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## TABLE OF CONTENTS

### PUBLIC HEARINGS AND MEETINGS

Borough President - Bronx	1773
Borough President - Manhattan	1773
Buildings	1774
City Council	1774
City Planning Commission	1774
Citywide Administrative Services	1823
Community Boards	1823
Board of Education Retirement System	1824
Franchise and Concession Review	
Committee	1824
Housing Authority	1824
Landmarks Preservation Commission	1824
Rent Guidelines Board	1825
Transportation	1825

### PROPERTY DISPOSITION

Citywide Administrative Services	1827
Office of Citywide Procurement	1827
Police	1827

### PROCUREMENT

Aging	1828
Contract Procurement and Support Services	1828
Citywide Administrative Services	1828
Office of Citywide Procurement	1828

Comptroller	1828
Design and Construction	1829
Contracts	1829
District Attorney - New York County	1829
Environmental Protection	1829
Agency Chief Contracting Office	1829
Health and Mental Hygiene	1829
Housing Authority	1829
Supply Management	1829
Housing Preservation & Development	1830
Procurement	1830
Parks and Recreation	1830
Contracts	1831
School Construction Authority	1831
Small Business Services	1831
Procurement	1831

### CONTRACT AWARD HEARINGS

Administration for Children's Services	1831
--	------

### AGENCY RULES

Citywide Administrative Services	1832
----------------------------------	------

### SPECIAL MATERIALS

Comptroller	1832
Housing Preservation and Development	1834
Mayor's Office of Contract Services	1834
Changes in Personnel	1835

### LATE NOTICE

Public Library/Queens	1836
Queens/Purchasing	1836
Youth and Community Development	1836

## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOROUGH PRESIDENT - BRONX

#### ■ PUBLIC HEARINGS

A PUBLIC HEARING IS BEING CALLED BY the President of The Borough of The Bronx, Honorable Ruben Diaz Jr, on Thursday, April 20, 2017. The hearing will commence at 11:00 A.M., in the office of the Borough President, 851 Grand Concourse, Room 206, Bronx, NY 10451. The following matter will be heard:



### CD #2-ULURP APPLICATION NO: C 170087 ZMX-Whitlock Avenue and East 165<sup>th</sup> Street Rezoning:

IN THE MATTER OF an application submitted by the Ader Group LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6c:

1. Changing from an M1-1 District to an R8A District property, bounded by East 165<sup>th</sup> Street, Whitlock Avenue, and a line 100 feet easterly of Longfellow Avenue; and
2. Establishing within the proposed R8A District, a C2-4 District, bounded by East 165<sup>th</sup> Street, Whitlock Avenue; and a line 100 feet easterly of Longfellow Avenue;

Borough of The Bronx, Community District 2, as shown on a diagram (for illustrative purposes only) dated January 30, 2017, and subject to the condition of CEQR Declaration E-413.

Accessibility questions: Samuel M. Goodman: (718) 590-6124, by: Thursday, April 20, 2017, 10:00 A.M.



◀ a13-19

### BOROUGH PRESIDENT - MANHATTAN

#### ■ MEETING

The Manhattan Borough Board, will meet Thursday, April 20, 2017, at 8:30 A.M., in the Manhattan Borough President's office, 1 Centre Street, 19th Floor South, New York, NY 10007.



◀ a13-20

**BUILDINGS**

■ MEETING

The next meeting of the New York City Loft Board, will take place on Thursday, April 20, 2017, at 280 Broadway, 3<sup>rd</sup> Floor Conference Room, New York, NY 10007, at 2:30 P.M.



◀ a13-20

**CITY COUNCIL**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN that the Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, 16th Floor, 250 Broadway, New York City, NY 10007, commencing at 9:30 A.M., on Wednesday, April 19, 2017:**

The Council has scheduled the following public hearings on the matters indicated below:

**FIVE MILE STONE**

**MANHATTAN CB - 8** 20175241 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Coliemoire Inc. d/b/a Five Mile Stone, for the renewal of a revocable consent to continue to maintain and operate an unenclosed sidewalk café, located at 1640 2nd Avenue.

**901 MANOR ROAD COMMERCIAL OVERLAY**

**STATEN ISLAND CB - 2** C 160378 ZMR

Application submitted by Clara Fazzino, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 21b and 27a by establishing within an existing R3-1 District, a C1-1 District, bounded by a line 100 feet easterly of Manor Road, a line midway between Norwalk Avenue and Tillman Street, a line 190 feet easterly of Manor Road, and Tillman Street, Borough of Staten Island, Community District 2, as shown on a diagram (for illustrative purposes only) dated November 14, 2016.

**The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Council Committee Room, 16th Floor, 250 Broadway, New York City, NY 10007, commencing at 11:00 A.M., on Wednesday, April 19, 2017:**

**PEOPLE'S TRUST COMPANY BUILDING**

**BROOKLYN CB - 2** 20175219 HKK (N 170265 HKK)

The proposed designation by the Landmarks Preservation Commission [DL-494/LP-2586] pursuant to Section 3020 of the New York City Charter of the People's Trust Company Building, located at 181 Montague Street aka 181-183 Montague Street (Block 244, Lot 15), as an historic landmark.

**NATIONAL TITLE GUARANTY COMPANY BUILDING**

**BROOKLYN CB - 2** 20175220 HKK (N 170266 HKK)

The proposed designation by the Landmarks Preservation Commission [DL-494/LP-2587] pursuant to Section 3020 of the New York City Charter of the National Title Guaranty Company Building, located at 185 Montague Street (Block 244, Lot 13), as an historic landmark.

