, the maximum width of a lobby along Vanderbilt Avenue shall be 60 feet.
- (c) Through #block# provisions
Required #building# entrances on opposite #street# frontages may be connected directly to the #building# lobby by providing a through #block# connection in accordance with paragraph (h) of

Section 37-53 (Design Standards for Pedestrian Circulation Spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.

81-674

Retail continuity provisions

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

- (a) Along designated #streets#
For #buildings# with frontage on designated #streets# other than Vanderbilt Avenue, where retail continuity is required, as shown in Map 2 (Retail and Street Wall Continuity) in Appendix A of this Chapter, ground floor level retail, personal service or amusement #uses# required by Section 81-42 shall extend to a minimum depth of 30 feet, as measured perpendicular to the #street wall#.
- (b) Along #narrow streets# of #qualifying sites#
For #buildings# on #qualifying sites#, a minimum of 50 percent of a #building's# ground floor level #street wall# frontage along a #narrow street# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Such ground floor level retail, personal services or amusement #uses# shall extend to a minimum depth of 30 feet, as measured perpendicular to the #street wall#.
- (c) Along Vanderbilt
For #developments# and #enlargements# of #buildings# with frontage upon Vanderbilt Avenue, within 60 feet of Vanderbilt Avenue, as measured perpendicular to a #building's# Vanderbilt Avenue #street wall#, the ground floor level or the portion of a #building's street wall# frontage below a height of 60 feet, whichever is less, shall be allocated exclusively to:
- (1) Retail #uses# listed in Use Groups 6A, 6C, and 10A, with access to each establishment provided directly from Vanderbilt Avenue;
- (2) transit access connections provided in accordance with the provisions of Section 81-672 (Mass transit access);
- (3) enclosed publicly-accessible spaces; or
- (4) #building# entrance lobbies, not to exceed the maximum #street wall# width set forth in paragraph (b) of Section 81-673 (Building lobby entrance requirements).
- (d) Required transparency

- (1) Along designated #streets# and #qualifying sites#
For portions of ground floor #commercial# and #community facility uses# provided pursuant to paragraphs (a) and (b) of this Section, at least 50 percent of the #street wall# surface of each required establishment shall be glazed with clear untinted transparent material. For the purpose of this glazing requirement, the establishment's #street wall# surface shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is more.
- (2) Along Vanderbilt
Any #building# fronting along Vanderbilt Avenue shall provide transparency as follows. At least 70 percent of the #street wall# surface, as measured from #curb level# to a height of 60 feet above #curb level#, shall be glazed with clear untinted transparent material.

81-675

Pedestrian circulation space requirements

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

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

81-676

Curb cut restrictions and loading berth requirements

For #developments# or #enlargement# within the Grand Central Subarea of the East Midtown Subdistrict, as shown

on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, in addition to the provisions of Sections 81-30 (OFF-STREET PARKING AND LOADING REGULATIONS), inclusive, and 81-44 (Curb Cut Restrictions), the following shall apply:

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

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

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

- (b) Curb cuts provisions

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

81-68

Supplemental Provisions

81-681

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

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

completed on time and within the approved budget;

- (f) The #Committee# shall monitor the effectiveness of implemented district improvements in collaboration with the sponsor or agencies involved with such improvement, as applicable.

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

81-682 The East Midtown District Improvement Fund Contribution Rate

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

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

81-60 SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT

81-61 General Provisions

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

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

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

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

81-62 Special Bulk and Urban Design Requirements

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

81-621 Special street wall requirements

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

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

On 42nd Street, the #street wall# shall be at the #street line#. The width of the required #street wall# shall be at least 90 percent of the length of the #front lot line#. The minimum height of such #street walls# without any setback shall be 120 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet above #curb level#. Where a #zoning lot# is bounded by the intersection of Park, Lexington, Madison and Vanderbilt Avenues, 42nd Street or Depew Place and any other #street#, these #street wall# height regulations shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.

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

However, the ten foot setback requirement of Section 81-262, paragraph (a), shall apply only to those portions of the #building# above this height.

81-622 Special height and setback requirements

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

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

81-623 Building lobby entrance requirements

For #buildings developed# or #enlarged# on the ground floor after August 26, 1992, #building# lobby entrances shall be

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

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

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

81-624 Curb cut restrictions and loading berth requirements

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

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

81-625 Pedestrian circulation space requirements

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

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

81-63 Transfer of Development Rights from Landmark Sites For the purposes of the Grand Central Subdistrict:

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

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

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

81-631 Requirements for application

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

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

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

81-632 Conditions and limitations

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

- (a) the maximum amount of #floor area# that may be transferred from a "granting lot" shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on such landmark #zoning

lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;

- (b) for each "receiving lot," the #floor area# allowed by the transfer of development rights under Section 81-63 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the "receiving lot," as shown in Section 81-211; and
- (c) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the "granting lot" by the amount of #floor area# transferred. If the landmark designation is removed, the landmark #building# is destroyed or #enlarged#, or the "landmark lot" is redeveloped, the "granting lot" may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

**81-633
Transfer instruments and notice of restrictions**
The owners of the "granting lot" and the "receiving lot" shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the "granting lot" and the "receiving lot" shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York), a certified copy of which shall be submitted to the City Planning Commission.

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

**81-634
Transfer of development rights by certification**
Within the Grand Central Subdistrict, the City Planning Commission may allow by certification:

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

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

**81-635
Transfer of development rights by special permit**
Within the portion of the Subdistrict bounded by East 41st Street, East 48th Street, Lexington and Madison Avenues (the Grand Central Subdistrict Core Area as shown on Map 1 in Appendix A), the City Planning Commission may permit:

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

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

- (1) that a program for the continuing maintenance of the landmark has been established;
- (2) that the improvement to the surface and subsurface

pedestrian circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal, pursuant to the following requirements:

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

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

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

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

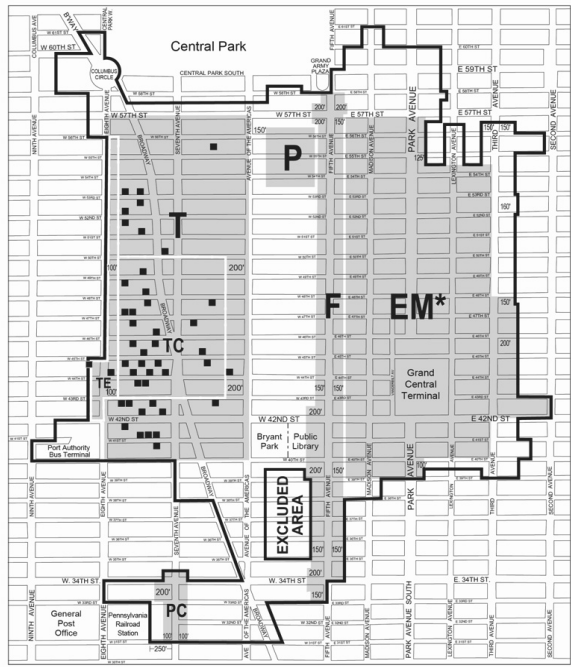
Prior to the grant of a special permit, the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land,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

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

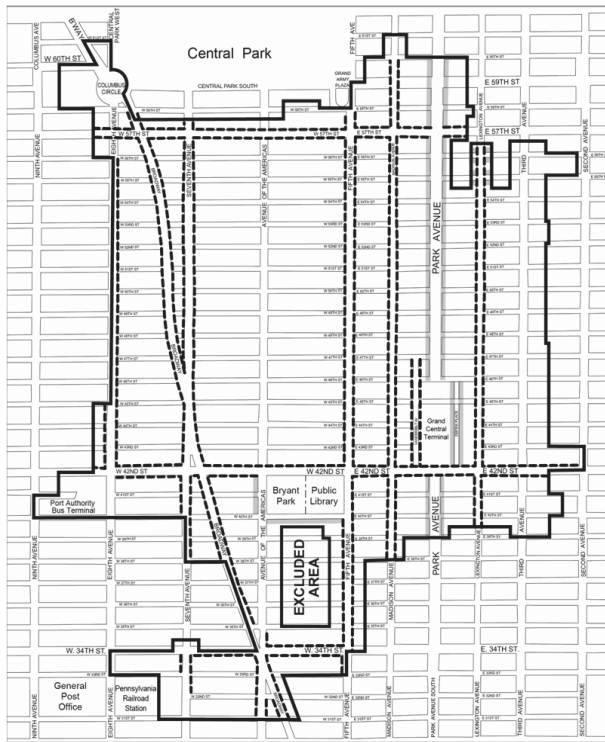
No temporary certification of occupancy for any #floor area# of the #development# or #enlargement# on a "receiving lot" shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission and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

Appendix A
Midtown District Plan Maps

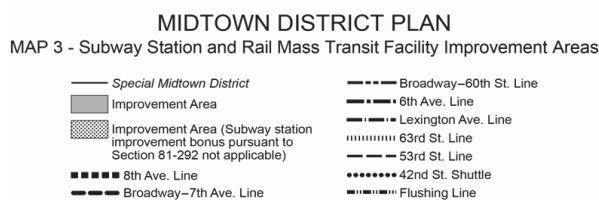
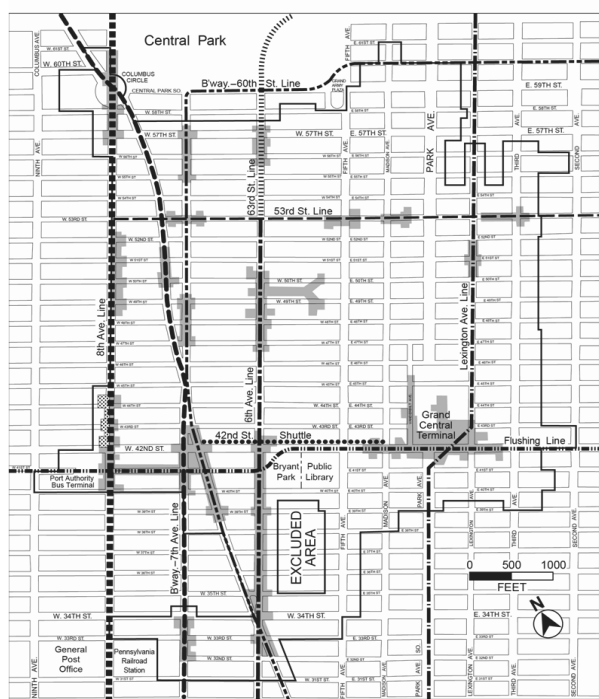
Map 1: Special Midtown District and Subdistricts



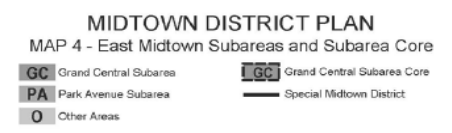
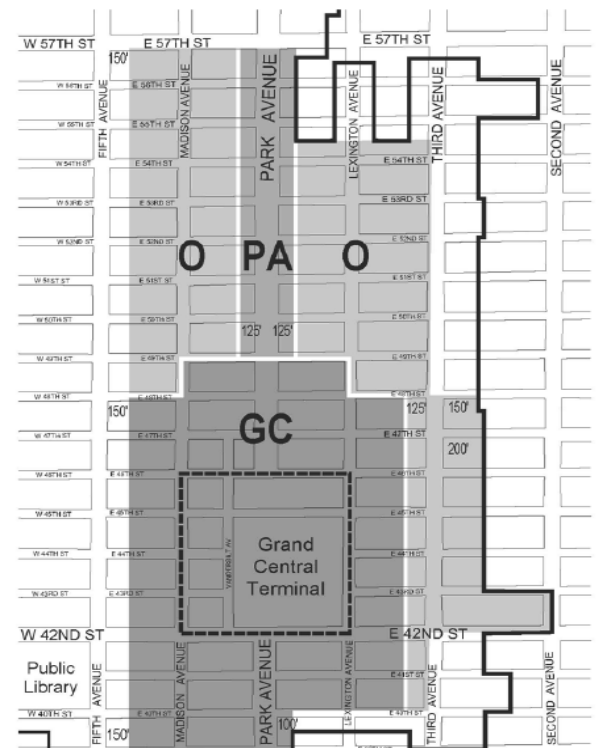
Map 2: Retail and Street Wall Continuity



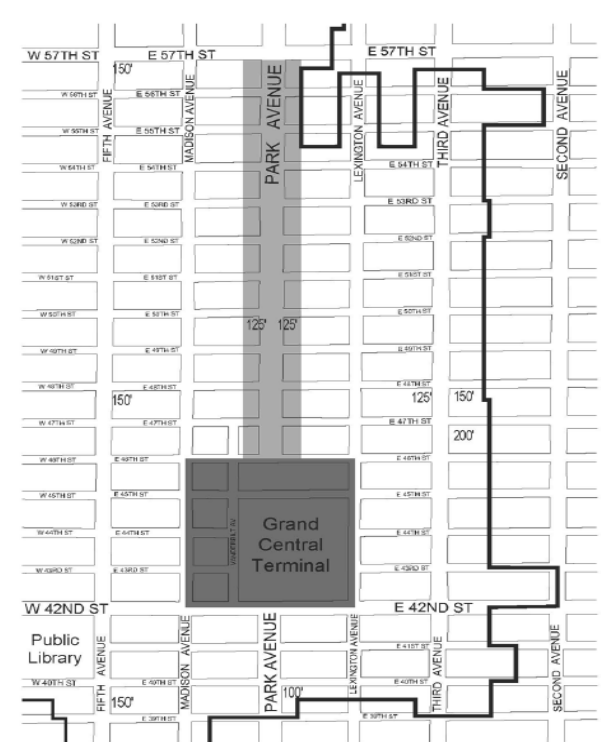
Map 3: Subway Station and Rail Mass Transit Facility Improvement Areas



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



Map 5: Applicability of special permit for superior developments



No. 9 EAST MIDTOWN REZONING

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

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

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Chapter 1 Special Midtown District

81-00 GENERAL PURPOSES

The "Special Midtown District" established in this Resolution is designed to promote and protect public health, safety and

general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
(b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
(c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
(d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
(e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
(f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
(g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
(h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
(i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
(j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
(k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
(l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
(m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
(n) to protect and strengthen the economic vitality and competitiveness of the East Midtown Subdistrict by facilitating the development of exceptional modern and sustainable office towers and enabling improvements to the above and below grade pedestrian network;
(o) to protect and strengthen the role of iconic landmark buildings as important features of the East Midtown Subdistrict;
(p) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City and in East Midtown, to expand and enhance the pedestrian circulation network connecting the Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
(q) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
(r) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
(s) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

81-01 Definitions

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

* * *

81-03 District Plan

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

The District Plan partly consists of the following four maps:

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

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

81-04 Subdistricts and Subareas

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

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

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

The Subdistricts are also subject to all other regulations of the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District# and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves. Within the East Midtown Subdistrict, certain special regulations apply to Subareas which do not apply within the remainder of the subdistrict. Such Subareas are established, as follows:

Grand Central Subarea

Northern Subarea

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

81-067 Modification of provisions for minimum base height and street wall location in Historic Districts. Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-65 (Special Street Wall Requirements) 81-621 (Special street wall requirements) pertaining to the East Midtown Grand Central Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts).

81-20 BULK REGULATIONS

81-21 Floor Area Ratio Regulations. The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of this Section or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) shall not apply in the East Midtown Subdistrict, where the special #floor area# provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) and 81-63 (Special Floor Area Provisions for All Other Sites) shall apply, as applicable.

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

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

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

Table with 4 columns: Means for Achieving Permitted FAR Levels on a #Zoning Lot#, Maximum #Floor Area Ratio# (FAR), Grand Central Subdistrict, and Outside the Grand Central Subdistrict. Rows include C5P, C6-4, C6-5, M1-6, C5-2.5, C6-4.5, C6-5.5, C6-6.5, C5-3, C6-6, C6-7, C5-2, C6-6.

- B. Basic Maximum FAR: 8.0 10.0 12.0 14.0 15.0 12.0 15.0
C. 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
D. Maximum Total FAR with As-of-Right Incentives: 8.0 11.0^1,2,7 8 13.0^1,3 14.0 16.0 12.0 15.0
F. Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvement (Section 74-634): 2.0^1,6 7 2.4^1 3.0 2.4 2.0
G. 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:

- 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): 1.6 2.0 2.4 No Limit No Limit 2.4 No Limit
(b) a "receiving lot" (Section 81-634): 1.0 1.0
(c) a "receiving lot" (Section 81-635): 0.6 0.6
O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives: 9.6 14.4 14.4 No Limit No Limit 21.6 No Limit

81-212 Special provisions for transfer of development rights from landmark sites. The provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites) shall apply in the #Special Midtown District#, subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, Section 81-747 (Transfer of development rights from landmark theaters) and Section 81-85 (Transfer of Development Rights from Landmark Sites).

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

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

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

Within the East Midtown Subdistrict, Grand Central Subdistrict, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79, or Section 81-633 (Transfer of development rights from landmarks) Section 81-63 (Transfer of Development Rights from Landmark Sites), but not both.

For #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the City Planning Commission may also

modify or waive the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a #court#, where:

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

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

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

81-23 Floor Area Bonus for Public Plazas

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

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

- (a) on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);
- (c) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and
- (d) on #zoning lots#, any portion of which is within the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, or on #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-611 (Definitions) on #zoning lots#, any portion of which is in the Grand Central Subdistrict.

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

A major portion of a #public plaza# may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (Pedestrian Circulation Space), provided that the overlapping portion of the #public plaza# also conforms to the design standards of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a #public plaza# for purposes of calculating the proportional restrictions set forth in Section 37-71.5.

* * *

81-253 Special provisions for East Midtown Grand Central, Theater, Fifth Avenue, Penn Center and Preservation Subdistricts

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

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

81-254 Special permit for height and setback modifications

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

- Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections

81-266 or 81-277 (Special permit for height and setback modifications)

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

Section 81-066 (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)

Section 81-625 (Special permit for superior developments)

Section 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea)

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

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

81-60 SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

81-61 General Provisions

Special regulations are set forth in this Section in order to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers and enabling improvements to the above and below grade pedestrian network; protecting and strengthening the role of iconic landmark buildings as important features of East Midtown; protecting and enhancing the role of Grand Central Terminal as a major transportation hub within the City and in East Midtown; expanding and enhancing the pedestrian circulation network connecting the Terminal to surrounding development and minimizing pedestrian congestion; and protecting the surrounding area's special character. Such regulations establish special provisions governing maximum floor area, sustainability, urban design and streetscape enhancements, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network in the East Midtown Subdistrict.

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

81-611 Definitions

Adjacent lot

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

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

East Midtown District Improvement Fund

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

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

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

East Midtown District Improvement Fund Contribution Rate For the purposes of Section 81-60, inclusive, the "East Midtown District Improvement Fund Contribution Rate" or "Contribution Rate" shall be set at \$X per square foot of #residential floor area#, as determined by an appraisal study prior to (date of adoption), and \$250 per square foot of #non-residential floor area# as of (date of adoption). The #Contribution Rate# shall be adjusted only in accordance with the provisions of Section 81-682 (The East Midtown District Improvement Fund Contribution Rate). Any #residential floor area# within the #building#, up to the total amount of #floor area# in the #building# in excess of the basic

maximum #floor area# established in Row A in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), where applicable, shall be included in determining such #building's Contribution Rate#.

The #Contribution Rate# for #mixed buildings# shall be determined as follows:

- Step 1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A in Table I of Section 81-62 shall be multiplied by the #Contribution Rate# for #residential use#.
- Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio#. The percentage that such difference constitutes of the amount of #floor area# in the #building# in excess of such basic maximum #floor area# shall be multiplied by the #Contribution Rate# for #non-residential uses#.
- Step 3: Add the products obtained in the calculations in Step 1 and 2 to determine the adjusted #Contribution Rate# for such #mixed building#.

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of the adjusted #Contribution Rate# to #mixed buildings#.

Example 1:

A #mixed building# being #developed# on a #qualifying site# has a #lot area# of 25,000 square feet, a basic maximum #floor area ratio# of 15.0, and a proposed #floor area ratio# of 21.6. Twenty percent of the total #floor area ratio# is proposed to be comprised of #residential use#.

- Step 1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A in Table I of Section 81-62 is 65.45 percent (4.32 is 20 percent of the #building's floor area ratio#, and constitutes 65.45 percent of the 6.6 #floor area ratio# proposed above 15.0). Multiplying this percentage by the #residential Contribution Rate#, one obtains the product of \$Y per square foot (.6545 x \$X per square foot).
- Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio# to obtain a #floor area ratio# of 2.28 (6.6 #floor area ratio# - 4.32 #residential floor area ratio#). The percentage that such difference constitutes of the amount of #floor area# in the #building# in excess of such basic maximum #floor area ratio# is 34.55 percent (2.28 is 34.55 percent of 6.6). Such percentage is multiplied by the #non-residential Contribution Rate# to obtain the product of \$86.38 per square foot (.3455 x \$250 per square foot).
- Step 3: The sum of products obtained in the calculations in Step 1 and 2 determine the adjusted #Contribution Rate# for the #mixed building#, at \$Z per square foot (\$Y per square foot + \$87 per square foot).

If the #building# achieved all 6.6 of the #floor area ratio# in excess of the basic maximum #floor area ratio# through contributions to the #East Midtown District Improvement Fund#, pursuant to Section 81-621 (District improvement bonus for qualifying sites), the contribution amount for such #mixed building# would be \$XX (6.6 x 25,000 square feet x \$Z per square foot)

Example 2:

A #mixed building# being #developed# on a #qualifying site# has a #lot area# of 25,000 square feet, a basic maximum #floor area ratio# of 15.0 and a proposed #floor area ratio# of 24.0. Prior to #development#, a #non-complying building# with a #non-complying floor area ratio# of 18.0 was demolished. A #floor area ratio of 3.0 is eligible to be reconstructed at a reduced #contribution rate# pursuant to Section 81-64 (Special Provisions for Retaining Non-complying Floor Area). Fifteen percent of the total #floor area ratio# is proposed to be comprised of #residential uses#.

- Step 1: The percentage that the amount of #residential floor area# in the #building# constitutes in relation to the amount of #floor area# in the #building# in excess of the basic maximum #floor area ratio# established in Row A in Table I of Section 81-62 is 40 percent (3.6 is 15 percent of the #building's floor area ratio#, and constitutes 40 percent of the 9.0 #floor area ratio# proposed above 15.0). Multiplying this percentage by the #residential Contribution Rate#, one obtains the product of \$Y per square foot (.4 x \$X per square foot).
- Step 2: Subtract the amount of #residential floor area ratio# in the #building# from the amount of #floor area ratio# in the #building# in excess of such basic maximum #floor area ratio# to obtain a #floor area ratio# of 5.4 (9.0 #floor area ratio# - 3.6 #residential floor area ratio#). The percentage that such difference constitutes of the amount of #floor area# in the #building# in excess of such basic maximum #floor area ratio# is 60 percent (5.4 is 60 percent of 9.0). Such percentage is multiplied by the #non-residential Contribution Rate# to obtain the product of \$150 per square foot (.6 x \$250 per square foot).
- Step 3: The sum of these two products will determine the adjusted #Contribution Rate# for the #mixed building#, at \$Z per square foot (\$Y per square foot + \$150 per square foot).
- Step 4: The #Contribution Rate# for the reconstructed #non-complying floor area# would be 50 percent of such adjusted rate, or \$ZZ per square foot.

If the #building# achieved 6.0 of the #floor area ratio# in excess of the basic maximum #floor area ratio# through contributions to the #East Midtown District Improvement Fund#, pursuant to Section 81-621, and of such 6.0, a #floor area ratio# of 3.0 was achieved utilizing the reduced #Contribution Rate# for #non-complying floor area#, pursuant to Section 81-64, the contribution amount for such #building# would be \$XX (3.0 x 25,000 square feet x \$Z per square foot + 3.0 x 25,000 square feet x \$ZZ per square foot)

Granting lot

For the purposes of Section 81-60, inclusive, a "granting lot" shall mean a #zoning lot# which contains a #landmark building or other structure#. Such "granting lot" may transfer development rights pursuant to Sections 81-622 (Transfer of development rights from landmarks to qualifying sites), 81-625 (Special permit for superior developments) or 81-633 (Transfer of development rights from landmarks), and subsequent Sections 81-634 (Transfer of development rights from landmarks by certification in the Grand Central Subarea) or 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea), 81-636 (Transfer of development rights from landmarks by authorization in the Northern Subarea) and 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

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

Landmark #building or other structure#

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

Qualifying Site

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

- (f) will have a minimum #lot area# of:
 - (1) 25,000 square feet for #buildings developed# with a #floor area ratio# beyond the basic maximum #floor area ratio# set forth in Row A of Table I in of Section 81-62 (Special Floor Area Provisions); or
 - (2) 40,000 square feet for #buildings# in the Grand Central Subarea Core of the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, #developed# pursuant to the special permit provisions of Section 81-625 (Special permit for superior developments);
- (g) will have a #lot width# which extends along the entire #wide street block# frontage, or continuously for at least 200 feet of #wide street block# frontage, whichever is less; and such #lot width# will extend continuously to a depth of at least 100 feet, as measured perpendicular to the #street line#
- (h) will have no existing #buildings or other structures# to remain within the minimum site geometry described in paragraphs (a) and (b) of this definition, except that any #building or other structure# devoted exclusively to subway or rail mass transit-related #uses#, including, but not limited to, ventilation facilities and other facilities or services used or required in connection with the operation of a subway or rail mass transit facility, may remain;
- (i)
- (j) has made a district improvement contribution to the #East Midtown District Improvement Fund# or has obtained approval of a contribution in-kind, pursuant to the applicable regulations set forth in Sections 81-621 (District improvement bonus for qualifying sites) or 81-64 (Special Provisions for Retaining Non-complying Floor Area); and
- (k) will have, within the minimum site geometry described in paragraphs (a) and (b) of this definition, a single #building#, where a minimum of 80 percent of such #building's floor area# is allocated to office #uses#, as listed in Use Group 6B, or #uses# listed in Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A, or 12B, subject to the underlying zoning district regulations. The remaining percentage, not to exceed 20 percent of such #building's floor area#, or the portion of the #building's floor area# exceeding the basic maximum #floor area ratio# set forth in Row A of Table I of Section 81-62, whichever is less, may be allocated to residential or hotel #uses#, as listed in Use Groups 2 and 5 respectively. However, where hotel #uses# occupied floor space in a #building# on a #qualifying site# prior to the demolition of such #building#, and such #use# existed on (date of adoption), the aggregate amount of #floor area# used by such hotel #uses# may exceed such 20 percent maximum, up to the amount of #floor area# previously used by such hotel #use#. The #use# regulations of this paragraph (e) may only be modified where permitted by the City Planning Commission, in accordance with the provisions of Section 81-626 (Special permit for use modifications); and
- (l) such proposed #building# complies with the performance standards set forth in Section 81-623 (Special building performance requirements for all qualifying sites)

Receiving lot

For the purposes of Section 81-60, inclusive, a "receiving lot" shall mean a #zoning lot# to which development rights of a "granting lot" are transferred. Such "receiving lot" may receive a transfer of development rights pursuant to Sections 81-622 (Transfer of development rights from landmarks to qualifying sites), 81-625 (Special permit for superior developments) or 81-633 (Transfer of development rights from landmarks), and subsequent Sections 81-634 (Transfer of development rights from landmarks by certification in the Grand Central Subarea) or 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea), 81-636 (Transfer of development rights from landmarks by authorization in the Northern Subarea) and 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

81-612 Applicability of regulations

All #developments# in the East Midtown Subdistrict on

#qualifying sites# shall utilize the #floor area# provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or where applicable, the #floor area# provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area). No foundation permit for a #building# on a #qualifying site# shall be issued by the Department of Buildings prior to July 1, 2017. In the Northern Subarea, provisions allowing the transfer of development rights from #landmark buildings or other structures# to #receiving lots# as set forth in Section 81-622 (Transfer of development rights from landmarks to qualifying sites) and Section 81-625 (Special permit for superior developments), shall not be effective until January 1, 2019.

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

#Zoning lots# existing on (date of adoption) with more than 50 percent of their #lot area# within the boundaries of the East Midtown Subdistrict shall be deemed to be entirely within the Subdistrict. In addition, #zoning lots# with #landmark buildings or other structures# in the Special Midtown District with less than 50 percent of their #lot area# within the boundaries, or which #abut# the East Midtown Subdistrict boundary, may be considered as part of the Subdistrict, and the associated Subarea therein, for the purposes of transferring development rights pursuant to the applicable provisions of Sections 81-62 or 81-63. For #zoning lots# divided by zoning district, or Subarea boundaries, the applicable provisions of Article 7, Chapter 7 shall apply.

81-613

Provisions for existing buildings

Existing #buildings#, including existing #non-complying buildings# with #non-complying floor area#, may remain on a #qualifying site developed# pursuant to the provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or any other #zoning lot developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area), provided that any such #buildings# to remain are not located within the minimum site geometry required in paragraphs (a) and (b) of the definition of #qualifying site#, or paragraph (a)(2) of Section 81-64, as applicable. Any #non-complying floor area# on the #zoning lot# generated from the provision of a #publicly accessible open area# may only be retained if such #publicly accessible open area# is retained on the #qualifying site# without diminution, pursuant to provisions of Section 81-231 (Existing plazas or other public amenities).

Where a #non-complying building or other structure# is damaged or destroyed, and the extent of damage or destruction constitutes less than 75 percent of such #building's# total #floor area#, the provisions of Section 54-41 (Permitted Reconstructions) shall apply. For #buildings or other structures# where the extent of damage or destruction constitutes 75 percent or more of the total #floor area#, the provisions of Section 54-41 shall apply, except that where such #non-complying building# was a #commercial building# with #non-complying floor area# constructed prior to December 15, 1961, such #non-complying building# may be reconstructed to the extent of its prior #non-compliance# pursuant to the provisions of Section 81-64.

81-614

Location of uses in mixed buildings

For #mixed buildings developed# on #qualifying sites#, or #buildings developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area), the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above #residential uses#, provided that no access exists between such #uses# at any level above the ground floor:

- open or enclosed observation decks;
- open or enclosed publicly-accessible spaces;
- eating or drinking establishments, as listed in Use Groups 6C, 10A and 12A;
- bowling alleys, as listed in Use Group 8A and 12A;
- theaters, as listed in Use Group 8A;
- commercial art galleries, as listed in Use Group 8B;
- gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis, as listed in Use Group 9A;
- wedding chapels and banquet halls, as listed in Use Group 9A;
- enclosed skating rinks, as listed in Use Group 12A; and
- swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#.

The #use# regulations of this Section may only be modified where permitted by the City Planning Commission, in accordance with the provisions of Section 81-626 (Special permit for use modifications).

81-615

Conversion in buildings on certain sites

Where the #Contribution Rate# for #residential uses# exceeds that for #non-residential uses#, no #conversion# of #non-residential floor area# to #residential floor area# within a #building# on a #qualifying site developed# pursuant to the provisions of Section 81-62 (Special Floor Area Provisions for Qualifying Sites), or any other #zoning lot developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-complying Floor Area), shall be permitted unless additional contributions to the #East Midtown District Improvement Fund# are made, in accordance with the provisions of Section 81-621 (District improvement bonus for qualifying sites). For the purposes of determining the contribution amount pursuant to paragraph (b) of such Section, the amount of #floor area# being #converted# to #residential use# shall be multiplied by the difference between the #East Midtown District Improvement Fund Contribution Rate# for #residential uses# and the #Contribution Rate# for #non-residential uses# in effect at the time of application. No #conversion# shall result in a percentage of #residential floor area# within such #building# in excess of that permitted pursuant to paragraph (e) of the definition of #qualifying site# in Section 81-611 (Definitions) or Section 81-626 (Special Permit for use modifications), as applicable.

81-62

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

Table I of this Section shall apply only to #qualifying sites#. The basic maximum #floor area ratio# for #qualifying sites# shall be as specified in Row A. Such #floor area ratio#, shall be increased, up to the amount specified in Row B, only pursuant to Section 81-621 (District improvement bonus for qualifying sites). For #qualifying sites# that have maximized such increased #floor area# permitted in Row B, additional #floor area# shall be permitted, up to the amount specified in Row C, through further contributions pursuant to Section 81-621, or through the transfer of development rights pursuant to Section 81-622 (Transfer of development rights from landmarks to qualifying sites). For #qualifying sites# that have achieved the #floor area ratio# specified in Row D, such #floor area ratio# may be further increased up to the amount specified in Row E pursuant to Section 81-625 (Special permit for superior developments).

#Zoning lots# with #landmark buildings or other structures# may transfer development rights pursuant to Section 81-622 or 81-625, as applicable, only to the Subarea of the East Midtown Subdistrict within which such #landmark building or other structure# is located, or, where applicable, to the Subarea which it #abuts#.

TABLE I

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

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

81-621

District improvement bonus for qualifying sites

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

- (a) Requirements for applications

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

- (6) an affidavit shall be submitted to the Chairperson attesting that, at the time of #development#, no #buildings# will remain within the minimum site geometry described in paragraphs (a) and (b) of the definition of #qualifying site# set forth in Section 81-611 (Definitions);
- (7) a site plan demonstrating compliance with the minimum site geometry described in paragraphs (a) and (b) of the definition of #qualifying site# set forth in Section 81-611 and zoning calculations for the proposed #development# on the #qualifying site# shall be submitted to the Chairperson;
- (8) for #qualifying sites# replacing the amount of #floor area# allocated to a hotel

#use# pursuant to paragraph (e) of the definition of #qualifying site# set forth in Section 81-611, the permitted amount of hotel #floor area# shall be that amount shown on either the previous #building's# construction documents submitted for approval to the Department of Building's at the time of such #building's# construction, #enlargement# or subsequent alteration, as applicable; or on an as-built drawing set completed by a licensed architect prior to such #building's# demolition; and

- (9) for #qualifying sites# meeting the criteria of paragraph (a) of the definition of #adjacent lot# with regard to such #zoning lot's# adjacency to Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship between the proposed #development# on such #qualifying site# and Grand Central Terminal has been submitted to the Chairperson.

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

Monies shall be contributed to the #East Midtown District Improvement Fund# at the #East Midtown District Improvement Fund Contribution Rate#, except that such contribution amount for #non-complying floor area# reconstructed pursuant to the provisions of Section 81-64 (Special Provisions Regarding Non-Complying Floor Area) shall be 50 percent of the #East Midtown District Contribution Rate#.

(e) Contribution in-kind

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

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

(f) Legal instruments and notice of restrictions
Upon certification, legal instruments shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments and the payment of such non-refundable contribution or approval of such contribution in-kind shall be a precondition to the filing for or issuing of any foundation permit by the Department of Buildings allowing a #development# on a #qualifying site#.

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

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

81-622 Transfer of development rights from landmarks to qualifying sites

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

(a) Requirements for applications

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

- (5) prior to, or concurrently with the application, the applicant shall comply with the certification provisions of Section 81-621 (District improvement bonus for qualifying sites), including the contribution to district improvements required pursuant to paragraphs (b) or (c) of such Section, as applicable. The proposed #development# shall utilize the #floor area# bonus of such Section to the full extent set forth in Row B in Table I of Section 81-62;

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

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

- (8) a report from the Landmarks Preservation Commission shall be submitted to the Chairperson concerning the continuing maintenance program of the #landmark building or other structure#;

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

(d) Conditions and limitations

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

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

(e) Transfer instruments and notice of restrictions

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

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

81-623 Special building performance requirements for all qualifying sites

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

81-624 Authorization for zoning lots with limited wide street block frontage

In the East Midtown Subdistrict, the City Planning Commission may allow, by authorization, the utilization of the #floor area# provisions set forth in Section 81-62 (Special Floor Area Provisions for Qualifying Sites) for #zoning lots# which do not meet the #wide street block# frontage criteria established in paragraph (b) of the definition of #qualifying sites#, as set forth in Section 81-611 (Definitions), provided that the conditions of paragraph (a) and the findings of paragraph (b) of this Section are met. For the purpose of Section 81-60, inclusive, any #zoning lot# authorized pursuant to this Section shall be considered a #qualifying site#.

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

- (4) At the time of #development#, the #zoning lot# will have a #lot width# which extends across a minimum of 75 percent of the #wide street block# frontage, or for at least 150 feet of #wide street# frontage, whichever is less; and such #lot width# will extend continuously to a depth of 100 feet, as measured perpendicular to the #wide street line#;
- (5) Other than the #wide street block# frontage criteria established in paragraph

(b) of the definition of #qualifying site#, as set forth in Section 81-611, the #zoning lot# shall comply with all other criteria established in such definition, including the minimum #lot area# required by paragraph (a) of such definition. At the time of #development#, no existing #buildings or other structures# shall remain within the modified minimum site geometry;

- (6) the #floor area ratio# of the proposed #building# does not exceed the amount set forth in Row D in Table I of Section 81-62, as applicable, and the #development# complies with the applicable certification provisions of Sections 81-621 (District improvement bonus for qualifying sites) and Section 81-622 (Transfer of development rights from landmarks to qualifying sites) prior to, or concurrently with such authorization application; and

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

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

- (3) the #building# footprint, including the size and configuration thereof, will be sufficient to accommodate a substantial #non-residential# or #mixed building#;
- (4) the percentage of #block# frontage the proposed #building# occupies, and the proposed distribution of #bulk# for such #building# can accommodate the proportional amount of #floor area# being granted pursuant to this Section in a manner which ensures the surrounding #streets# and public spaces will have ample access to light and air;
- (5) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate movement between the #building# and adjoining public spaces;;
- (6) where applicable, due consideration has been demonstrated for the relationship between the proposed #building# and any existing #building# on the #wide street block# frontage, especially with regard to streetscape and the distribution of #bulk#.

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

81-625 Special permit for superior developments

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

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

- (3) Additional #floor area#, beyond the applicable #floor area ratio# permitted by Row D in Table I of Section 81-62 (Special Floor Area Provisions For Qualifying Sites) up to the applicable amount set forth in Row E in such Table; and
- (4) In conjunction with such additional #floor area#:

 - (i) modifications to the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-65 (Special Street Wall Requirements), inclusive;
 - (ii) modifications to the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, and 81-66 (Special Height and Setback Requirements), inclusive;
 - (iii) modifications to the mandatory district plan element regulations of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-Street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility), 81-67 (Special Mandatory District Plan Element Requirements), inclusive, or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in

- Section 37- 51 (Amount of Pedestrian Circulation Space) or the curb cut and loading berth provisions of Section 81-676 (Curb cut restrictions and loading berth requirements) shall be permitted; and
- (iv) modification of the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements)
- (e) Any application for such special permit shall contain information sufficient to allow the Commission to determine that the following conditions are met:
- (1) The proposed #development# complies with the applicable certification provisions of Sections 81-621 (District improvement bonus for qualifying sites) and Section 81-622 (Transfer of development rights from landmarks to qualifying sites) prior to, or concurrently with such special permit application. Compliance with such certifications shall include demonstration that:
- (i) all proposed #floor area# for such #development# up to, and in excess of, the amount permitted by Row D in Table I of Section 81-62, will be achieved through the applicable contribution to district improvements in accordance with the provisions of Section 81-621 or a transfer of development rights from landmarks in accordance with the provisions of Section 81-622; and
- (ii) any district improvement contribution in-kind provided pursuant to paragraph (c) of Section 81-621 is for an improvement that is separate and distinct from the additional above and below-grade site improvements required pursuant to conditions (b)(2) and (b)(3) of this Section;
- (5) the proposed #development# provides a major at-grade improvement to the above-grade pedestrian network, consisting of open or enclosed space or spaces, which are open to the public for public use and enjoyment. The improvement shall substantially increase the general accessibility of the network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous connections to Grand Central Terminal. A site plan shall be submitted of sufficient scope and detail to enable the Commission to determine that such publicly-accessible space:
- (iv) to the greatest extent feasible, includes amenities required for #public plazas#, as set forth in Section 37-70 (PUBLIC PLAZAS), including but not limited to a variety of seating types, planting beds and trees, paving, lighting, litter receptacles, and public space signage. Such publicly accessible space shall apply the applicable minimum and maximum dimensional criteria for such amenities set forth in Section 37-70;
- (v) fronts upon a #street# or a pedestrian circulation space in close proximity to and full view of an adjoining sidewalk; and
- (vi) to the greatest extent feasible, is wrapped by ground floor #uses# and transparent materials in accordance with the provisions of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses);
- (6) where located within the Grand Central Subarea Core, the proposed #development# provides a major improvement to the below-grade pedestrian network. Such below-grade improvement shall be in addition to the at-grade open or enclosed space required pursuant to paragraph (2) of this Section, and shall increase the general accessibility of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not be limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the proposed #development# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage. Schematic or concept plans of the proposed improvement to the below-grade pedestrian circulation network, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement shall be provided at the time of filing of the application and shall be a prerequisite to the certification thereof. In addition, the
- MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall at the time of filing of the application each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement, and such letters shall be a prerequisite to the certification of the application;
- (7) any proposed modifications to height and setback regulations within the proposed #development# are demonstrated through materials submitted to the Commission, including but not limited to:
- (iv) drawings, including but not limited to plan views and axonometric views, that illustrate how the proposed #building# will not comply with the provisions of Sections 81-26 or 81-27, or as such provisions are modified pursuant to Section 81-66;
- (v) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-66; and
- (vi) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66;
- (7) the proposed #development# exceeds the #building# performance standards set forth in Section 81-623 (Special building performance requirements for all qualifying sites). Information regarding the proposed #development#'s energy performance shall be submitted to the Commission; and
- (8) the applicant has submitted drawings sufficient to demonstrate to the Commission the building design of the proposed #development#, and to enable the Commission to evaluate such #building# in the context of adjacent #buildings# and the Manhattan skyline. Such drawings shall include, but shall not be limited to, measured elevation drawings, axonometric views, and renderings showing such proposed #building# within the Manhattan skyline.
- (f) To grant such special permit, the Commission shall find that:
- (1) the public benefit derived from the proposed #development# merits the proportional amount of additional #floor area# being granted pursuant to this Section;
- (2) the pedestrian circulation space provided by the #development#, including but not limited to the at-grade, open or enclosed public space required pursuant to condition (b)(2) of this Section shall:
- (iii) be a prominent space of generous proportions and quality design that is inviting to the public, provides considerable amounts of light and air for occupants, and is highly visible and accessible from the adjoining sidewalk. Such space shall contain elements to ensure its contribution to a lively streetscape and offer amenities for the comfort and convenience of the public, including, but not limited to, abundant greenery through a combination of planting beds and trees, and generous amounts of seating in a variety of different types. The applicant shall demonstrate particular consideration for the choice, amount and quality of such proposed elements and amenities;
- (iv) significantly contribute to the pedestrian circulation network by providing generous pedestrian accessibility through and around the site, and fluid connections to pedestrian circulation spaces in the immediate vicinity thereof; and
- (iii) significantly contribute to the overall improvement of pedestrian circulation and reduction of congestion on surrounding #streets# within the Subdistrict through the provision of a vibrant streetscape, and a well-designed site plan, which demonstrates the strategic locations of pedestrian circulation space, #building# entrances, and, where applicable, the provision of more direct pedestrian access to Grand Central Terminal;
- (7) any below-grade improvements required as part of the proposed #development# pursuant to condition (b)(3) of this Section shall:
- (iv) provide significant and generous connections to the below-grade pedestrian circulation network and surrounding #streets#. Where #street# level entryways from the proposed #development# into the below-grade pedestrian circulation network or subway stations or other rail transit facilities are provided, such entryways shall be well-integrated with the proposed at-grade improvements to the pedestrian network required by condition (2) of this Section;
- (v) where applicable, provide major improvements to public accessibility to and from subway stations and other rail transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing connections, including the provision of escalators or elevators; and
- (vi) where applicable, provide significant improvements to the environment of subway stations and other rail transit facilities through the provision of direct daylight access, or through improvements to noise control, air quality, lighting or rider orientation;
- (8) with regard to the #building bulk# of the proposed #development#:
- (i) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces. Above the ground floor level, access to light and air to the surrounding #streets# and public spaces is ensured through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;
- (ii) all components of the #building# are well-integrated and demonstrate a well-designed combination of articulation, choice of materials and amounts of fenestration, which contribute to create a prominent and distinctive #building# which also complements the character of the surrounding area;
- (iii) with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District's height and setback regulations, any modifications thereto will result in a compelling distribution of #bulk# on the #zoning lot#;
- (9) the proposed #development# comprehensively integrates 'green' building systems into the #building# and site design, and exhibits innovations in 'green' building technology which will place the #development# at the forefront of sustainable building design; and
- (10) all of the separate elements within the proposed #development#, including but not limited to, the proposed #building#, the proposed open or enclosed publicly accessible space, and any required below-grade improvements to the pedestrian circulation network, are well integrated and will result in a superior #development# that will present a significant contribution to the East Midtown area and its collection of world-renowned #buildings#.
- (e) Agreements and Declaration of Restrictions
- A written declaration of restrictions, in a form acceptable to the City Planning Commission, setting forth the obligations of owner or developer to construct, maintain and provide public access to a public improvement required under condition (b)(2) of this Section shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Such written declaration shall also stipulate that no building permit shall be granted by the Department of Buildings for any portion of a #building# on a #qualifying site# which has been granted additional #floor area# pursuant to the provisions of this Section until all contributions to district improvements required by paragraph (b)(1)(i) of this Section, as applicable, have been made by the owner or developer. Proof of recordation of the declaration of restrictions shall be submitted to the City Planning Commission, in a form acceptable to the Commission.
- Prior to the grant of a special permit which includes an improvement required under condition (b)(3) of this Section, where applicable, to the extent required by the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement, the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and

assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA and any such other entities.

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

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

81-626 Special Permit for Use Modifications

In the East Midtown Subdistrict, the City Planning Commission may allow, by special permit, modifications to the #use# criteria established in paragraph (e) of the definition of #qualifying site# in Section 81-611 (Definitions), to allow any #use# permitted by the underlying zoning district regulations on #qualifying sites# or #buildings developed# pursuant to the provisions of Section 81-64 (Special Provisions for Retaining Non-Complying Floor Area), provided that the conditions of paragraph (a) and the findings of paragraph (b) are met. In conjunction with such modification to permitted #uses#, the Commission may permit modifications to the location of #use# provisions set forth in Section 81-614 (Location of uses in mixed buildings), as necessary.

(a) Any application for such special permit shall contain information sufficient to allow the Commission to determine that the following conditions are met:

- (4) no more than 40 percent of the #building's floor area# shall be allocated to #residential use#; and
- (5) the #East Midtown District Improvement Fund Contribution Rate# for all proposed #floor area# for such #development# in excess of the basic maximum #floor area# established in Row A in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) utilizing the provisions of Section 81-621 (District improvement bonus for qualifying sites) has been adjusted, as necessary, to account for any increase in #residential floor area#, in the manner described in such definition in Section 81-611.

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

- (1) the design of the ground floor level of the #building# contributes to a lively streetscape through a combination of active uses, ample amounts of transparency and pedestrian connections that facilitate movement between the #building# and adjoining public spaces;
- (2) above the ground floor level, adequate access to light and air is provided for #residential# and hotel #uses#, as applicable, through a well-composed distribution of #bulk# which utilizes setbacks, recesses and other forms of articulation;
- (3) the mix of #uses# in the proposed #building# will not undermine the achievement of the goals and purposes set forth for the East Midtown District and the #Special Midtown District#. In order to make such determination, the applicant shall demonstrate to the Commission that sufficient #development# sites exist within the East Midtown Subdistrict to reasonably accommodate the Subdistrict's projected office demand; and
- (4) where the location of #use# provisions are being modified, sufficient separation of #residential uses# from #non-residential uses# exists within the #building#.

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

81-63 Special Floor Area Provisions for All Other Sites

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

Table II of this Section shall apply to all #zoning lots# that are not #qualifying sites#. The basic maximum #floor area ratio# for such #zoning lots# shall be as specified in Row A. Where such #zoning lot# is located outside the Grand Central Subarea, as shown on Map 4 (East Midtown Subareas and Subarea Core) in Appendix A of this Chapter, such #floor area ratio# may be increased up to the amount specified in Row B pursuant to Section 81-631 (Floor area bonus for public plazas). Where such #zoning lot# is eligible for a subway improvement, the basic maximum #floor area ratio# may be increased up to the amount specified in Row D, pursuant to Section 81-632 (Floor area bonus for subway station improvements). Where such #zoning lot# is an #adjacent lot# in relation to a #landmark or other structure#,

the basic maximum #floor area ratio# may be increased up to the amount specified in Row G.1 pursuant to Section 74-79 (Transfer of Development Sites from Landmark Sites). Where such #zoning lot# is a #receiving lot# in the Grand Central Subarea, the basic maximum #floor area ratio# may be increased up to the amount specified in Row G.2 or G.3 pursuant to the applicable provisions of Sections 81-633 (Transfer of development rights from landmarks) and 81-634 (Transfer of development rights by certification in the Grand Central Subarea) or 81-635 (Transfer of development rights by special permit in the Grand Central Subarea). Where such #zoning lot# is a #receiving lot# in the Northern Subarea, the basic maximum #floor area ratio# may be increased up to the amount specified in Row G.4 or G.5 pursuant to the applicable provisions of Sections 81-633 and 81-636 (Transfer of development rights by authorization in the North Subarea) or 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

Within the Grand Central or Northern Subarea, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-633, but not both. Any #development# using the provisions of Section 74-79 shall also be subject to the modifications set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites). Whenever there is an inconsistency between any provisions in Section 74-79 and Table II of this Section, the table in this Section shall apply.

#Zoning lots# with #landmark buildings or other structures# may transfer development rights pursuant to Section 81-633 and the applicable subsequent Section, only to the Subarea of the East Midtown Subdistrict within which such #landmark building or other structure# is located, or, where applicable, to the Subarea which it #abuts#.

TABLE II

MAXIMUM FLOOR AREA ALLOWANCES FOR ALL OTHER SITES IN THE EAST MIDTOWN SUBDISTRICT

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

81-631 Floor area bonus for public plazas

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

81-632 Floor area bonus for subway station improvements

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

Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

81-633 Transfer of development rights from landmarks
In accordance with the provisions of Sections 81-634 through 81-637, the Chairperson of the City Planning Commission may certify, or the City Planning Commission may permit, or authorize, as applicable, the transfer of development rights from a #landmark building or other structure# to a #zoning lot#, as set forth in paragraph (a) of this Section, provided that the application requirements of paragraph (b), the conditions and limitations of paragraph (c) and the transfer instruments and notice of restrictions of paragraph (d) of this Section are met.

(a) Eligible transfers and permitted modifications

The following transfer of development rights shall be allowed on #zoning lots# other than #qualifying sites# within the East Midtown Subdistrict:

- (1) In the Grand Central Subarea:
 - (i) The Chairperson of the City Planning Commission shall, by certification, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.2 in Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-634 (Transfer of development rights from landmarks by certification in the Grand Central Subarea);

- (ii) The City Planning Commission may, by special permit, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.3 in Table II, as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-635 (Transfer of development rights from landmarks by special permit in the Grand Central Subarea).

(2) In the Northern Subarea:

- (i) The City Planning Commission may, by authorization, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.4 in Table II, as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-636 (Transfer of development rights from landmarks by authorization in the Northern Subarea); and

- (ii) The City Planning Commission may, by special permit, allow a transfer of development rights from a #granting lot# to a #receiving lot# in an amount not to exceed a #floor area ratio# set forth in Row G.5 in Table II, as applicable. In addition to the provisions of this Section, applicants shall comply with the provisions of Section 81-637 (Transfer of development rights from landmarks by special permit in the Northern Subarea).

(e) Application requirements

An application filed with the City Planning Commission, or the Chairperson thereof, as applicable, shall be made jointly by the owners of the #granting lot# and #receiving lot# and shall include:

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

(f) Conditions and limitations

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

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

- (vii) for each #receiving lot#, the #floor area# allowed by the transfer of development rights under this Section shall not exceed the applicable amount set forth in Row G.2 through G.5 in Table II of Section 81-63;
- (viii) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

(g) Transfer instruments and notice of restrictions

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

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

81-634
Transfer of development rights from landmarks by certification in the Grand Central Subarea

Within the Grand Central Subarea, the Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(1)(i) of Section 81-633 (Transfer of development rights from landmarks), provided that the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633 are met.

In conjunction with such transfer of development rights, the Chairperson shall allow modifications to the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows:

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

81-635
Transfer of development rights from landmarks by special permit in the Grand Central Subarea

Within the Grand Central Subarea, the City Planning Commission may allow, by special permit, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(1)(ii) of Section 81-633 (Transfer of development rights from landmarks), and, in conjunction with such transfer, the Commission may allow modifications to #bulk# and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633, the conditions of paragraph (b), the findings of paragraph (c), and the additional requirements of paragraph (d) of this Section are met.

- (a) In conjunction with such transfer of development rights, the Commission may permit:
- (1) modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;
 - (2) the modification of #bulk# regulations except #floor area ratio# and height and setback regulations; however, in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, the Commission may modify the provisions of Sections 81-65 (Special Street Wall requirements), 81-66 (Special Height and Setback requirements), 81-67 (Special Mandatory District Plan Element Requirements), 81-625 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions; and
 - (3) notwithstanding the provisions of paragraph (a)(2)(ii) of this Section, for #developments# or #enlargements# on #zoning lots# with a #lot area# of more than 40,000 square feet that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations.
- (b) As a condition for approval, the applicant shall demonstrate to the Commission that the design of the #development# or #enlargement# includes a major improvement of the surface and/or subsurface pedestrian circulation network in the

portion of the Subdistrict. The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage. The Commission may require, where appropriate, the provision of similar public amenities for #developments# or #enlargements# in the Northern Subarea.

- (c) In order to grant such special permit, the Commission shall find that the improvement to the surface and subsurface pedestrian circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal, pursuant to the following:

- (v) that the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the portion of the Subdistrict and minimize congestion on surrounding #streets#, and that a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within such portion of the Subdistrict;
- (vi) that the modification of #bulk# regulations, regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the #receiving lot#, density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;
- (vii) that, for #enlargements# to existing #buildings#, the modifications of height and setback requirements and the requirements of Sections 81-65 (Special Street Wall requirements), 81-66 (Special Height and Setback requirements), 81-67 (Special Mandatory District Plan Element Requirements), 81-625 (Pedestrian circulation space requirements), are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and
- (viii) that, for #developments# or #enlargements# on #zoning lots# with a #lot area# of more than 40,000 square feet that occupy an entire #block#, modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed.

- (d) Any application filed with the Commission pursuant to this Section shall include a plan of the required pedestrian network improvement, as well as information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement to the surface and/or sub-surface of the pedestrian circulation network. The applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to Uniform Land Use Review Procedure (ULURP) certification of the special permit application, as required by Section 197-c of the New York City Charter, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

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

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

Except where modified by the Commission to allow for phased implementation, no temporary certification of occupancy for any #floor area# of the #development# on a #qualifying site# shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission, acting in consultation with the Metropolitan Transportation Authority, as

appropriate, and the areas are usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development#, all improvements shall be 100 percent complete in accordance with the approved plans and such final completion shall have been certified by letter from the Metropolitan Transportation Authority.

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

81-636
Transfer of development rights from landmarks by authorization in the Northern Subarea

Within the Northern Subarea, the City Planning Commission may allow, by authorization, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(2)(i) of Section 81-633 (Transfer of development rights from landmarks), and, in conjunction with such transfer, the Commission may allow associated modifications to provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633, the conditions of paragraph (b) and the findings of paragraph (c) of this Section are met.

- (a) In conjunction with such transfer of development rights, the Commission may authorize modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#.
- (b) As a condition for approval, the applicant shall demonstrate to the Commission that on (date of adoption), and at the time of application, the #receiving lot# did not meet the minimum site geometry established in paragraphs (a) and (b) of the definition of #qualifying site#.
- (c) In order to grant such authorization, the Commission shall find that the authorized transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#; and that the program for continuing maintenance will result in the preservation of the landmark.

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

81-637
Transfer of development rights from landmarks by special permit in the Northern Subarea

Within the Northern Subarea, the City Planning Commission may allow, by special permit, a transfer of development rights from a #landmark building or other structure# to a #zoning lot# that is not a #qualifying site#, as set forth in paragraph (a)(2)(ii) of Section 81-633 (Transfer of development rights from landmarks), and, in conjunction with such transfer, the Commission may allow associated modifications to provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that, in addition to the applicable requirements set forth in paragraphs (b) through (d) of Section 81-633, the conditions of paragraph (b) and the findings of paragraph (c) of this Section are met.

- (a) In conjunction with such transfer of development rights, the Commission may permit modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#.
- (b) As a condition for approval, the applicant shall demonstrate to the Commission that on (date of adoption), and at the time of application, the #receiving lot# did not meet the minimum site geometry established in paragraphs (a) and (b) of the definition of #qualifying site#.
- (c) In order to grant such special permit, the Commission shall find:
 - (1) that the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#;
 - (2) that the program for continuing maintenance will result in the preservation of the landmark; and
 - (3) the scale and placement of the #building# on the #zoning lot# is harmonious with the surrounding neighborhood character.

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

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

In the East Midtown Subdistrict, a #non-complying commercial building# with #non-complying floor area# constructed prior to December 15, 1961 may be demolished and reconstructed to the extent of its prior #non-complying floor area# in accordance with the applicable district #bulk# regulations, upon certification of the Chairperson of the City Planning Commission to the Department of Buildings that:

- (c) such reconstructed #building#:
- (1) will comply with the #use# provisions of paragraph (e) of the definition of

- #qualifying site# set forth in Section 81-611 (Definitions), inclusive;
- (2) will be located on a #zoning lot# that either is a #qualifying site#; or has frontage along a #wide street# and a #lot area# of at least 20,000 square feet;
 - (a) will have no existing #building# to remain within the minimum site geometry described within paragraph (a)(2) of this Section;
 - (b) will comply with the #building# performance requirements of Section 81-623 (Special building performance requirements for all qualifying sites); and
 - (c) shall utilize all #floor area# certified pursuant to this Section within the site geometry of the #zoning lot# as it existed at the time of application.
 - (d) contributions to the #East Midtown District Improvement Fund# are made for the amount of #floor area# in the reconstructed #building# equivalent to the #non-complying floor area# at 50 percent of the #East Midtown District Contribution Rate#. For this purpose, the amount of #non-complying floor area# exceeding the basic maximum #floor area ratio# set forth in Table I of Section 81-62 (Special Floor Area Provisions for Qualifying Sites) or Table II of Section 81-63 (Special Floor Area Provisions for All Other Sites), as applicable, shall be calculated on the basis of the #lot area# of the #development# site used to comply with paragraph (a)(2) of this Section.

Calculations of the amount of #non-complying floor area# in such existing #building#, and where applicable, the amount of #floor area# allocated to a hotel #use# to be replaced in such reconstructed #building# pursuant to paragraph (e) of the definition of #qualifying site# set forth Section 81-611, shall be shown on either the #building's# construction documents submitted for approval to the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or on an as-built drawing set completed by a licensed architect prior to such #building's# demolition.

Certification pursuant to the provisions of this Section shall be a precondition to the issuance of any demolition permit by the Department of Buildings on a #zoning lot# reconstructing #non-complying floor area#. No foundation permit for a #building# reconstructed pursuant to the provisions of this Section shall be issued by the Department of Buildings prior to July 1, 2017, and no certificate of occupancy for the reconstructed #building# shall be issued until the Department of Buildings determines such reconstructed #building# is compliant with the provisions of this Section. Notice of the restrictions upon further #development# or #enlargement# on the #zoning lot# occupied by the #building# reconstructing #non-complying floor area# shall be filed by the owners in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the City Planning Commission, in a form acceptable to the Commission.

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

81-65 Special Street Wall Requirements
The applicable #street wall# regulations of Sections 81-26 (Height and Setback Regulations –Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, and 81-43 (Street Wall Continuity Along Designated Streets) shall be modified for #developments# and #enlargements# within the East Midtown Subdistrict in accordance with the provisions of this Section, inclusive.

81-651 Special street wall requirements along designated streets
#Buildings# that front upon designated #streets#, as shown on Map 2 (Retail and Street Wall Continuity) in Appendix A of this Chapter that are within the Grand Central Subarea and the Northern Subarea Core, as shown on Map 4 (East Midtown Subarea and Subarea Core), shall comply with the #street wall# requirements of this Section.

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

Any #street wall# below the applicable minimum #street wall# height that is set back more than one foot from a #street line# or sidewalk widening line shall be considered a recess. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 81-675. Above the ground floor, the aggregate width of all recesses in the #street wall# shall not exceed 30 percent of the entire width of such #street wall# at any such level, and no recess shall be permitted within 30 feet of the intersection of two #street lines#. The maximum depth of any recess shall be ten feet if such recess is not open to the sky, and 15 feet if such recess is open to the sky. All recesses shall be at least twice as wide as they are deep.

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

All heights shall be measured from #curb level#.

In addition, the following regulations shall apply:

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

- (d) Madison and Lexington Avenues
The provisions of this paragraph shall apply to #buildings# fronting upon Madison or Lexington Avenues.

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

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

- (iv) For portions of #buildings# along #narrow streets# beyond 125 feet of the Madison or Lexington Avenue #street line#, the maximum height of the #street wall# shall be as follows:
(e) where the height of the #street wall# of the adjacent #building# is less than 90 feet, the maximum height of such portion of the #street wall# shall be 90 feet;
- (f) where the height of the #street wall# of the adjacent #building# is between 90 and 120 feet, the maximum height of such portion of the #street wall# shall be 120 feet; and
- (g) where the height of the #street wall# of the adjacent #building# exceeds a height of 120 feet, the height of such portion of the #street wall# may match the height of such adjacent #building#, provided that the height of such #street wall# does not exceed a height of 150 feet.

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

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

- (3) Street wall height requirements along Depew Place
For #buildings# fronting upon Depew Place, the minimum height of a #street wall# without setback shall be 90 feet or the height of the #building#, whichever is less, and the maximum height shall not exceed 100 feet. Where such frontages intersect 42nd Street, the #street wall# height along Depew Place shall be maintained along 42nd Street for a

minimum depth of 60 feet. Above the maximum height permitted at the #street line#, every portion of a #building# shall be set back at least 60 feet from the #street line# of Depew Place.

- (h) Park Avenue
The provisions of this paragraph shall apply to #buildings# fronting upon Park Avenue

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

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

81-652 Special street wall requirements along narrow streets
#Buildings# that front upon #narrow streets# within the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, beyond any required #street wall# wrap-around distance from a designated #street# pursuant to the applicable regulations of Section 81-651 (Special street wall requirements along designated streets), shall comply with the requirements of this Section.

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

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

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

81-66 Special Height and Setback Requirements
#Buildings# in the East Midtown Subdistrict using the daylight compensation method of height and setback regulations shall utilize the provisions of Section 81-661 (For buildings using daylight compensation method in the Grand Central Subarea) or 81-662 (For buildings using daylight compensation method along Park Avenue), as applicable. #Buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central Subarea may utilize the provisions of either Section, but not both. #Buildings# in the East Midtown Subdistrict using the daylight evaluation method of height and setback regulations shall utilize the provisions of Section 81-663 (For buildings using daylight evaluation method in the Grand Central Subarea) or 81-664 (For buildings using daylight evaluation method along Park Avenue), as applicable. #Buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central Subarea may utilize the provisions of either Section, but not both.

81-661 For buildings using daylight compensation method in the Grand Central Subarea
For #buildings# in the Grand Central Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-26 (Height and Setback Regulations-Daylight Compensation) shall apply to all #buildings# on a #zoning lot#, except that:

- (a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):
(i) no #compensating recess# shall be required where #encroachments#, or portions thereof, are provided on the portion of the #building# below a height of 150 feet, as measured from #curb level#;
- (ii) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not extend without diminution or dimension downward to the lowest level of #encroachment#, as set forth in paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of

#encroachment# provided at such level. The provisions of paragraphs (c)(2) and (c)(3) of Section 81-264 shall apply to such #compensating recesses#; and

(iii) where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified #zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. The Vanderbilt Avenue portion of such modified #zoning lot# may be considered a #compensating recess# for encroachments along such #building's narrow street frontage zone#, provided that:

(iii) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (d) of Section 81-655 (Special street wall requirements along Vanderbilt Avenue and Depew Place); and

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

(d) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-265 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in paragraph (c) shall be modified to 20 percent of the length of the #front lot line#.

81-662 For buildings using daylight compensation method along Park Avenue

For #buildings# on #qualifying sites# with frontage along Park Avenue in the Grand Central or Northern Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, the provisions of Section 81-26 (Height and Setback Regulations-Daylight Compensation) shall apply to all #buildings# on a #zoning lot#, except that the set back requirements of Table A, B, or C in paragraph (b) of Section 81-263 (Standard setback requirements) shall not apply to the Park Avenue frontage of such #building#. In lieu thereof, the Park Avenue wall of such #building# shall be set back behind the applicable #setback line# to the depth of the #setback line# required at that point, depending upon the height of the wall at that point, in accordance with the applicable requirements of Table D of this Section.

Table D
SETBACK REQUIREMENTS ON STREETS AT LEAST 140 WIDE
Depth of #Setback Line# from #Street Line# at Stated Heights above #Curb Level#.

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

*For every 10 feet of height above 710 feet, the depth shall increase by one foot.

81-663 For buildings using daylight evaluation method in the Grand Central Subarea

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

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

(1) the computation of daylight evaluation shall not include any daylight blockage, profile daylight blockage or available daylight for that portion of the #street wall# of the #building# below 150 feet above #curb level#; and

(2) The computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to paragraph (c) of such Section, may apply along designated #streets# where #street wall# continuity is required; and

(d) For the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart), where such #building# is located on a #zoning lot# which occupies the entire #block#, and such #block# is bounded by Vanderbilt Avenue and Madison Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot#. Such modified

#zoning lot# shall be constructed by shifting the easterly boundary of the #zoning lot# to the easterly #street line# of Vanderbilt Avenue, and prolonging the #narrow street lines# to such new easterly boundary. Such modified #zoning lot# may be utilized to create a modified pedestrian view along Vanderbilt Avenue and intersecting #narrow streets# provided that:

(1) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, as set forth in paragraph (d) of Section 81-655 (Special street wall requirements along Vanderbilt Avenue and Depew Place);

(2) #vantage points# along Vanderbilt Avenue are taken 30 feet east of the easterly #street line# instead of the #center line of the street#; and

(3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#.

81-664 For buildings using daylight evaluation method along Park Avenue

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

(a) for the purposes of establishing #vantage points# along Park Avenue to construct a #daylight evaluation chart# pursuant to the provisions of Section 81-272 (Features of the Daylight Evaluation Chart), the definition of #centerline of the street#, as set forth in Section 81-271 (Definitions), shall be modified along Park Avenue to be a line 70 feet from, and parallel to, the Park Avenue #street line# of the #zoning lot#;

(b) For the purposes of calculating the daylight evaluation score pursuant to paragraph (c) of Section 81-274 (Rules for determining the daylight evaluation score) the computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees may apply along designated #streets# where #street wall# continuity is required; and

(c) the overall score calculated pursuant to paragraphs (h) of Section 81-274 shall include a reflectivity calculation, pursuant to Section 81-276 (Modification of score for reflectivity), irrespective of whether reflectivity is utilized to achieve the passing score.

81-67 Special Mandatory District Plan Element Requirements

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

81-671 Sidewalk widenings

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

(b) Mandatory sidewalk widenings

(3) Along Madison and Lexington Avenues

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

(i) where such #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage, sidewalk widening shall be provided to the extent necessary so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#.

However, no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#;

(ii) where such #development# or #enlargement# is on a #zoning lot# which does not occupy the entire #block# frontage, a sidewalk widening shall be provided where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening shall exceed 10 feet, as measured perpendicular to the #street line#.

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

Along #narrow streets# from 43rd to 47th Streets between Vanderbilt and Madison Avenues, in the Grand Central Subarea, as shown on Map 4, for #developments# and #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along either the #narrow street

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

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

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

(1) along #narrow streets# in the Grand Central Subarea, as shown on Map 4, for #developments# and #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along such side #street line#; and

(2) where a #street wall#, or portions thereof, is permitted to be located beyond the #street line# pursuant to the applicable provisions of Section 81-65 (Special Street Wall Requirements), inclusive.

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

81-672 Mass transit access

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

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

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

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

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

(c) where such mass transit access is constructed and maintained by the owner of the #development# or #enlargement#, every square foot of transit access may constitute three square feet of pedestrian circulation space required pursuant to Section 81-45 (Pedestrian Circulation Space), not to exceed 3,000 square feet, provided that:

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

(5) where the #building's# lobby abuts such mass transit access, such mass transit access provides a direct connection to the #building's# lobby which is open during normal business hours; and

(6) such mass transit access provides directional #signs# in accordance with the provisions of Section 81-412 (Directions signs). Such #signs# shall be exempt from the maximum #surface area# of non-illuminated signs permitted by Section 32-642 (Non-illuminated signs);

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

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

81-673 Building lobby entrance requirements

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

entrances in accordance with the provisions of this Section.

(d) Required lobby entrances

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

(e) Maximum lobby widths

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

(f) Through #block# provisions

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

81-674

Retail continuity provisions

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

(d) Along designated #streets#

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

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

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

(f) Along Vanderbilt

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

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

(e) Required transparency

- (1) Along designated #streets# and #qualifying sites#
For portions of ground floor #commercial# and #community facility uses# provided pursuant to paragraphs (a) and (b) of this Section, at least 50 percent of the #street wall# surface of each required establishment shall be glazed with clear untinted transparent material. For the purpose of this glazing requirement, the establishment's #street wall# surface shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is more.
- (3) Along Vanderbilt
Any #building# fronting along Vanderbilt Avenue shall provide transparency as follows. At least 70 percent of the #street wall# surface, as measured from #curb level# to a height of 60 feet above #curb level#, shall be glazed with clear untinted transparent material.

81-675

Pedestrian circulation space requirements

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

- (a) no arcade shall be allowed on Madison and Lexington Avenues in the Grand Central Subarea, as shown on Map 4 (East Midtown Subarea and Subarea Core) in Appendix A of this Chapter, except where an existing arcade is located, a new arcade may be provided which connects to such

existing arcade, provided that such new arcade complies with the provisions of paragraph (a) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces);

- (b) No #floor area# bonus shall be granted for the provision of a #public plaza# within the Grand Central Subarea; and
- (c) The minimum dimension of a #building# entrance recess area set forth in paragraph (b) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be measured from the #street wall# instead of the #street line# where a sidewalk widening is provided pursuant to Section 81-653 (Sidewalk widening); and
- (d) For all pedestrian circulation spaces in the Grand Central Subarea, lighting shall be provided as follows:
 - (3) Within sidewalk widenings, a minimum level of illumination of two horizontal foot candles shall be maintained between sunset and sunrise; and
 - (4) For all other pedestrian circulation spaces, a minimum level of illumination of five horizontal foot candles shall be maintained between sunset and sunrise.

81-676

Curb cut restrictions and loading berth requirements

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

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

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

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

(c) Curb cuts provisions

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

81-68

Supplemental Provisions

81-681

The East Midtown District Improvement Fund Committee

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

- (g) The #Committee# shall identify and prioritize physical above and below grade pedestrian network improvements, including publicly accessible open space, within the East Midtown Subdistrict, or in a location immediately adjacent thereto, which may be funded through contributions to the #Fund#. All such improvements shall meet the definition of a capital project under Section 210 of the New York City Charter. The priority of such improvements shall be determined through consideration of the following:
 - (1) The benefit such physical improvements, including but not limited to subway stations, sidewalks and publicly accessible open spaces, provide to the East Midtown pedestrian network. Priority shall be given to improvements to the Grand Central - 42nd Street subway station, the Lexington Avenue / 53rd Street and 51st Street subway station, and to the pedestrian network in the immediate vicinity of Grand Central Terminal; and
 - (2) The ability of such improvement to address the potential for significant adverse impacts identified in the City Environmental Quality Review (CEQR) No. X in connection with the adoption of provisions of this Chapter establishing the East Midtown Subdistrict.

- (h) The #Committee# shall maintain and adjust, as necessary, a list of such priority district improvement projects within the East Midtown Subdistrict. Such list shall include, but not be limited to, the following information regarding each priority improvement:
 - (1) The project sponsor or lead agency, as applicable;

- (2) The purpose and need for such improvement;
- (3) The projected timeline, milestones and costs associated with the implementation of such improvement. Such cost assessment shall include any other funding available for the improvement, and the sources of such funding;
- (4) A description of project readiness with regard to previously conducted engineering or design and other critical path considerations; and
- (5) The anticipated benefits of such improvement to the immediate area.

- (i) The #Committee# shall adopt procedures for approving and amending such priority district improvement list, as well as a procedure for public comment regarding the initial list and amendments thereto. Amendments to the order of the priorities may be made to reflect changes in project readiness, adjustments to supplemental funding streams and other changes in circumstances. Projects shall be removed from the list when construction is complete and such project is open to the public;
- (j) The #Committee# shall disburse funds from the #District Improvement Fund# for priority district improvement projects, as such funds become available. Improvement projects shall be funded consistent with their priority on the list, as originally approved or subsequently amended;
- (k) The #Committee# shall establish mechanisms for periodic reporting by fund recipients to ensure that, to the maximum extent feasible, projects are completed on time and within the approved budget;
- (l) The #Committee# shall monitor the effectiveness of implemented district improvements in collaboration with the sponsor or agencies involved with such improvement, as applicable.

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

81-682

The East Midtown District Improvement Fund Contribution Rate

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

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

81-60

SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT

81-61

General Provisions

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

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

As stated in Section 81-212, transfer of development rights from landmark sites may be allowed pursuant to Section 81-62.

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

81-62

Special Bulk and Urban Design Requirements

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

81-621

Special street wall requirements

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

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

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

shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.

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

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

81-622

Special height and setback requirements

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

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

81-623

Building lobby entrance requirements

For #buildings developed# or #enlarged# on the ground floor after August 26, 1992, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby. #Buildings developed# from May 12, 1992, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).

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

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

81-624

Curb cut restrictions and loading berth requirements

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

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

81-625

Pedestrian circulation space requirements

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

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

81-63

Transfer of Development Rights from Landmark Sites

For the purposes of the Grand Central Subdistrict:

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

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

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

81-631

Requirements for application

In addition to the land use review application requirements, an application filed with the City Planning Commission for certification pursuant to Section 81-634 (Transfer of development rights by certification) or special permit pursuant to Section 81-635 (Transfer of development rights

by special permit) shall be made jointly by the owners of the "granting lot" and "receiving lot" and shall include:

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

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

81-632

Conditions and limitations

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

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

81-633

Transfer instruments and notice of restrictions

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

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

81-634

Transfer of development rights by certification

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

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

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

81-635

Transfer of development rights by special permit

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

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

- 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
- notwithstanding the provisions of paragraph (c) of this Section, for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations.

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

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

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

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

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

including a statement of any considerations regarding the construction and operation of the improvement.

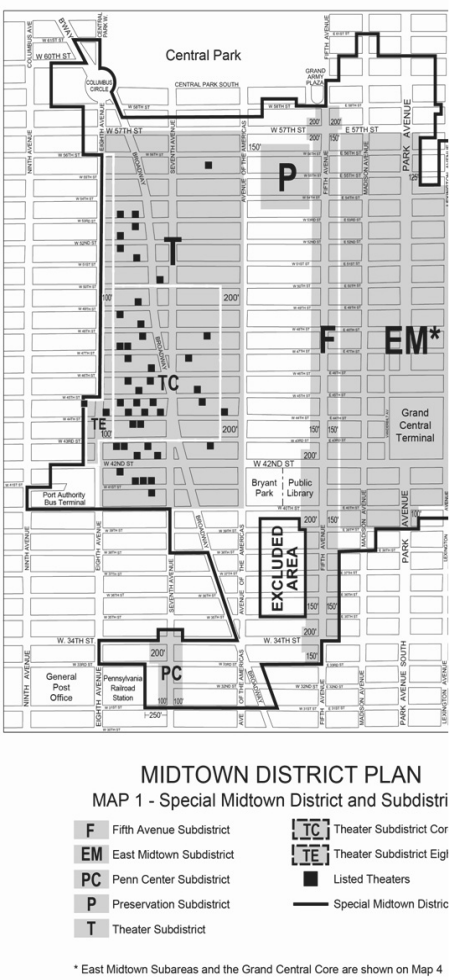
Prior to the grant of a special permit, the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land,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

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

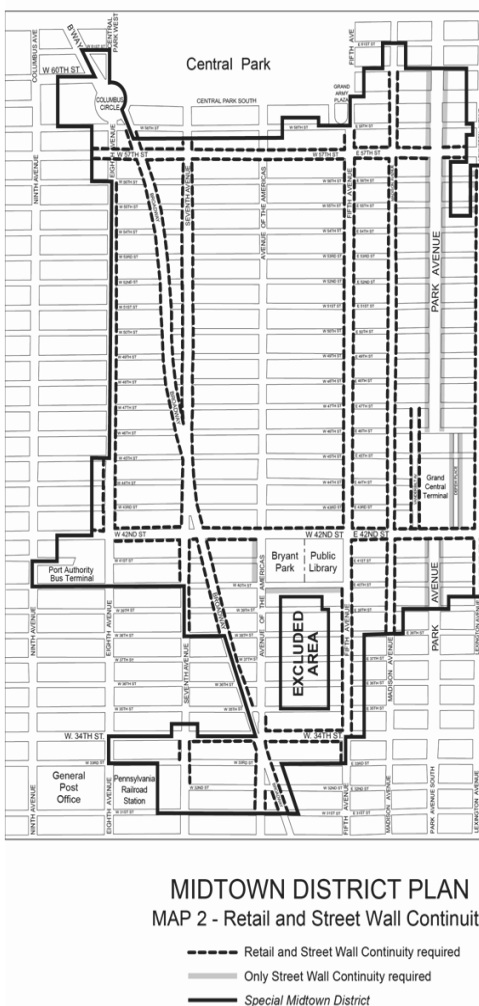
No temporary certification of occupancy for any floor area# of the development# or enlargement# on a "receiving lot" shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission and the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

Appendix A Midtown District Plan Maps

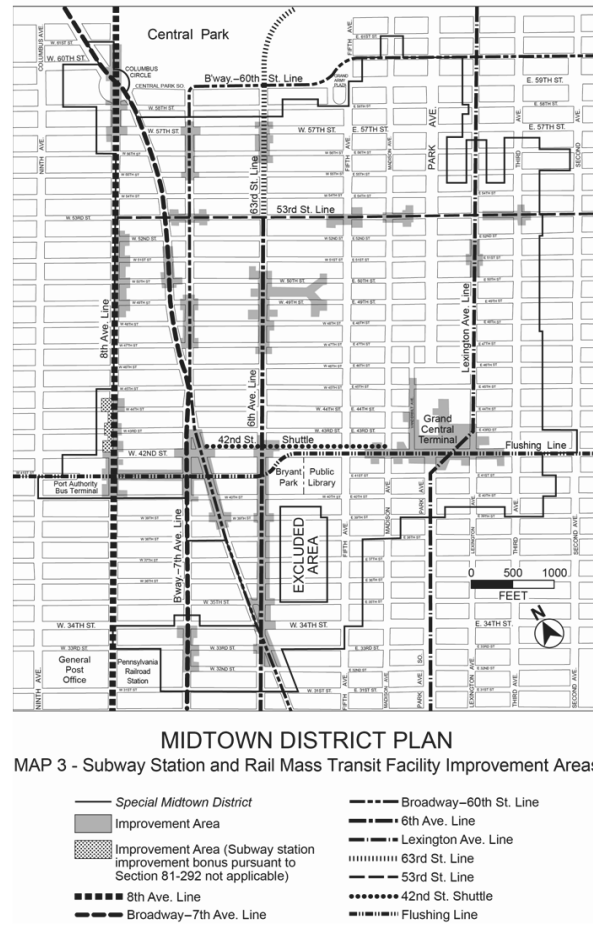
Map 1: Special Midtown District and Subdistricts [REPLACE EXISTING MAP]



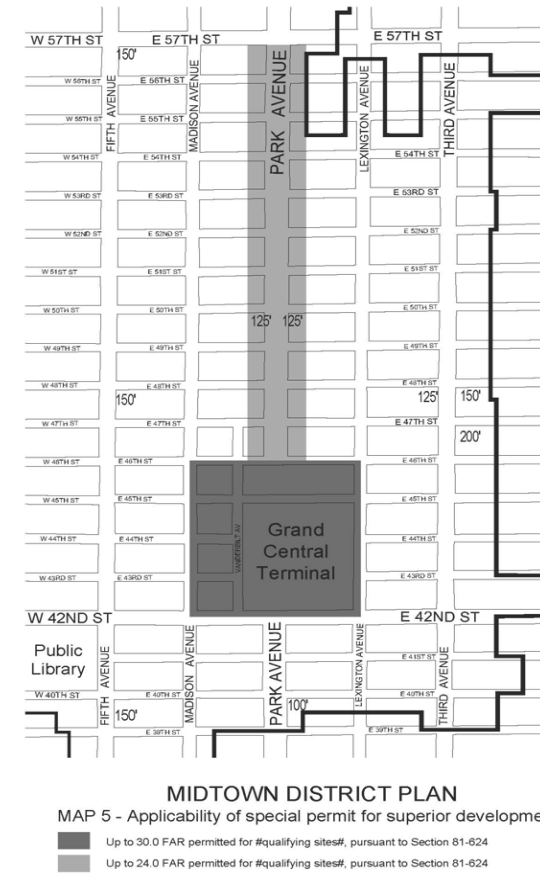
Map 2: Retail and Street Wall Continuity [REPLACE EXISTING MAP]



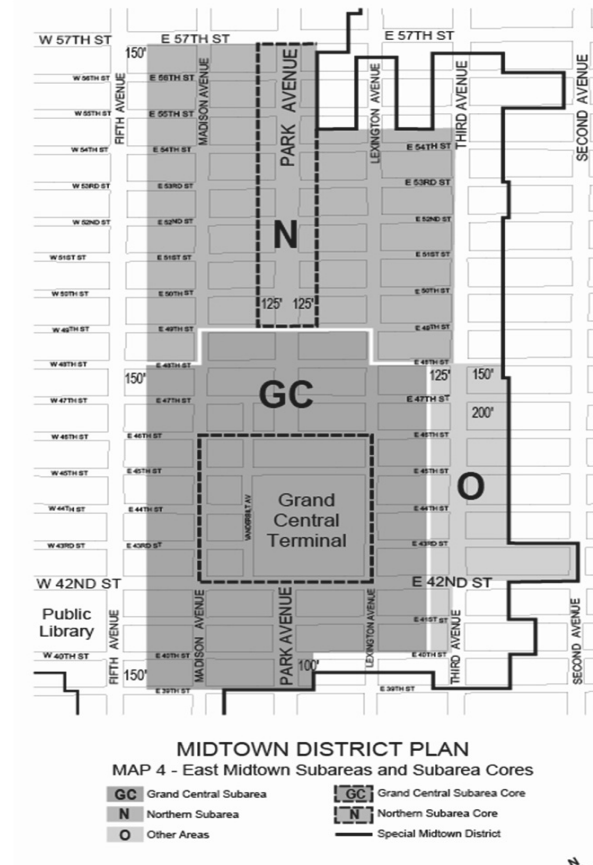
Map 3: Subway Station and Rail Mass Transit Facility Improvement Areas [REPLACE EXISTING MAP]



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



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



NOTICE

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

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

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

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

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

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

ARTICLE I GENERAL PROVISIONS

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

11-339 Post-Hurricane Sandy construction

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

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

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

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

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

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

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

Chapter 2 Construction of Language and Definitions

12-10 DEFINITIONS

Base plane

The "base plane" is a plane from which the height of a #building or other structure# is measured as specified in certain Sections. For #buildings#, portions of #buildings# with #street walls# at least 15 feet in width, or #building segments# within 100 feet of a #street line#, the level of the #base plane# is any level between #curb level# and #street wall line level#. Beyond 100 feet of a #street line#, the level of the #base plane# is the average elevation of the final grade adjoining the #building# or #building segment#, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation. In either case, where the #base floor elevation# is higher than grade, in the #flood

zone#, either the #base flood elevation# may be the level of the #base plane# or #building# height may be measured from the #flood-resistant construction elevation#, as provided in Article VI, Chapter 4. For the purposes of this definition, #abutting buildings# on a single #zoning lot# may be considered a single #building#. In addition, the following regulations shall apply:

Flood Maps

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

Flood Zone

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

ARTICLE II RESIDENCE DISTRICT REGULATIONS

Chapter 3

Residential Bulk Regulations in Residence Districts

23-00 APPLICABILITY AND GENERAL PURPOSES

23-01 Applicability of This Chapter

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

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

Chapter 4 Bulk Regulations for Community Facilities in Residence Districts

24-00 APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

24-01 Applicability of this Chapter

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

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

Chapter 5 Accessory Off-Street Parking and Loading Regulations

25-029 Applicability of regulations in flood zones

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

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

Chapter 2 Use Regulations

32-00 GENERAL PROVISIONS

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

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

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-00 APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

33-01 Applicability of this Chapter

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

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

Chapter 4 Bulk Regulations for Residential Buildings in Commercial Districts

34-00 APPLICABILITY AND DEFINITIONS

34-01 Applicability of this Chapter

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

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

Chapter 5 Bulk Regulations for Mixed Buildings in Commercial Districts

35-00 APPLICABILITY AND DEFINITIONS

35-01 Applicability of this Chapter

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

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

* * *

Chapter 6 Accessory Off-Street Parking and Loading Regulations

36-028 Applicability of regulations in flood zones

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

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 2 Use Regulations

42-00 GENERAL PROVISIONS

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

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

Chapter 3 Bulk Regulations

43-00 APPLICABILITY AND GENERAL PROVISIONS

43-01 Applicability of this Chapter

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

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

Chapter 4 Accessory Off-Street Parking and Loading Regulations

44-02 Applicability

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

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

ARTICLE V NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter 2 Non-Conforming Uses

52-02 Applicability of Article V, Chapter 2

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

Chapter 4 Non-Complying Buildings

54-02 Applicability of Article V, Chapter 4

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

ARTICLE VI SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2 Special Regulations Applying in the Waterfront Area

**62-13
Applicability of District Regulations**
The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#. The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Stapleton Waterfront District#.

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

* * *

62-341 Developments on land and platforms

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

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

* * *

(3) Measurement of height

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

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

(4) Permitted obstructions

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

* * *

Article VI SPECIAL REGULATIONS APPLICABLE IN CERTAIN AREAS

[ALL TEXT IN THIS CHAPTER IS NEW]

Chapter 4 Special Regulations Applying in Flood Hazard Areas

64-00 GENERAL PURPOSES

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

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

64-10 GENERAL PROVISIONS

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

64-11 Definitions

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

Basement

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

Cellar

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

Flood-resistant construction elevation

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

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

Flood-Resistant Construction Standards

“Flood-resistant construction standards” shall:

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

Lowest occupiable floor

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

Hurricane Sandy

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

Predominant or predominantly

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

64-12**Applicability**

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

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

Section 64-10 GENERAL PROVISIONS

Section 64-20 SPECIAL USE REGULATIONS

Section 64-30 SPECIAL BULK REGULATIONS

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

Section 64-50 SPECIAL PARKING REGULATIONS

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

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

Section 64-90 SPECIAL APPROVALS

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

64-13**Applicability of District Regulations**

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

64-131**Measurement of height**

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

64-20**SPECIAL USE REGULATIONS****64-21****Ground Floor Use**

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

C1 C2 C4

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

64-22**Transparency Requirements**

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

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

64-30**SPECIAL BULK REGULATIONS****64-31****Special Floor Area Regulations****64-311****Entryways in single- and two-family residences**

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

64-312**Entryways in all other buildings**

For all #buildings# with enclosed publicly accessible entryways below #flood-resistant construction elevation#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference

between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area at each publicly accessible entryway of ramps, stairs, lifts and elevators plus an initial entry area of no more than 100 square feet for each entryway.

64-313**Mechanical systems in low density districts**

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

64-32**Special Yard Regulations**

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

64-321**Level of Required Yards**

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

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

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

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

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

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

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

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

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

64-33**Special Height and Setback Regulations****64-331****Permitted obstructions for multi-family buildings in R3-2 and R4 Districts**

R3-2 R4

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

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

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

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

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

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

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

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

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

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

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

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

R1 R2 R3 R4 R5

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

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

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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

C1 C2 C3 C4 C5 C6

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

minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) are met.

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

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

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

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

**64-41
Special Floor Area Regulations for Buildings Existing on October 28, 2012**

**64-411
Floors below the flood-resistant construction elevation**

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

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

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

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

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

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

**64-421
Permitted obstructions**

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

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

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

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

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

- (1) located above #flood-resistant construction elevation#;
- (2) within a #structure# that provides screening on all sides by walls consisting of at least 50 percent opaque materials;
- (3) limited to a height established in Section 64-322 (Permitted Obstructions in

Required Yards, Courts and Open Space), paragraph (c), for mechanical equipment as permitted obstructions in a #rear yard#; and

- (4) located at least 30 feet from any #legally required window#.

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

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

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

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

**64-431
For existing single- and two-family residences**
#Single-# and #two-family residences# existing on October 28, 2012 may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest floor level containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#, and in doing so, may create a #non-compliance# as to height and setback to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#.

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

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

**64-432
Permitted obstructions for certain existing buildings**
The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

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

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

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

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

**64-50
SPECIAL PARKING REGULATIONS**

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

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

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

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

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

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

remain, the Commissioner of Buildings shall waive such spaces.

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

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

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

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

**64-60
DESIGN REQUIREMENTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In the districts indicated, for all #buildings# utilizing the provisions of Section 64-346 (Alternate height measurement in Commercial and Manufacturing Districts), paragraph (b), the following provisions shall apply.
#Street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between a height of two feet above the level of the adjoining sidewalk and a height of 12 feet above the level of the first finished floor above #curb level#.

64-65 Screening Requirements for Parking Within or Below Buildings

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

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

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

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

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

64-71 Non-Conforming Uses

64-711 Reconstruction of buildings damaged more than 50 percent

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

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

64-72 Non-Complying Buildings

64-721 Reconstruction of buildings damaged more than 75 percent

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

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

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

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

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

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

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

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

64-724 Special provisions for other buildings within flood zones

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

64-80 MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS

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

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

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

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

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

64-82 Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor

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

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

- (a) #Waterfront yards#

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

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

- (b) #Visual corridors#

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

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

- (c) Ground floor #uses#

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

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

64-90 SPECIAL APPROVALS

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

The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability). In the #Special South Richmond Development District#, Sections 107-22 (Designated Open Space), inclusive, and Section 107-23 (Waterfront Esplanade) shall not apply to the reconstruction or repair of #buildings# that were damaged due to the effects of Hurricane Sandy, provided that:

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

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

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

may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps.

64-92 Special Permit for Modification of Certain Zoning Regulations

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

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

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

* * * Article VIII - Special Purpose Districts

Chapter 7 Special Harlem River Waterfront District

* * * 87-02 General Provisions

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

* * * Chapter 8 Special Hudson Square District

* * * 88-02 General Provisions

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

Article IX - Special Purpose Districts

Chapter 1 Special Lower Manhattan District

* * * 91-01 General Provisions

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

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

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

* * * Chapter 3 Special Hudson Yards District

* * * 93-02 General Provisions

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

* * * Chapter 4 Special Sheepshead Bay District

94-02 General Provisions

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

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

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

* * * Chapter 6 Special Clinton District

* * * 96-02 General Provisions

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

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

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

* * * Chapter 8 Special West Chelsea District

98-02 General Provisions

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

* * * Article X - Special Purpose Districts

Chapter 4 Special Manhattanville Mixed Use District

* * * 104-02 General Provisions

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

* * * 104-30 SPECIAL HEIGHT AND SETBACK REQUIREMENTS

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

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

* * * Chapter 6 Special Coney Island Mixed Use District

* * * 106-02 General Provisions

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

* * * Chapter 7 Special South Richmond Development District

* * * 107-02 General Provisions

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

* * * Chapter 8 Special Hunts Point District

* * * 108-01 General Provisions

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

* * * Article XI - Special Purpose Districts

Chapter 1 Special Tribeca Mixed Use District

* * * 111-02 General Provisions

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

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

* * * Chapter 3 Special Ocean Parkway District

113-01 General Provisions

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

* * * Chapter 6 Special Stapleton Waterfront District

* * * 116-02 General Provisions

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

* * * 116-221 Special floor area regulations for mixed buildings

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

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

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

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

* * * 117-02 General Provisions

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

* * *
Article XII - Special Purpose Districts

**Chapter 3
 Special Mixed Use District**
 * * *

**123-10
 GENERAL PROVISIONS**

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

* * *
Article XII - Special Purpose Districts

**Chapter 4
 Special Willets Point District**
 * * *

**124-01
 General Provisions**

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

* * *
**Chapter 5
 Special Southern Hunters Point District**
 * * *

**125-01
 General Provisions**

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

* * *
**Chapter 6
 Special College Point District**
 * * *

**126-01
 General Provisions**

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

* * *
**Chapter 8
 Special St. George District**
 * * *

**128-02
 General Provisions**

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

* * *
Article XIII - Special Purpose Districts

**Chapter 1
 Special Coney Island District**
 * * *

**131-01
 General Provisions**

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

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

Up to 200 square feet of an entranceway adjoining the #street wall# of a #building# that contains ramps, stairs or handicap accessible elevators providing access from a public sidewalk to the lowest #story# above the #base flood elevation# shall be exempt from the definition of #floor area#.

* * *
**131-325 324
 Lot coverage**
 * * *

No. 11

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

Matter in underline is new, to be added.
 Matter in ~~strikeout~~ is to be deleted.
 Matter with # # is defined in Section 12-10.

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

**ARTICLE I
 GENERAL PROVISIONS**
 * * *

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

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

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

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

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

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

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

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

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

**Chapter 2
 Construction of Language and Definitions**
 * * *

**12-10
 DEFINITIONS**
 * * *

Base plane

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

Flood Maps

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

Flood Zone

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

* * *
**ARTICLE II
 RESIDENCE DISTRICT REGULATIONS**
 * * *

**Chapter 3
 Residential Bulk Regulations in Residence Districts**

**23-00
 APPLICABILITY AND GENERAL PURPOSES**

**23-01
 Applicability of This Chapter**
 * * *

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

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

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

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

**24-01
 Applicability of this Chapter**
 * * *

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

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

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

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

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

* * *
**ARTICLE III
 COMMERCIAL DISTRICT REGULATIONS**
 * * *

**Chapter 2
 Use Regulations**

**32-00
 GENERAL PROVISIONS**
 * * *

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

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

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

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

**33-01
 Applicability of this Chapter**
 * * *

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

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

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

**34-00
 APPLICABILITY AND DEFINITIONS**

**34-01
 Applicability of this Chapter**
 * * *

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

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

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

**35-00
 APPLICABILITY AND DEFINITIONS**

**35-01
 Applicability of this Chapter**
 * * *

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

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

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

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

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

* * *
**ARTICLE IV
 MANUFACTURING DISTRICT REGULATIONS**
 * * *

**Chapter 2
 Use Regulations**

**42-00
 GENERAL PROVISIONS**
 * * *

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

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

* * *
**Chapter 3
 Bulk Regulations**

**43-00
 APPLICABILITY AND GENERAL PROVISIONS**

**43-01
 Applicability of this Chapter**
 * * *

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

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

* * *

Chapter 4 Accessory Off-Street Parking and Loading Regulations

44-02 Applicability

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

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

ARTICLE V NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter 2 Non-Conforming Uses

52-02 Applicability of Article V, Chapter 2

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

Chapter 4 Non-Complying Buildings

54-02 Applicability of Article V, Chapter 4

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

ARTICLE VI SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2 Special Regulations Applying in the Waterfront Area

62-13 Applicability of District Regulations

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

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

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

#Special Battery Park City District#

#Special Stapleton Waterfront District#.

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

62-341 Developments on land and platforms

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

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

* * *

(3) Measurement of height

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

(4) Permitted obstructions

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

Article VI SPECIAL REGULATIONS APPLICABLE IN CERTAIN AREAS

[ALL TEXT IN THIS CHAPTER IS NEW]

Chapter 4 Special Regulations Applying in Flood Hazard Areas

64-00 GENERAL PURPOSES

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

(a) to facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the federal government and the Building Code;

(b) to enable buildings to be constructed pursuant to flood resistant-standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;

(c) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity; and

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

64-10 GENERAL PROVISIONS

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

64-11 Definitions

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

Basement

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

Cellar

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

Flood-resistant construction elevation

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

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

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

Flood-resistant construction standards

"Flood-resistant construction standards" shall:

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

(d) utilize the higher base flood elevation and the more stringent flood hazard area designation, as applicable, of the #Flood Maps# or the Flood Insurance Rate Maps in effect on October 28, 2012,

Lowest occupiable floor

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

standards# and used only for parking, storage or building access, or otherwise is not occupiable space.

Hurricane Sandy

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

Predominant or predominantly

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

64-12 Applicability

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

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

Section 64-10 GENERAL PROVISIONS

Section 64-20 SPECIAL USE REGULATIONS

Section 64-30 SPECIAL BULK REGULATIONS

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

Section 64-50 SPECIAL PARKING REGULATIONS

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

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

Section 64-90 SPECIAL APPROVALS

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

(c) Where a #zoning lot# is located partially within a #flood zone#, the regulations of this Chapter shall

apply where any portion of a #building# on such #zoning lot# is within a #flood zone#.

64-13

Applicability of District Regulations

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

64-131

Measurement of height

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

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

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

(a) the #flood resistant construction elevation# shall apply to the entire #building#;

(b) the height of the portion of the #building# within the #flood zone# shall be measured from the #flood-resistant construction elevation#, and the height of the portion of the #building# outside of the #flood zone# shall be measured from an elevation determined in accordance with the underlying applicable regulations; or

(c) the elevation of each such portion of the #building# from where height is measured shall be multiplied by the percentage of the total #lot coverage# of the #building# to which such elevation applies. The sum of the products thus obtained shall be the elevation from which the height of the entire #building# is measured.

64-20

SPECIAL USE REGULATIONS

64-21

Ground Floor Use

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

C1 C2 C4

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

64-22

Transparency Requirements

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

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

64-30

SPECIAL BULK REGULATIONS

64-31

Special Floor Area Regulations

64-311

Entryways in single- and two-family residences

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

64-312

Entryways in all other buildings

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

64-313

Mechanical systems in low density districts

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

64-32**Special Yard Regulations**

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

64-321**Level of Required Yards**

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

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

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

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

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

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

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

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

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

64-33**Special Height and Setback Regulations****64-331****Permitted obstructions for multi-family buildings in R3-2 and R4 Districts**

R3-2 R4

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

In the districts indicated, for all #buildings# or portions

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

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

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

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

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

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

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

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

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

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

64-334**Alternative height measurement for single- and two-family residences**

R1 R2 R3 R4 R5

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

64-335**Alternative height measurement for other buildings in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

64-336**Alternative height measurement in Commercial and Manufacturing Districts**

C1 C2 C3 C4 C5 C6

- (a) In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for all #residential buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-622 (Lobby or non-residential use) shall be met.
- C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

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

the standards of Section 64-642 (Transparency requirements for buildings utilizing alternative height measurement) shall be met.

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

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

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

- (a) Dry flood-proofing

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

In addition, the following provisions shall apply:

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

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

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

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

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

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

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

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

- (a) For existing #single-# and #two-family residences#, and for the reconstruction of such #residences#, mechanical equipment including but not limited to #accessory# heating and cooling equipment and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#;
 - (2) located at least five feet from any #lot line#;
 - (3) screened on all sides by walls consisting of at least 50 percent opaque materials;
 - (4) in compliance with the standards of either paragraph (5) or paragraph (6) of this paragraph (a);

- (5) the mechanical equipment and all structure and screening are located no more than seven feet from the wall of a #building# and limited to a height of no more than 10 feet above #flood-resistant construction elevation#; or
- (6) the mechanical equipment is located within a detached garage or on the roof of a detached garage, provided that:
- (i) where covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance, no portion of the roof shall exceed a height of 14 feet above the adjoining grade, measured to the midpoint of a sloping roof; or
- (ii) for all other conditions, no portion of the garage, screening or the mechanical equipment shall exceed a height of 12 feet above the adjoining grade.
- (b) For existing #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be permitted obstructions in #courts# and #open space#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#;
- (2) within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
- (3) limited to a height established in Section 64-322 (Permitted Obstructions in Required Yards, Courts and Open Space), paragraph (c), for mechanical equipment as permitted obstructions in a #rear yard#; and
- (4) located at least 30 feet from any #legally required window#.
- (c) For existing #buildings#, except #single-# and #two-family residences#, lifts for persons with disabilities, where permitted pursuant to provisions of the Building Code, shall be permitted obstructions in #yards#, #courts# and #open space#.

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

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

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

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

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

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

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

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

64-432
Permitted obstructions for certain existing buildings
 The provisions of this Section shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

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

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

64-44
Special Minimum Distance Regulations for Buildings Existing on October 28, 2012
 For #single-# and #two-family residences# existing on October 28, 2012, if such #buildings# are elevated, relocated or reconstructed pursuant to Sections 64-131 (Measurement of building height), 64-722 (Single- and two-family residences in required front yards) and 64-331 (Special height and setback provisions for single- and two-family residences), the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply.

64-50
SPECIAL PARKING REGULATIONS
 Sections 64-51 (For Residential Buildings with Below-Grade Parking) and 64-52 (For Elevated Buildings) shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#. Section 64-51 shall apply without regard to the #flood-resistant construction standards# for #buildings# established in paragraph (a) of Section 64-12 (Applicability).

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

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

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

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

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

64-52
For Elevated Buildings
 R1 R2 R3 R4 R5

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

64-53
Surfacing
 R1 R2 R3 R4 R5

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

64-60
DESIGN REQUIREMENTS
 The following Sections shall apply to all #developments# and to all horizontal #enlargements# with new #street walls# or alterations increasing the height of #street walls#, or as otherwise cross-referenced within this Chapter:

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

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

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

In R1- R5 Districts, for #single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, and in R6 Districts, for #detached# and #semi-detached single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, where the level of the #lowest occupiable floor# is five feet or more above #curb level#, at least one of the following visual mitigation elements shall be provided. For such #residences# where the level of the #lowest occupiable floor# is nine feet or more above #curb level#, at least two of the following visual mitigation elements shall be provided.

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

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

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

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

64-621
Planting requirement

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

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

64-622
Lobby or non-residential use
 Where the #flood-resistant construction elevation# is ten or more feet above #curb level#, a lobby with a minimum width of 20 feet shall be provided along the #street wall# at the level of the adjoining sidewalk or other publicly accessible open area, with a depth of at least 20 feet. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such lobby width shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet. For #zoning lots# with less than 25 feet of frontage along a #street#, a five-foot wide service corridor may be exempted from the requirements of this Section. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height ten feet above the level of the first finished floor above #curb level#.

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

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

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

In the districts indicated, and in #Special Mixed Use Districts#, for all #residential buildings#, except #single-# and #two-family residences#, where #street walls# are within

50 feet of the #street line#, and where the level of the #lowest occupiable floor# is five feet or more above #curb level#, the provisions of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) shall apply.

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

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

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

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

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

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

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

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

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

64-65 Screening Requirements for Parking Within or Below Buildings

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

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

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

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

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

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

64-71 Non-Conforming Uses

64-711 Reconstruction of buildings damaged more than 50 percent

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

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

64-712 Single- and two-family buildings

For #non-conforming single-# and #two-family residences#, except #non-conforming residences# in C8 Districts or #Manufacturing Districts#, reconstruction shall be permitted, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than six years following the City's adoption of new Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such

approval may continue until a date ten years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the zoning resolution.

64-72 Non-Complying Buildings

64-721 Reconstruction of buildings damaged more than 75 percent

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

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

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

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

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

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

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

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

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

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

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

64-724 Special provisions for other buildings within flood zones

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

64-80 MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS

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

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

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

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

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

64-82 Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor

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

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

- (a) #Waterfront yards#

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

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

- (b) #Visual corridors#

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

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

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

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

64-90 SPECIAL APPROVALS

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

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

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

- (a) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012; and

- (b) there is no increase in impervious surfaces on the #zoning lot#.

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

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

64-92 Special Permit for Modification of Certain Zoning Regulations

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

other applicable #bulk# regulations of the Zoning Resolution, except #floor area ratio# regulations, provided the following findings are made:

- (a) that there would be a practical difficulty in complying with #flood-resistant construction standards# without such modifications, and that such modifications are the minimum necessary to allow for an appropriate #building# in compliance with #flood-resistant construction standards#;
- (b) that any modification of #bulk# regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from #flood-resistant construction elevation#, whichever is less; and
- (c) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with #flood-resistant construction standards#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * * Article VIII - Special Purpose Districts

Chapter 7 Special Harlem River Waterfront District

* * *
**87-02
General Provisions**
In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Chapter 8 Special Hudson Square District

* * *
**88-02
General Provisions**
In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Article IX - Special Purpose Districts

Chapter 1 Special Lower Manhattan District

* * *
**91-01
General Provisions**
Except as modified by the express provisions of the #Special Lower Manhattan District#, the regulations of the underlying zoning districts shall remain in effect.

* * *
The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to all areas of the #waterfront area# within the #Special Lower Manhattan District#, except as otherwise provided in Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Chapter 3 Special Hudson Yards District

* * *
**93-02
General Provisions**
The provisions of this Chapter shall apply within the #Special Hudson Yards District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Chapter 4 Special Sheepshead Bay District

* * *
**94-02
General Provisions**
In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in this Chapter. Except as modified by the express provisions of this Special District, the regulations of the underlying zoning districts remain in effect.

In the #waterfront area#, the provisions of the #Special Sheepshead Bay District# are modified in accordance with the provisions of Section 62-13 (Applicability of District Regulations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Chapter 6 Special Clinton District

* * *
**96-02
General Provisions**
Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-Mid."

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Chapter 8 Special West Chelsea District

**98-02
General Provisions**
The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Sections 98-11 (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and 98-17 (Air Space over a Railroad or Transit Right-of-way or Yard) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Article X - Special Purpose Districts

Chapter 4 Special Manhattanville Mixed Use District

* * *
**104-02
General Provisions**
In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * *
**104-30
SPECIAL HEIGHT AND SETBACK REQUIREMENTS**
In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section, inclusive, shall apply in C6 Districts. In Subdistrict B, special height regulations for the underlying M1-2 District are set forth in Section 104-31, et seq.

In Subdistrict A, the height of all #buildings# or other structures# shall be measured from the #base plane#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building

Heights) in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B of this Chapter. However, in #flood zones#, the level of the #base plane# shall be the #flood resistant construction elevation#.

* * * Chapter 6 Special Coney Island Mixed Use District

* * *
**106-02
General Provisions**
In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Coney Island Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Coney Island Mixed Use District# shall replace and supersede the existing district regulations. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Chapter 7 Special South Richmond Development District

* * *
**107-02
General Provisions**
In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Chapter 8 Special Hunts Point District

* * *
**108-01
General Provisions**
In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and #enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Article XI - Special Purpose Districts

Chapter 1 Special Tribeca Mixed Use District

* * *
**111-02
General Provisions**
The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Chapter 3 Special Ocean Parkway District

* * *
**113-01
General Provisions**
In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * * Chapter 6 Special Stapleton Waterfront District

* * *
**116-02
General Provisions**
In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

* * *
**116-221
Special floor area regulations for mixed buildings**
For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths; and

(c) limitations on #floor area# occupied by certain #uses#.

In #flood zones#, the #floor area# exclusion permitted by this Section shall also apply to the area occupied by non-#residential uses# on the #lowest occupiable floor#, as defined in Section 64-11.

**Chapter 7
Special Long Island City Mixed Use District**

**117-02
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

Article XII - Special Purpose Districts

**Chapter 3
Special Mixed Use District**

**123-10
GENERAL PROVISIONS**

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

Article XII - Special Purpose Districts

**Chapter 4
Special Willets Point District**

**124-01
General Provisions**

The provisions of this Chapter shall apply within the #Special Willets Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 5
Special Southern Hunters Point District**

**125-01
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 6
Special College Point District**

**126-01
General Provisions**

The provisions of this Chapter shall apply within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**Chapter 8
Special St. George District**

**128-02
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

Article XIII - Special Purpose Districts

**Chapter 1
Special Coney Island District**

**131-01
General Provisions**

The provisions of this Chapter shall apply within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of

this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

**131-324
Special floor area ratio regulations for entrances to stories above the base flood elevation-**

Up to 300 square feet of an entranceway adjoining the #street wall# of a #building# that contains ramps, stairs or handicap accessible elevators providing access from a public sidewalk to the lowest #story# above the #base flood elevation# shall be exempt from the definition of #floor area#.

**131-325 324
Lot coverage**

**No. 12
WEST END-COLLEGIATE HISTORIC DISTRICT
EXTENSION**

CD 7 N 140005 HKM
IN THE MATTER OF a communication dated July 5, 2013, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the West End-Collegiate Historic District Extension, designated by the Landmarks Preservation Commission on June 25, 2013 (List 465, LP-2462). The district boundaries are:

Area I of the West End-Collegiate Historic District Extension consists of the property bounded by a line beginning at the southeast corner of West 77th Street and Riverside Drive, easterly along the southern curblin of West 77th Street to a point on a line extending southerly from the eastern property line of 323-327 West 77th Street, northerly along said line and the eastern property line of 323-327 West 77th Street, westerly along part of the northern property line of 323-327 West 77th Street, northerly along the eastern property line of 53-54 Riverside Drive (aka 324-340 West 78th Street) to the southern curblin of West 78th Street, easterly along the southern curblin of West 78th Street to a point on a line extending southerly from the eastern property line of 317-331 West 78th Street, northerly along said line and the eastern property line of 317-331 West 78th Street, easterly along the southern property lines of 302-306 West 79th Street and 391-393 West End Avenue (aka 300 West 79th Street) to the western curblin of West End Avenue, southerly along the western curblin of West End Avenue, easterly along the southern curblin of West 77th Street to a point on a line extending northerly from the eastern property line of 262 West 77th Street, northerly along said line to the northern curblin of West 77th Street, easterly along the northern curblin of West 77th Street, northerly along the western curblin of Broadway, westerly along the northern curblin of West 79th to a point on a line extending southerly from the western property line of 307 West 79th Street (aka 307-313 West 79th Street), southerly along said line to the southern curblin of West 79th Street, westerly along the southern curblin of West 79th Street, and southerly along the eastern curblin of Riverside Drive, to the point of beginning.

Area II of the West End-Collegiate Historic District Extension consists of the property bounded by a line beginning at the northeast corner of Riverside Drive and West 74th Street, extending southerly along the eastern curblin of Riverside Drive to the southern curblin of West 72nd Street, westerly along the southern curblin of West 72nd Street to a point on a line extending northerly from the western property line of 344 West 72nd Street (aka 353-357 West 71st Street), southerly along said line and the western property lines of 344 West 72nd Street (aka 353-357 West 71st Street) and 350-352 West 71st Street, easterly along the southern property lines of 350-352 West 71st Street through 342-344 West 71st Street, northerly along the eastern property line of 342-344 West 71st Street to the northern curblin of West 71st Street, westerly along the northern curblin of West 71st Street to a point on a line extending southerly from part of the eastern property line of 344 West 72nd Street (aka 353-357 West 71st Street), northerly along said line and part of the eastern property line of 344 West 72nd Street (aka 353-357 West 71st Street), easterly along part of the southern property line of 340-342 West 72nd Street and the southern property lines of 338 through 310-318 West 72nd Street, southerly along part of the western property lines of 251-255 West End Avenue through 241-247 West End Avenue (aka 301-303 West 71st Street) to the northern curblin of West 71st Street, westerly along the northern curblin of West 71st Street to a point on a line extending northerly from the western property line of 229-235 West End Avenue (aka 300-308 West 71st Street), southerly along said line and the western property line of 229-235 West End Avenue (aka 300-308 West 71st Street), easterly along part of the southern property line of 229-235 West End Avenue (aka 300-308 West 71st Street), southerly along the western property line of 301-303 West 70th Street (aka 221- 227 West End Avenue) to the northern curblin of West 70th Street, easterly along the northern curb line of West 70th Street to a point on a line extending southerly from the eastern property line of 211 West 70th Street, northerly along said line and the eastern property line of 211 West 70th Street, westerly along part of the northern property line of 211 West 70th Street, northerly along the eastern property line of 212 West 71st Street to the northern curblin of West 71st Street, easterly along the northern curblin of West 71st Street to a point on a line extending southerly from part of the eastern property line of 213 West 71st Street, northerly along said line and northerly, westerly, and northerly along the eastern property line of 213 West 71st Street, westerly along the northern property lines of 213 through part of 217 West 71st Street, northerly along the eastern property line of 214 West 72nd Street to the southern curblin of West 72nd Street, westerly along the southern curblin of West 72nd Street to a point on a line extending southerly from the eastern property line of 233 West 72nd Street, northerly along said line and the eastern property line of 233 West 72nd Street, easterly along part of the southern property line of Lot 43, northerly and easterly along part of the eastern property line of Lot 43, easterly along the southern property line of 236 West 73rd Street, northerly along the eastern property line of 236 West 73rd Street to the southern curblin of West 73rd Street, westerly along the southern curblin of West 73rd Street to a line extending southerly from the eastern property line of 251 West 73rd Street, northerly along said line and the eastern property lines of 251 West 73rd Street and 232 West 74th Street to the northern curblin of West 74th Street, easterly along the northern curblin of West 74th Street to a point on a line extending southerly from the eastern property line of 231 West 74th Street, northerly along said line and the eastern property lines of 231 West 74th Street and 228 West 75th Street to the northern curblin of West 75th Street, easterly along the northern curblin of West 75th Street, northerly along the western curblin of Broadway to point on a line extending easterly from the northern property line of 2169 Broadway (aka 235-241 West 76th Street), westerly along said line and the northern property line of 2169 Broadway (aka 235-241 West 76th Street), southerly along the western property line of 2169 Broadway (aka 235-241 West 76th Street) to the northern curblin of West 76th Street, westerly along the northern curblin of West 76th Street, southerly

along the western curblin of West End Avenue, westerly along the northern curblin of West 75th Street to point on a line extending northerly from the western property line of 302-304 West 75th Street, southerly along said line and the western property line of 302-304 West 75th Street, easterly along the southern property line of 302-304 West 75th Street, southerly along part of the western property line of 301-311 West End Avenue (aka 301 West 74th Street) to the northern curblin of West 74th Street, and westerly along the northern curblin of West 74th Street, to the point of beginning.

**YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370**

jy24-a7

**LANDMARKS PRESERVATION
COMMISSION**

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **August 6, 2013 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF STATEN ISLAND 14-3676 - Block 120, lot 20-160 Heberton Avenue - P.S. 20 Annex - Individual Landmark A Romanesque Revival style public school building with neo-Classical style detailing, built in 1891, with an addition designed by James Warriner Moulton and built in 1897-98. Application is to replace windows. Community District 1.

BINDING REPORT
BOROUGH OF THE BRONX 12-2653-Block 5900, lot 150-6000 Broadway-Van Cortlandt Mansion - Interior Landmark & Individual Landmark A Georgian style manor house built in 1748-49. Application is to alter the finishes in the dining room. Community District 7,8,12.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-8460 - Block 2367, lot 38-17 Fillmore Place-Fillmore Place Historic District An Italianate style flats building built c.1853. Application is to construct a rear yard addition. Zoned R6B / M1-2. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-3522 -Block 326, lot 56-288 Court Street -Cobble Hill Historic District An altered commercial building built in the 1930's. Application is to install new storefront infill and signage. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-3002 - Block 444, lot 4-339 Hoyt Street - Carroll Gardens Historic District A late Italianate style house built in 1873. Application is to demolish an existing rear yard addition and construct a new rear yard addition. Zoned R6B. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN Block 1143, lot 38-578 Carlton Avenue-Prospect Heights Historic District An altered Italianate style rowhouse built prior to 1855. Application is to reconstruct the secondary facades, replace the front entrance hood, construct a rear yard addition, and excavate the cellar and the rear yard. Zoned R6B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-2846 - Block 172, lot 23-70 Lafayette Street, aka 40 Franklin Street-The Ahrens Building-Individual Landmark A Romanesque Revival style commercial building designed by George H. Griebel and built in 1894-95. Application is to install storefront infill and install roll-down security gates. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3909 - Block 574, lot 63-37 West 10th Street-Greenwich Village Historic District A Greek Revival style townhouse designed by Andrew Lockwood and altered in the 1920's. Application is to excavate the areaway, alter the entrance, and enlarge a window. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3980 - Block 608, lot 58-133 West 12th Street-Greenwich Village Historic District A transitional late Greek Revival/Italianate style rowhouse built in 1851. Application is to construct a rooftop addition and modify a rear yard addition. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 145385- Block 1285, lot 7501-611 Fifth Avenue-Saks Fifth Avenue - Individual Landmark A classically inspired department store building designed by Starrett & Van Vleck and built 1922 -1924. Application is to replace windows. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5104 - Block 859, lot 26-30 East 30th Street, aka 27-31 East 29th Street- Martha Washington Hotel-Individual Landmark A Renaissance Revival style hotel built in 1901-03 and designed by Robert W. Gibson. Application is to modify the ground floor facade and install storefront infill and signage. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5757 - Block 1121, lot 6-65 West 68th Street-Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse designed by Edward Kilpatrick and built in 1893-94. Application is to install a barrier-free access lift. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5765 - Block 1229, lot 35-452 Amsterdam Avenue-Upper West Side/ Central Park West Historic District A Romanesque Revival style flats building designed by Gilbert A. Schellenger and built in 1891. Application is to replace storefront infill. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-8845 - Block 1409, lot 69-815 Park Avenue-Upper East Side Historic District A neo-Georgian style apartment building designed by W.L. Rouse and L.A. Goldstone and built in 1917. Application is to establish a master plan governing the future replacement of windows. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3566 - Block 1502, lot 45-66 East 91st Street-Carnegie Hill Historic District A Romanesque Revival style rowhouse designed by James Henderson and built in 1887-89, and altered in 1909 with the addition of neo-Classical style elements in 1909 by Snelling & Potter, and altered by William A. Boring in 1910. Application is to modify the areaway, demolish an existing rear yard addition, and construct a new rear yard addition and install rooftop mechanical equipment. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4488 - Block 1387, lot 62-18 East 73rd Street-Upper East Side Historic District A townhouse built c. 1866, and altered in the neo-Georgian style by William Lawrence Bottomley in 1922-23. Application is to alter the mansard roof, construct a rear yard addition, modify masonry openings, and excavate the rear yard. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3218 - Block 1406, lot 12-127 East 71st Street-Upper East Side Historic District A house originally built circa 1865 and modified in the Modern Style by Joseph D. Weiss in 1955. Application is to alter to the front facade and areaway. Community District 8.

fy24-a6

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **August 13, 2013 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-1293 - Block 2574, lot 39-826 Manhattan Avenue-Greenpoint Historic District A one-story commercial building designed by Samuel Gardstein and built in 1938. Application is to install illuminated signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-7437 - Block 1959, lot 13-417 Clermont Avenue-Fort Greene Historic District An Italianate style rowhouse built c. 1866. Application is to replace windows and construct a rear yard addition. Zoned R-6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-4900 - Block 1977, lot 10-473 Clinton Avenue-Clinton Hill Historic District A neo-Grec style rowhouse designed by John Mumford and built in 1878. Application is to install a rooftop deck and railings. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-5474 - Block 196, lot 15-208 Dean Street - Boerum Hill Historic District An Italianate style house built in 1852-53. Application is to alter the front areaway. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-4551 - Block 216, lot 13-56 Middagh Street -Brooklyn Heights Historic District A Federal style frame house with Greek Revival style details built in 1829. Application is to legalize alterations to the rear facade completed in non-compliance with Landmarks Preservation Commission permits. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-7503 - Block 1164, lot 42-230 Park Place-Prospect Heights Historic District An Art Deco style apartment building designed by Philip Birnbaum and built in 1937. Application is to establish a Master Plan governing the installation of windows. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6425 - Block 51, lot 31-86 Trinity Place aka 78-86 Trinity Place aka 113-23 Greenwich Street. -New York Curb Exchange, Later American Stock Exchange Building-Individual Landmark A through block-exchange building built in two phases with a simplified neo-Renaissance style facade on Greenwich Street, built in 1920-21 and an Art-Deco style facade on Trinity Place, built in 1930-31 designed by Starrett and Van Vleck. Application is to alter the facades at the first and second floors, and install signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6038 -Block 174, lot 28-71-73 Franklin Street-Tribeca East Historic District An Italianate/Second Empire style store and loft building built in 1859-1861. Application is to construct a rooftop addition and modify storefront infill. Zoned C6-2A. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14 -5361 - Block 229, lot 30-

29 Greene Street-SoHo-Cast Iron Historic District A store building designed by J. Webb & Son and built in 1877-78. Application is to construct a five-story addition, remove a loading dock, and install new storefront infill. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-9570 - Block 522, lot 5-158 Crosby Street-NoHo Historic District A neo-Grec style store and loft building built in 1880-1882. Application is to install a canopy and doors. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5658 - Block 670, lot 70-239 11th Avenue-West Chelsea Historic District An Industrial neo-Classical style warehouse and freight terminal designed by Maurice Alvin Long, and built in 1912-13. Application is to alter the ground floor and install storefront infill and construct a steel stair and platform. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6054 - Block 1290, lot 7502-699-703 Fifth Avenue, aka 2-12 East 55th Street-St. Regis Hotel-Individual Landmark A Beaux-Arts style hotel building designed by Trowbridge & Livingston and built in 1901-04, with an extension designed by Sloan & Robertson and built in 1927. Application is to replace storefront infill. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5757 - Block 1121, lot 6-65 West 68th Street-Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse designed by Edward Kilpatrick and built in 1893-94. Application is to install a barrier-free access lift. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5523 - Block 1141, lot 126-115 West 69th Street-Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse with Romanesque Revival style elements designed by Thom & Wilson and built in 1891. Application is to excavate the front areaway to create a light well and to alter the rear facade. Zoned R8B. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1817 - Block 1150, lot 48-140 West 79th Street-Upper West Side/Central Park West Historic District A neo-Tudor style apartment building designed by Rose & Goldstone and built in 1913-1914. Application is to construct a rooftop addition. Zoned R10-A. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-0615 - Block 1251, lot 37-186 Riverside Drive-Riverside /West End Historic District A neo-Renaissance style apartment building, designed by Emery Roth and built in 1927-28. Application is to alter the penthouse. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5860 - Block 1086, lot 83-393 West End Avenue-West End-Collegiate Historic District Extension A Colonial Revival style apartment building designed by Goldner & Goldner and built in 1927. Application is to construct a rooftop bulkhead and elevator room. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4953 -Block 1506, lot 5-1 East 94th Street-Carnegie Hill Historic District A townhouse originally built in 1893-95, and altered in 1925 by Cas Gilbert. Application is to modify an existing rooftop addition. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6547 - Block 1392, lot 70-965 Fifth Avenue - Upper East Side Historic District A Classicizing Modern style apartment building designed by Irving Margon and built in 1937. Application is to alter window openings. Community Board 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF THE BRONX 14-5502 - Block 5813, lot 80-4503 Fieldston Road-Fieldston Historic District A Tudor Revival style house built in 1927-28 and designed by Leo J. Fernschild. Application is to alter an addition. Community District 8.

fy31-a13

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

■ NOTICE

ASSET MANAGEMENT PROPOSED LEASES OF CERTAIN NEW YORK CITY REAL PROPERTY PUBLIC LEASE AUCTION BY SEALED BID

PUBLIC NOTICE IS HEREBY GIVEN THAT the Department of Citywide Administrative Services, Asset Management proposes to offer leases at public auction by sealed bid for the below listed properties.

In accordance with Section 384 of the New York City Charter, a public hearing will be held regarding the proposed leases on Wednesday, September 25, 2013, 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M.

These properties will be leased in accordance with the Standard Terms and Conditions and the Special Terms and Conditions printed below.

If approved for lease by the Mayor of the City of New York, the time and place of the sealed bid lease auction will be separately advertised in *The City Record*.

Further information, including public inspection of the Terms

and Conditions and the proposed leases, may be obtained at 1 Centre Street, 20th Floor North, New York, New York 10007. To schedule an inspection, please contact Shelley Goldman at (212) 386-0608 or sgoldman@dcas.nyc.gov.

Note: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than **SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING**. TDD users should call Verizon relay services.

PREMISES ADDRESS: 127 East 105th Street
LOCATION: East 105th Street between Park Avenue and Lexington Avenue
BOROUGH: Manhattan
BLOCK: 1633
LOT: 13
PROPERTY TYPE: 3 Story Building
SQUARE FOOTAGE: Approximately 8,800
USE: Community Facility
ZONE: R7-2/C1-5
LEASE TERM: Five (5) Years
RENEWAL TERMS: One (1) five (5) year renewal term
MINIMUM **ANNUAL** BID: \$85,824

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement Date.

SPECIAL TERM AND CONDITION: There is presently a boiler (the "boiler") in the cellar of 127 East 105th Street that can be accessed by way of an underground tunnel, which connects the cellars of 127 East 105th Street and 1680 Lexington Avenue. This boiler operates as a shared utility for both buildings. Pursuant to a Declaration of Restrictions dated April 27, 2011, which shall be made part of the proposed long term lease, the boiler shall be shall be maintained and repaired by the fee owner or agent of 1680 Lexington Avenue. The fee owner or agent of 1680 Lexington Avenue shall be permitted to enter through the underground tunnel to make necessary repairs and perform regular maintenance. If the boiler is replaced, it will be of a similar make model and performance, and shall stand upon the same location. In the event that either 1680 Lexington Avenue, or 127 East 105th Street, shall come under separate ownership, the cost of repair or replacement of the boiler shall be equally borne by the fee owners of each building. This special term and condition will continue in perpetuity or until such time that a separate boiler is installed in 1680 Lexington Avenue. A copy of the proposed long term lease and the Declaration of Restrictions is available at the offices of DCAS.

PREMISES ADDRESS: 8501 Fifth Avenue
LOCATION: East side of Fifth Avenue, approximately 18 feet south of 85th Street
BOROUGH: Brooklyn
BLOCK: 6036
LOT: Part of Lot 1
PROPERTY TYPE: Ground floor retail store and basement space
SQUARE FOOTAGE: Approximately 2,352 square feet on ground floor and 2,352 square feet of basement space
USE: As of Right
ZONE: C4-2A
LEASE TERM: Five (5) Years
RENEWAL TERMS: Two (2) five (5) year renewal terms
MINIMUM **ANNUAL** BID: \$90,240

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement Date.

SPECIAL TERM AND CONDITION: At the request of the highest qualified bidder, the City and said bidder will enter into a Revocable License Agreement (the "License") in form as acceptable to the City, for use of the Premises for the sole and exclusive purpose of conducting activities to prepare the Premises for occupancy pursuant to the contemplated long term lease. Use of the Premises under the License shall be strictly limited to architectural, engineering and construction work of a non-structural nature, and for no other purpose. The License fee shall be Ten Dollars (\$10.00) per month and shall not exceed sixty (60) calendar days. The day after the expiration of such License shall be the Commencement Date of the Lease.

PREMISES ADDRESS: 195-05 Linden Boulevard
LOCATION: Northeast Corner of Linden Boulevard and 195th Street
BOROUGH: Queens
BLOCK: 11067
LOT: 40
PROPERTY TYPE: 2 Story Building
SQUARE FOOTAGE: Approximately 17,400
USE: Community Facility
ZONE: R5B, C1-3
LEASE TERM: Five (5) Years
RENEWAL TERMS: One (1) five (5) year renewal term
MINIMUM **ANNUAL** BID: \$96,960

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement.

fy22-s25

CITYWIDE PURCHASING

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Purchasing is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>.

To begin bidding, simply click on 'Register' on the home page. There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more. Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Purchasing, 1 Centre Street, 18th Floor, New York, NY 10007.

jy24-d1

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications e quipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES

(All Boroughs):

- * **Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555**
- * **Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030**

FOR ALL OTHER PROPERTY

- * **Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906.**
- * **Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.**
- * **Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.**
- * **Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.**
- * **Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.**

j1-d31

PROCUREMENT

“Compete To Win” More Contracts!
Thanks to a new City initiative - “Compete to Win” - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

- **Win More Contracts at nyc.gov/competetowin**

“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”

BROOKLYN NAVY YARD

TECHNOLOGY

■ SOLICITATIONS

Goods & Services

DESIGN AND BUILDOUT OF AN IP SECURITY CAMERA SYSTEM – Request for Proposals – PIN# 090186 – DUE 09-04-13 AT 12:00 P.M. – Mandatory pre-proposal meeting will be on August 8 at 10:00 A.M. at BNYDC Offices, Building 292, 3rd Floor.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Brooklyn Navy Yard Development Corporation, 63 Flushing Avenue, Unit 300, Building 292, Third Floor. Topher Wheeler (718) 907-5976; Fax: (718) 643-9296; twheeler@brooklynnavyyard.com

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CITY UNIVERSITY

■ SOLICITATIONS

Goods & Services

HEATING VENTILATION AND AIR CONDITIONING MAINTENANCE SERVICES – Competitive Sealed Bids – PIN# UCO528 – DUE 08-21-13 AT 12:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
City University, 230 West 41st Street, 5th Floor. Michelle Green (212) 397-5618; Fax: (212) 397-5685; michelle.green@mail.cuny.edu

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KENTICO WEB CMS IMPLEMENTATION SERVICES – Public Bid – PIN# VS1314 – DUE 08-28-13 AT 3:00 P.M. – Hostos Community College of the City University of New York is seeking a Contractor to provide Web Content Management System Implementation Services (WebCMS) on the Kentico Ultimate with Enterprise Marketing Solution (EMS) platform. Contractor is to install, configure, customize, test, deploy, and train. Details are in the attached Specifications (Part B), ITB document and Attachment A. Any purchase resulting from this advertisement is subject to New York State Appendix A and the terms and conditions of a City University of New York Purchase Order or Agreement.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
City University, Hostos Community College, 500 Grand Concourse (Building G, Room 100), Bronx, NY 10451. Kevin Carmine (718) 319-7965; Fax: (718) 319-7964; kcarmine@hostos.cuny.edu

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Construction / Construction Services

HOIST, RIGGING, SCAFFOLDING AND SITE PROTECTION – Competitive Sealed Bids – PIN# NY-CUCF-01-08-HOIST – DUE 09-12-13 AT 12:00 P.M. – For the CUNY NYCCCT New Academic Building project, located at 285 Jay Street. A detailed description of the work required is provided in the RFB Trade Scope Checklist (Section II, Subsection B, Paragraph d. of the RFB Bid Booklet).

Bid Booklet Documents may be downloaded from <http://cuny.sciam.com/>. If you are unable to download the documents from the website, contact Melissa Steeves by fax at (212) 248-5313, or email at msteeves@sciam.com, to arrange your pickup of the documents in CD format. The documents will be available for pick-up at F.J. Sciam Construction Co., Inc., 14 Wall Street, 2nd Floor, New York, NY 10005. There is a Project Labor Agreement (PLA) for this project between F.J. Sciam Construction Co., Inc. and the Building Trades and Construction Trades Council of Greater New York (BCTC) affiliated Local Unions. The PLA is binding on the Contractor and all Subcontractors of all tiers.

The MBE participation requirement for this project is 12 percent; the WBE participation requirement is 8 percent. The estimated construction cost for this bid package is: \$3,500,000.00 - \$4,000,000.00.

A mandatory site meeting will be held on Thursday, August 8, 2013 at 10:00 A.M. Bidders' subcontractors and suppliers are encouraged to attend, as are other interested subcontractors and suppliers. An employee of the Prime Contractor (signatory to the contract) must be in attendance at the meeting. Bidders must meet in front of Namm Hall at 300 Jay Street, Brooklyn, NY 11201.

Bids will be opened at the offices of the City University of New York (CUNY) located at 555 West 57th Street, New York, NY 10019, 16th Floor Conference Room on Thursday, September 12, 2013 at 3:00 P.M. No more than two representatives per firm may attend the bid opening.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
F.J. Sciam Construction Co., Inc., 14 Wall Street, 2nd Floor, New York, NY 10005. Melissa Steeves (212) 232-2200; Fax: (212) 248-5313; msteeves@sciam.com

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CITYWIDE ADMINISTRATIVE SERVICES

■ AWARDS

Goods

ORACLE REAL APPLICATION CLUSTERS PROCESSOR PERPETUAL – Intergovernmental Purchase – PIN# 8571300550 – AMT: \$108,800.00 – TO: Mythics, Inc., 1439 N. Great Neck Road, Suite 201, Virginia Beach, VA 23454. GSA Contract #GS-35F-0153M.

Suppliers wishing to be considered for a contract with the General Services Administration of the Federal Government are advised to contact the Small Business Utilization Center, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 18-130, NY, NY 10278 or by phone: 212-264-1234.

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CITYWIDE PURCHASING

■ SOLICITATIONS

Services (Other Than Human Services)

PUBLIC SURPLUS ONLINE AUCTION – Other – PIN# 0000000000 – DUE 12-31-14.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services, 66-26 Metropolitan Avenue, Queens Village, NY 11379. Donald Lepore (718) 417-2152; Fax: (212) 313-3135; dlepore@dcas.nyc.gov

s6-f25

MUNICIPAL SUPPLY SERVICES

■ AWARDS

Goods

NETAPP STORAGE FOR DATA BACKUPS – Intergovernmental Purchase – PIN# 8571300443 – AMT: \$306,400.26 – TO: Webhouse, Inc., 2365 Milburn Avenue, Bldg. 2, Baldwin, NY 11510-3349.

OGS Contract #PT60947.
● **CISCO ROUTER SWITCHES, PHONES FOR BHC'S UPGRADE - DOHMH** – Intergovernmental Purchase – PIN# 8571400009 – AMT: \$129,842.24 – TO: Blue Water Communications Group LLC, 110 Parkway Drive South, Suite A, Hauppauge, NY 11788. OGS Contract #PT64525.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

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■ VENDOR LISTS

Goods

EQUIPMENT FOR DEPARTMENT OF SANITATION – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j2-d31

EDUCATION

CONTRACTS AND PURCHASING

■ INTENT TO AWARD

Human / Client Services

NEGOTIATED SERVICES – Other – PIN# E1648A040 – DUE 08-09-13 AT 5:00 P.M. – The Department of Education (DOE), Division of Contracts and Purchasing, has been asked for approval to enter into a contract with Good Shepherd Services for a term of 7/1/12 through 6/30/14, at a total contract cost of \$83,024, to provide direct student support services to enhance parent engagement and to support student's academic growth at South Brooklyn Community High School. Other organizations interested in providing these services to the DOE in the future are invited to indicate their ability to do so in writing to Jay G. Miller, NYC Department of Education, 65 Court Street, Room 1201, Brooklyn, New York 11201. Responses should be received no later than Friday, August 9, 2013.

The New York City Department of Education (DOE) strives to give all businesses, including Minority and Women-Owned Business Enterprises (M/WBE's), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including M/WBEs, from all segments of the community. The DOE works to enhance the ability of M/WBEs to compete for contracts. DOE is committed to ensuring that M/WBEs fully participate in the procurement process.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; vendorhotline@schools.nyc.gov

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HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

■ SOLICITATIONS

Goods & Services

PHYSICIAN BILLING SERVICES – Competitive Sealed Bids – PIN# TB14-002 – DUE 08-15-13 AT 3:30 P.M. – Bidders will have to complete the HHC Supply and Service Employment report and the Vendex.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203. Tamika Beaton (718) 245-2127; Fax: (718) 735-5486; Tamika.Beaton@nychhc.org If hand delivering: SOB Building, 591 Kingston Avenue, Brooklyn, NY 11203, Purchasing Department, 2nd Floor, Room 251.

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HOUSING PRESERVATION & DEVELOPMENT

LEGAL

■ SOLICITATIONS

Human / Client Services

MORTGAGE FORECLOSURE PREVENTION SERVICES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 80612N0001 – DUE 08-13-13 AT 11:00 A.M. – The Department of Housing Preservation and Development ("HPD") is seeking an appropriately qualified locally-based organization and their subcontractor(s), if

applicable, to join in its efforts to continue to assist homeowners and tenants of small homes who are at risk of losing their homes to foreclosure. HPD is seeking an organization to provide a highly focused, multi-strategy programming of mortgage foreclosure intervention initiatives, and to coordinate and expand services to New York City residents facing foreclosure. While services must be Citywide, it is expected that the selected organization would focus on neighborhoods and demographics with concentrated foreclosure activity through a network of HPD approved non-profit partners ("subcontractors"). Program services to be provided by the organization include free legal services, housing counseling, loans workout (including modifications), and consumer education. A singular contract stemming from this Competitive Negotiated Acquisition will be awarded as a result of direct negotiation, through a formal interview process, with interested vendors. It is anticipated that the term of the contract awarded from this Competitive Negotiated Acquisition will be for a three year period commencing on or about October 21, 2013 to October 20, 2016. The awarded contract may include one renewal option of up to three years.

All vendors that express interest, in writing, to this solicitation by the due date and time of August 13, 2013 at 11:00 A.M. to the Agency Point of Contact shall be invited to negotiate directly with the Department of Housing Preservation and Development. During these negotiations, interested vendors will be evaluated based on their answers to questions posted by the evaluation panel.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Preservation and Development, 100 Gold Street, Room 8B-05, New York, NY 10038.
Jay Bernstein (212) 863-6657; Fax: (212) 863-5455;
jb1@hpd.nyc.gov

jy29-a2

NEIGHBORHOOD PRESERVATION

AWARDS

Human/Client Services

COMMUNITY CONSULTANT SERVICES – BP/City Council Discretionary – PIN# 80613L0089001 – AMT: \$140,000.00 – TO: Housing Conservation Coordinators, Inc., 777 Tenth Avenue, New York, NY 10019.

● **LEGAL SERVICES/ANTI-EVICTION SERVICES TO TENANTS** – BP/City Council Discretionary – PIN# 80613L018001 – AMT: \$102,294.00 – TO: Queens Legal Services Corporation, 89-00 Sutphin Boulevard, Suite 206, Jamaica, NY 11435.

● **LEGAL SERVICES/ANTI-EVICTION SERVICES TO TENANTS** – BP/City Council Discretionary – PIN# 80613L0081001 – AMT: \$500,000.00 – TO: Housing Court Answers, Inc., 125 Maiden Lane, Room 318, New York, NY 10038.

● **LEGAL SERVICES** – BP/City Council Discretionary – PIN# 80613L0115001 – AMT: \$310,139.00 – TO: Goddard Riverside Community Center, 593 Columbus Avenue, New York, NY 10024.

● **ANTI-EVICTION AND SRO LEGAL SERVICES** – BP/City Council Discretionary – PIN# 80613L0011001 – AMT: \$100,000.00 – TO: Brooklyn Legal Services Corp., 256-260 Broadway, Brooklyn, NY 11211.

● **ANTI-EVICTION AND LEGAL SERVICES** – BP/City Council Discretionary – PIN# 80613L0109001 – AMT: \$160,571.00 – TO: South Brooklyn Legal Services, Inc., 105 Court Street, Brooklyn, NY 11201.

● **SERVICE OF LEGAL PROCESS AND LEGAL PAPERS** – Competitive Sealed Bids/Pre-Qualified List – Judgment required in evaluating proposals - PIN# 80613B0002001 – AMT: \$451,397.00 – TO: JDG Investigations Inc., 86-52 Woodhaven Boulevard, Woodhaven, NY 11421.

● **SOFTWARE MAINTENANCE** – Sole Source – Available only from a single source - PIN# 80612S0001001 – AMT: \$223,653.00 – TO: Emphasys Computer Solutions, Inc., 9725 NW 117th Avenue, Suite 120, Medley, Florida 33178.

● **MOVING AND STORAGE SERVICES** – Competitive Sealed Bids/Pre-Qualified List – Specifications cannot be made sufficiently definite - PIN# 80612B0019001 – AMT: \$2,350,000.00 – TO: Moveway Transfer and Storage, Inc., 314 Scholes Street, Brooklyn, NY 11206.

● **IMMEDIATE EMERGENCY DEMOLITION** – Competitive Sealed Bids/Pre-Qualified List – Specifications cannot be made sufficiently definite - PIN# 80613E0021001 – AMT: \$124,111.00 – TO: A. Russo Wrecking, Inc., 67 East Avenue, Lawrence, NY 11559.

● **SERVICE OF LEGAL PROCESS AND LEGAL PAPERS** – Competitive Sealed Bids/Pre-Qualified List – Specifications cannot be made sufficiently definite - PIN# 80613B0001001 – AMT: \$497,983.35 – TO: Nationwide Court Services, Inc., 751 Koehler Avenue, Ronkonkoma, NY 11779.

● **SERVICE OF LEGAL PROCESS AND LEGAL PAPERS** – Competitive Sealed Bids/Pre-Qualified List – Specifications cannot be made sufficiently definite - PIN# 80613B0002001 – AMT: \$451,397.00 – TO: JDG Investigations, Inc., 86-52 Woodhaven Boulevard, Woodhaven, NY 11421.

● **ENERGY AUDITS AND RELATED SERVICES** – BP/City Council Discretionary – PIN# 80613L0072001 – AMT: \$134,000.00 – TO: Pratt Institute, 200 Willoughby Avenue, Brooklyn, NY 11205.

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HUMAN RESOURCES ADMINISTRATION

AGENCY CHIEF CONTRACTING OFFICER

AWARDS

Human/Client Services

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) TO ELIGIBLE FAMILIES IN NYC-EAT SMART NY – Required/Authorized Source – Judgment required in evaluating proposals - PIN# 06913H083602 – AMT: \$2,532,671.00 – TO: Cornell University, 341 Pine Tree Road, Ithaca, NY 14850. Term: 10/1/2012 - 9/30/2013. E-PIN: 09613R0002001.

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INTENT TO AWARD

Services (Other Than Human Services)

VARIOUS CAMPAIGN ADS ON THE STATEN ISLAND FERRY – Sole Source – Available only from a single source - PIN# 09614S0001 – DUE 08-08-13 AT 2:00 P.M. – The Agency is launching various ad campaigns directed at low-income individuals and working families in New York City.

For Information Purposes Only

This is a Notice of Intent to enter into a sole source negotiation with "Island Adworx Advertising D/B/A FerryAds.com"

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Human Resources Administration, 180 Water Street, 14th Floor, New York, NY 10038.
Barbara Beirne (929) 221-6348; beirneb@hra.nyc.gov

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CONTRACT MANAGEMENT

AWARDS

Services (Other Than Human Services)

FILENET CONTENT MANAGER SOFTWARE SUBSCRIPTION AND SUPPORT – Intergovernmental Purchase – Judgment required in evaluating proposals - PIN# 09613O0031001 – AMT: \$153,780.00 – TO: International Business Machines Corporation (IBM), 80 State Street, Albany, NY 12207. The contract term shall be from 4/10/13 - 3/31/14 and the Internal PIN Number is 069-13-110-6194.

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PARKS AND RECREATION

REVENUE AND CONCESSIONS

SOLICITATIONS

Services (Other Than Human Services)

RENOVATION, OPERATION, AND MAINTENANCE OF AN AMUSEMENT CENTER – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# R-13-BA-2013 – DUE 08-28-13 AT 3:00 P.M. – At 855 Arthur Kill Road, Staten Island.

There will be a recommended proposer meeting and site tour on Tuesday, August 13, 2013 at 11:30 A.M. We will be meeting at the proposed concession site, which is located at 855 Arthur Kill Road and Richmond Avenue, Staten Island. We will be meeting in the parking lot facing the amusement center. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, 830 5th Avenue, Rm. 407, New York, NY 10065. Alexander Han (212) 360-1397;
Fax: (212) 360-3434; Alexander.Han@parks.nyc.gov

jy23-a5

OPERATION AND MAINTENANCE OF A HARBOR CRUISE AND TOUR CONCESSION – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M5-M-2013 – DUE 08-29-13 AT 3:00 P.M. – At Gangway 1 or Gangway 2 in Battery Park, Manhattan.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) (212) 504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021.
Nate Grove (718) 478-0480; Fax: (212) 360-3434;
nate.grove@parks.nyc.gov

jy26-a12

SMALL BUSINESS SERVICES

SOLICITATIONS

Services (Other Than Human Services)

SURVEY AND ANALYSIS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 801SBS130072 – DUE 08-15-13 AT 5:00 P.M. – The Department of Small Business Services ("SBS" or the "Agency") is seeking an appropriately qualified vendor to provide a survey and statistical analysis of workforce development outcomes and customer satisfaction at the NYC Workforce1 Career Centers.

The agency is seeking an appropriately qualified contractor (the "Contractor") to survey, collect, and analyze data about customer satisfaction.

A pre-proposal conference for interested proposers will be held on August 1, 2013, at 10:00 A.M. at 110 William Street, 7th Floor Board Room, New York, NY 10038. Space constraints limit attendance to two persons per proposing organization. The original and four (4) copies of the complete proposal and all attachments should be hand-delivered or sent through certified mail.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Small Business Services, Procurement Unit, 110 William St., 7th Floor, New York, NY 10038.
Daryl Williams (212) 513-6300;
procurementhelpdesk@sbs.nyc.gov

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AGENCY RULES

ENVIRONMENTAL CONTROL BOARD

NOTICE

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board (ECB) by Sections 1049-a and 1043 of the New York City Charter ("Charter"), ECB hereby promulgated the following rule that amends Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York ("RCNY"). These rules create penalties for offenses that are heard and decided by ECB pursuant to Sections 1048 and 1049-a of the Charter, Section 7-02 of Chapter 7 of Title 24 of the RCNY, and Chapter 3 of Title 48 of the RCNY. The rule was published in The City Record on June 6, 2013 and a public hearing was held on July 9, 2013.

Statement of Basis and Purpose of Final Rule

The Environmental Control Board ("ECB") held a Public Hearing on July 9, 2013 regarding amendments to ECB's Health Code and Miscellaneous Food Vendor Violations Penalty Schedule found in Section 3-110 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York ("Penalty Schedule") concerning penalties for violations of various provisions of the NYC Health Code ("Health Code") related to the enforcement of Article 161 (Animals). One member from the public and a representative from the Department of Health and Mental Hygiene ("DOHMH") attended the public hearing and the member of the public testified at the public hearing on the proposed rule. No written comments were received. The Board has considered the testimony from the member of the public concerning the Proposed Rule.

Sections 1, 2 and 3

These sections add penalties for violations of the Health Code relating to inspections of various animal handling and servicing facilities. These facilities include pet shops that sell small animals (other than cats and dogs), animal shelters and boarding and grooming facilities (including horse stables). In addition, three charges relate to guard dogs.

Notices of violation for these violations when issued by DOHMH are currently returnable at the Health Tribunal. Notices of violation issued for many of these sections of the Health Code by agencies other than the DOHMH are returnable to the ECB and the penalties for their violation are in ECB rules. Among the animal-related Health Code violations already heard at ECB are:

- unlawfully keeping/selling/giving a wild animal,
- control of dogs and other animals to prevent nuisance,
- violations pertaining to dog tags and licenses,
- failure to restrain a dog,
- and owning or harboring a dog or cat which has not been immunized against rabies.

The DOHMH plans to use public health sanitarians from DOHMH's Pest Control Services program, who currently only write notices of violation for rats and rat harborage conditions returnable to ECB, to respond to animal nuisance complaints. Accordingly, DOHMH has requested that adjudication of these animal-related cases be moved to ECB in order to enhance its enforcement efforts.

Section 4

This section has amended the description for Health Code §89.19(f)(2) to reflect Board of Health amendments of this Health Code provision that became effective July 22, 2011. The 2011 rulemaking resulted from the Board of Health's conclusion that, when properly stored and prepared, most cooked fish and other aquatic animal food products may be safely sold from either a temporary or a mobile vending establishment. Thus, the provision now allows for the sale and service of cooked fish and aquatic animal products on a mobile food vending unit. The sale and service of raw fish products is still prohibited. The penalty amount remains the same.

Deleted material is in [brackets].
New text is underlined.

Section 1. The Health Code and Miscellaneous Food Vendor Violations Penalty Schedule found in Section 3-110 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended by adding 2 new charges after the entry in that schedule for NYC Health Code § 3.09, "Failing to abate or remediate nuisance" to read as follows:

Section/Rule	Description	Penalty	Default
NYC Health Code 3.15(a)	<u>Interfering with or obstructing Department staff in performing duties</u>	\$1000	\$2000
NYC Health Code 3.17	<u>Notice or order of the Department mutilated, obstructed or removed</u>	\$500	\$1000

Section 2. The Health Code and Miscellaneous Food Vendor Violations Penalty Schedule found in Section 3-110 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended by adding 8 new charges after the entry in that schedule for 24 RCNY 6-01(l), "Non-processing unit being operated without proper food processing permit" to read as follows:

Section/Rule	Description	Penalty	Default
NYC Health Code 131.09(a)	<u>Failure to provide or maintain adequate lighting</u>	\$200	\$400
NYC Health Code 131.09(b)	<u>Failure to provide or maintain adequate ventilation</u>	\$200	\$400
NYC Health Code 131.09(c)	<u>Failure to maintain plumbing</u>	\$200	\$400
NYC Health Code 131.09(d)(2)	<u>Adequate hand wash facility not provided or not supplied with soap, hand drying device or towels</u>	\$200	\$400
NYC Health Code 131.09(d)(4)	<u>Adequate toilet facilities not provided</u>	\$200	\$400
NYC Health Code 131.09(e)	<u>Failure to maintain floors in good repair</u>	\$200	\$400
NYC Health Code 131.09(f)	<u>Failure to maintain walls and ceilings in good repair</u>	\$200	\$400
NYC Health Code 131.09(g)	<u>Premises not kept clean and/or in good repair</u>	\$200	\$400

Section 3. The Health Code and Miscellaneous Food Vendor Violations Penalty Schedule found in Section 3-110 of

Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended by adding 19 new charges after the entry in that schedule for NYC Health Code 151.03 (a), "Failure to eliminate standing water with decomposing matter and other conditions conducive to breeding and harborage of mosquitoes; extensive violations" to read as follows:

Section/Rule	Description	Penalty	Default
NYC Health Code 161.01(a)(5)	Exhibiting or displaying exotic or other prohibited animals without a current valid permit	\$1000	\$2000
NYC Health Code 161.01(a)(5)	Failure to comply with animal exhibition conditions imposed by the Commissioner	\$1000	\$2000
NYC Health Code 161.09(a)	Operating a boarding kennel, grooming parlor, training establishment or pet shop without a current valid permit	\$1000	\$2000
NYC Health Code 161.09(b)	Operating an animal shelter without a current valid permit	\$1000	\$2000
NYC Health Code 161.09(d)	Operating a horse stable without a permit	\$1000	\$2000
NYC Health Code 161.09(f)	Supervisor of animal business does not have certificate of completion of small animal care and handling course	\$500	\$1000
NYC Health Code 161.09(g)	Guard dog not registered with the Department	\$1000	\$2000
NYC Health Code 161.09(g)(1)	Guard dog not microchipped	\$200	\$400
NYC Health Code 161.09(g)(2)	Signs warning of presence of trained guard dog not posted	\$500	\$1000
NYC Health Code 161.13	Self-inspection reports not maintained or provided to the Department	\$200	\$400
NYC Health Code 161.15(a)	Residential quarters not separated from animal handling or care activities	\$200	\$400
NYC Health Code 161.15(b) and (c)	Failure to comply with dog license application requirements before transferring ownership	\$500	\$1000
NYC Health Code 161.15(e)	Failure to maintain vaccination records	\$250	\$250
NYC Health Code 161.17	Failure to have dogs or cats three months of age and older in individual cages	\$200	\$400
NYC Health Code 161.21(b)	Exposed surfaces in stable not kept clean	\$200	\$400
NYC Health Code 161.21(f)	Manure or other refuse not maintained in a sanitary manner	\$500	\$1000
NYC Health Code 161.21(h)	Stable yard not kept clean or not graded to prevent accumulation of liquids	\$200	\$400
NYC Health Code 161.21(i)	Owning, boarding, using or bringing into NYC a horse that is not currently actively vaccinated against rabies and/or not providing vaccination records to the Department	\$500	\$1000
NYC Admin Code 17-197	Improperly restraining animal out of doors	\$250	\$250

Section 4. The Health Code and Miscellaneous Food Vendor Violations Penalty Schedule found in Section 3-110 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended by revising the charge currently listed as "NYC Health Code 89.19(f)(2), "Preparing, storing, holding or selling aquatic animal," as follows:

Section/Rule	Description	Penalty	Default
NYC Health Code 89.19(f)(2)	Preparing, storing, holding or selling raw fish or raw aquatic animal	\$385	\$770



CITY PLANNING

NOTICE

ADJUSTMENT IN HUDSON YARDS DISTRICT IMPROVEMENT BONUS CONTRIBUTION AMOUNT

As provided in Section 93-31 of the Zoning Resolution of the City of New York, the required contribution amount per square foot of bonused floor area available through the

District Improvement Fund Bonus in the Special Hudson Yards District has been increased from **\$120.61** per square foot to **\$122.78** per square foot as of August 1, 2013.

In accordance with Section 93-31, this increase is based on the change in the Consumer Price Index for All Urban Consumers (CPI), as published by the U.S. Department of Labor, Bureau of Labor Statistics. The CPI change for the period between July 1, 2012 and July 1, 2013 was an increase of 1.8 percent.

This increased contribution amount per square foot of bonused floor area applies to all contributions pursuant to Section 93-31 received on or after August 1, 2013, until such time as the amount is further modified in accordance with the Zoning Resolution.

Amanda M. Burden
Chair
City Planning Commission

COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on August 1, 2013, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
74	15838	57
75	15838	55
76	15838	53
77	15838	51
78	15838	49
79	15838	48
80	15838	47

Acquired in the proceeding, entitled: BEACH 46TH STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller
jy18-a1

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on August, 8, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
81	15838	45
82	15838	43
83	15838	41
84	15838	39
86	15838	34
87	15838	76

Acquired in the proceeding, entitled: BEACH 46th STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller
jy26-a8

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., RM 629, New York, NY 10007 on October 27, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

CHANGES IN PERSONNEL

TAXI & LIMOUSINE COMMISSION FOR PERIOD ENDING 07/05/13						
TITLE						
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	
BELMONTE	ANGELINA	10209	\$10,000.00	APPOINTED	YES	06/14/13
BILLUPS JR	JEFFREY L	10251	\$46,000.00	INCREASE	NO	06/16/13
BOWLIN	MERCEDES	35116	\$39,246.00	DECREASE	NO	06/16/13
FELIX	ANDRES O	56056	\$13,140.00	APPOINTED	YES	06/16/13
GARCIA	PAOLA A	13631	\$60,460.00	INCREASE	NO	06/16/13
KHAN	KASHIF	35116	\$34,695.00	RESIGNED	NO	06/16/13
KING	SIMONE	10124	\$53,000.00	INCREASE	NO	06/16/13
LAU	CHI K	56057	\$32,321.00	APPOINTED	YES	06/23/13
LORA	ANDRES	56056	\$17,000.00	APPOINTED	YES	06/16/13
LORENZO	STACY A	10202C	\$73,000.00	INCREASE	YES	06/16/13
QUINTERO	OMAR	12749	\$42,000.00	APPOINTED	YES	06/19/13
ROSS	DAVID L	30087	\$53,181.00	INCREASE	YES	06/16/13
SACKIN	JENNIFER N	30087	\$53,181.00	RESIGNED	YES	06/23/13
TORRES	JOSE	35143	\$58,000.00	INCREASE	NO	06/16/13
WILLIAMS	EMMA	10251	\$27,697.00	APPOINTED	NO	06/23/13
YENDREMBAM	PRIYA	13632	\$85,000.00	APPOINTED	YES	06/16/13

PUBLIC SERVICE CORPS FOR PERIOD ENDING 07/05/13						
TITLE						
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	
AGUILERA	DIANA	10209	\$8,500.00	APPOINTED	YES	06/04/13
ARIZA	PAOLA	10209	\$9,000.00	APPOINTED	YES	06/17/13
BAPTISTE	JAMAL	10209	\$9,000.00	APPOINTED	YES	03/01/13
BERROUET	CECILIA C	10209	\$10,360.00	APPOINTED	YES	05/16/13
BLACK	ANTONETT K	10209	\$8,500.00	APPOINTED	YES	06/18/13
BREWER	JAMAIN A	10209	\$9,000.00	APPOINTED	YES	06/10/13
BRUMFIELD	BLONDEL A	10209	\$9,000.00	APPOINTED	YES	06/11/13
CHEN	MINDY	10209	\$10,360.00	APPOINTED	YES	05/16/13
CHEN	YUANYUAN	10209	\$12,000.00	APPOINTED	YES	06/17/13
CHEONG	YUJUNE	10209	\$8,500.00	APPOINTED	YES	06/04/13
GHALE	JAMLING	10209	\$9,000.00	APPOINTED	YES	06/10/13
JANSENS	EVAN H	10209	\$9,410.00	APPOINTED	YES	05/16/13
KAGANOFF	RUCHOMA	10209	\$9,000.00	APPOINTED	YES	06/13/13

LABORDE-EDOZIEN	ISIOMA M	10209	\$9,410.00	APPOINTED	YES	05/16/13
LANGDON	COURTNEY D	10209	\$9,000.00	APPOINTED	YES	06/12/13
LYNCH	DANIELLE	10209	\$8,500.00	APPOINTED	YES	06/04/13
MAISTROV	IGOR	10209	\$11,360.00	RESIGNED	YES	06/23/13
MIRANDA	LYNDA A	10209	\$10,360.00	APPOINTED	YES	05/16/13
MUNOZ	CHAKEMA M	10209	\$8,500.00	RESIGNED	YES	06/09/13
NOGAY	ALEKSEY	10209	\$9,000.00	APPOINTED	YES	06/10/13
OWENS	RAYMOND D	10209	\$9,000.00	APPOINTED	YES	06/10/13
PRAGER	SARAH K	10209	\$10,750.00	APPOINTED	YES	05/28/13
RAMIREZ	IRENE	10209	\$9,000.00	APPOINTED	YES	06/10/13
SADIY-ZODA	HISLATJO	10209	\$9,000.00	APPOINTED	YES	06/10/13
SINGH	JASPREET	10209	\$9,000.00	APPOINTED	YES	06/10/13
TAI	WEI	10209	\$8,500.00	APPOINTED	YES	06/04/13
TANG	SIMON	10209	\$9,000.00	APPOINTED	YES	06/13/13
THOMAS	CEDRIC D	10209	\$9,000.00	APPOINTED	YES	06/12/13
YEUNG	HELEN	10209	\$9,410.00	APPOINTED	YES	05/16/13
ZHANG	ROBERT J	10209	\$10,360.00	APPOINTED	YES	05/16/13
ZHU	ZHIWEI	10209	\$8,500.00	APPOINTED	YES	06/10/13

HUMAN RIGHTS COMMISSION FOR PERIOD ENDING 07/05/13						
TITLE						
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	
JOSEPHSON	MARGO L	10209	\$8,000.00	APPOINTED	YES	06/28/13
RAMIREZ	MIGUEL	55016	\$47,941.00	RETIRED	NO	06/16/13

DEPT OF YOUTH & COMM DEV SRVS FOR PERIOD ENDING 07/05/13						
TITLE						
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	
BURNEY HENDRIX	TAMI	10095	\$63,700.00	INCREASE	YES	06/23/13
BURROUGHS	CLARISSA M	56099	\$12,070.00	RESIGNED	YES	06/08/13
COPPIN	ESME M	40562	\$58,717.00	RETIRED	NO	06/29/13
FERGUSON	RENISE S	10095	\$67,000.00	INCREASE	YES	06/23/13
JOHN	CHRISTOP R	56099	\$12,070.00	RESIGNED	YES	06/12/13
LOVELL	ERMAINE N	56099	\$12,070.00	RESIGNED	YES	06/05/13
MAGLOIRE	MANFRED	56099	\$12,070.00	APPOINTED	YES	06/17/13
OHORE	YASMIN	56099	\$12,070.00	APPOINTED	YES	06/16/13
SOLOMON	JEFFREY J	12627	\$59,536.00	APPOINTED	NO	06/16/13

Damage Parcel No.	Block	Lot
88	15838	74
90	15969	71
91	15969	69
92	15969	68
95	15969	64
96	15969	63
97	15969	61
100	15969	58
102	15969	56

Acquired in the proceeding, entitled: BEACH 46TH STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller
jy31-a14

SCHOOL CONSTRUCTION AUTHORITY

NOTICE

NOTICE OF FILING

Pursuant to Section 1731 of the New York City School Construction Authority Act, notice has been filed for the proposed site selection of Block 2494, Portion of Lot 1, and any other property in the immediate vicinity which may be necessary for the proposed project, located in the Borough of Brooklyn, for the construction of a new, approximately 640-seat primary/intermediate school facility in Community School District No. 14.

The proposed site contains a total of approximately 20,000 square feet of lot area (0.45 acres) and is located on the southwest corner of Franklin and Dupont Streets in the Borough of Brooklyn. The site currently contains a one-story structure used for auto repair and a paved area for parking. Site plans and a summary thereof for the proposed action are available at:

New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, New York 11101
Attention: Ross J. Holden

Comments on the proposed actions are to be sent to the New York City School Construction Authority at the above address and will be accepted until September 15, 2013.

NOTICE OF FILING

Pursuant to Section 1731 of the New York City School Construction Authority Act, notice has been filed for the proposed site selection of Block 603, Lots 49 and 53, and any other property in the immediate vicinity which may be necessary for the proposed project, located in the Borough of Manhattan, for the development of a new public school facility that would accommodate both Community School District No. 2 middle school students and District No. 75 special education students. The estimated total capacity of this facility would be approximately 1,000 seats.

The proposed site assemblage contains a total of approximately 30,000 square feet of lot area (0.69 acres) and is located on the block bounded by Morton Street, Greenwich Street, Hudson Street and Barrow Street in the West Village section of Manhattan. The site consists of the seven-story structure located at 75 Morton Street and an adjoining paved parking area that are currently owned by the State of New York and occupied by the New York State Office of People with Developmental Disabilities. Site plans and a summary thereof for the proposed action are available at:

New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, New York 11101
Attention: Ross J. Holden

Comments on the proposed actions are to be sent to the New York City School Construction Authority at the above address and will be accepted until September 15, 2013.

READER'S GUIDE

The City Record (CR) is published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in The City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Monday through Friday from 9:00 A.M. to 5:00 P.M., except on legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptroller's Office at www.comptroller.nyc.gov, and click on Prevailing Wage Schedules to view rates.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION-RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$17 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at www.nyc.gov/selltonyc. To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit www.nyc.gov/html/sbs/nycbiz and click on Summary of Services, followed by Selling to Government.

PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR. Information and qualification questionnaires for inclusion on such lists may be obtained directly from the Agency Chief Contracting Officer at each agency (see Vendor Information Manual). A completed qualification questionnaire may be submitted to an Agency Chief Contracting Officer at any time, unless otherwise indicated, and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings (OATH). Section 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit www.nyc.gov/selltonyc.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board Rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, and the Housing Authority. Suppliers interested in applying for inclusion on bidders lists for Non-Mayoral entities should contact these entities directly at the addresses given in the Vendor Information Manual.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit www.nyc.gov/mocs.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women-Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about this program, contact the Department of Small Business Services at (212) 513-6311 or visit www.nyc.gov/sbs and click on M/WBE Certification and Access.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City pays interest on all late invoices. However, there are certain types of payments that are not eligible for interest; these are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year: in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City's website at www.nyc.gov/selltonyc

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

ACCO	Agency Chief Contracting Officer
AMT	Amount of Contract
CSB	Competitive Sealed Bid including multi-step
CSP	Competitive Sealed Proposal including multi-step
CR	The City Record newspaper
DP	Demonstration Project
DUE	Bid/Proposal due date; bid opening date
EM	Emergency Procurement
FCRC	Franchise and Concession Review Committee
IFB	Invitation to Bid
IG	Intergovernmental Purchasing
LBE	Locally Based Business Enterprise
M/WBE	Minority/Women's Business Enterprise
NA	Negotiated Acquisition
OLB	Award to Other Than Lowest Responsive Bidder/Proposer
PIN	Procurement Identification Number
PPB	Procurement Policy Board
PQL	Pre-qualified Vendors List
RFEI	Request for Expressions of Interest
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
SS	Sole Source Procurement
ST/FED	Subject to State and/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

CSB	Competitive Sealed Bidding including multi-step <i>Special Case Solicitations/Summary of Circumstances:</i>
CSP	Competitive Sealed Proposal including multi-step
CP/1	Specifications not sufficiently definite
CP/2	Judgement required in best interest of City
CP/3	Testing required to evaluate
CB/PQ/4	
CP/PQ/4	CSB or CSP from Pre-qualified Vendor List/ Advance qualification screening needed
DP	Demonstration Project
SS	Sole Source Procurement/only one source
RS	Procurement from a Required Source/ST/FED
NA	Negotiated Acquisition <i>For ongoing construction project only:</i>
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors

NA/11	Immediate successor contractor required due to termination/default <i>For Legal services only:</i>
NA/12	Specialized legal devices needed; CSP not advantageous
WA	Solicitation Based on Waiver/Summary of Circumstances (<i>Client Services/CSB or CSP only</i>)
WA1	Prevent loss of sudden outside funding
WA2	Existing contractor unavailable/immediate need
WA3	Unsuccessful efforts to contract/need continues
IG	Intergovernmental Purchasing (award only)
IG/F	Federal
IG/S	State
IG/O	Other
EM	Emergency Procurement (award only): An unforeseen danger to:
EM/A	Life
EM/B	Safety
EM/C	Property
EM/D	A necessary service
AC	Accelerated Procurement/markets with significant short-term price fluctuations
SCE	Service Contract Extension/insufficient time; necessary service; fair price <i>Award to Other Than Lowest Responsible & Responsive Bidder or Proposer/Reason (award only)</i>
OLB/a	anti-apartheid preference
OLB/b	local vendor preference
OLB/c	recycled preference
OLB/d	other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section.

At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified unless a different one is given in the individual notice. In that event, the directions in the individual notice should be followed.

The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids
– PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing providing Agency contact information
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in The City Record