**The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matter in the Council Committee Room, 16th Floor, 250 Broadway, New York City, NY 10007, commencing at 1:00 P.M., on Wednesday, April 19, 2017:**

**CONCOURSE VILLAGE WEST**

**BRONX CB - 4** 20175318 HAX

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law, Section 577, for the approval of a new real property tax exemption for property, located at Block 2458, Lots 13, 35, and 49, Borough of the Bronx, Community District 4, Council District 17.

Accessibility questions: City Council Land Use Division (212) 482-5154, by: Monday, April 17, 2017, 4:30 P.M.



◀ a13-19

**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 at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, April 26, 2017, at 10:00 A.M.

**BOROUGH OF QUEENS**

**Nos. 1 & 2**

**74-04 NORTHERN BOULEVARD REZONING**

**No. 1**

**CD 3** C 170162 ZMQ

**IN THE MATTER OF** an application submitted by H&M, LLC pursuant to Sections 197-c, and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, changing from a C8-1 District to a C4-3 District property bounded by Northern Boulevard, 75th Street, a line 100 feet southerly of Northern Boulevard, and 74th Street, as shown on a diagram (for illustrative purposes only) dated January 3, 2017.

**No. 2**

**CD 3** N 170163 ZRQ

**IN THE MATTER OF** an application submitted by H&M, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

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

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\*\*\*

**Queens**

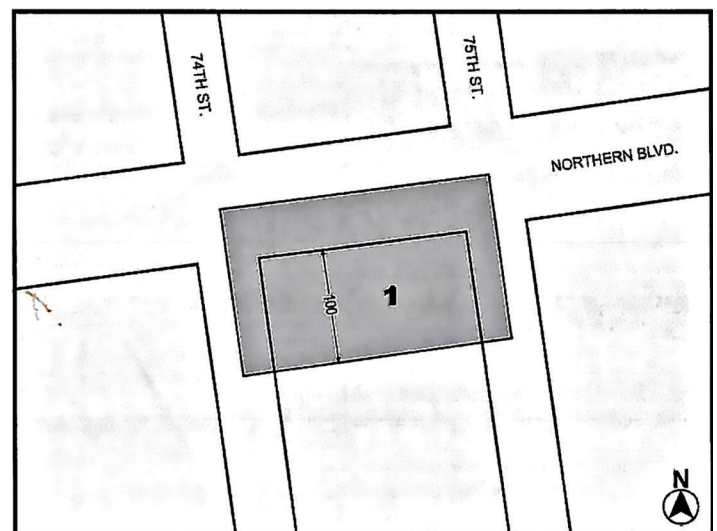
\*\*\*

**Queens Community District 3**

In the C4-3 District (R6 equivalent) within the area shown on the following Map 1:

Map 1. [date of adoption]

[PROPOSED MAP]



■ **Mandatory Inclusionary Housing Area (MIHA) - see Section 23-154 (d) (3)**

**1** Area 1 - [date of adoption] - MIH Program Option 1 and Option 2

Portion of Community District 3, Queens

\*\*\*

BOROUGH OF MANHATTAN

No. 3

242 WEST 53<sup>RD</sup> STREET PARKING GARAGE

CD 5 C 170112 ZMM

IN THE MATTER OF an application submitted by Roseland Development Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 184 spaces on portions of the ground floor, cellar, and subcellar levels of a proposed mixed-use building on property, located at 242 West 53rd Street (Block 1024, Lots 52 and 7), in C6-5 and C6-7 Districts, within the Special Midtown District (Theater Subdistrict).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271.

No. 4

SECTION 93-122 TEXT AMENDMENT

CD 4 N 170251 ZRM

IN THE MATTER OF an application submitted by 517 West 35th LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 3 (Special Hudson Yards District).

Matter underlined is new, to be added; Matter ~~struck out~~ is to be deleted; Matter within # # is defined in Section 12-10; \*\*\* indicates where unchanged text appears in the Zoning Resolution

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 3 Special Hudson Yards District

\*\*\*

93-10 USE REGULATIONS

93-122 Certification for residential use in Subdistricts A, B and E

Within the Large-Scale Plan Subdistrict A, Subareas B1 and B2 of the Farley Corridor Subdistrict B, and the South of Port Authority Subdistrict E, #residential use# shall be permitted only upon certification of the Chairperson of the City Planning Commission that the #zoning lot# on which such #residential use# is located contains the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in Section 93-21 (Floor Area Regulations in the Large-Scale Plan Subdistrict A) or 93-22 (Floor Area Regulations in Subdistricts B, C, D, E and F), as applicable, and that for #zoning lots# in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, a certification pursuant to Section 93-34 (Distribution of Floor Area in the Large-Scale Plan Subdistrict A) has been made.

However, special regulations shall apply to #zoning lots# with phased development, as follows:

- (a) Except as provided in Paragraph (c) of this Section, for For #zoning lots# with less than 69,000 square feet of #lot area#, the Chairperson shall allow for phased development, upon certification that a plan has been submitted whereby the ratio of #commercial floor area# to #residential floor area#, in buildings in each phase, is no smaller than the ratio of the minimum amount of #commercial floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential floor area# permitted on the #zoning lot# as specified in Section 93-21 or 93-22, as applicable; and;
(b) For #zoning lots# with at least 69,000 square feet of #lot area#, the Chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in Section 93-21 or 93-22, as applicable, upon certification that a plan has been submitted whereby one or more regularly-shaped portions of the #zoning lot# with a minimum area of 50,000 square feet are reserved for future development of not more than two million square feet of #commercial floor area# on each such portion, and that, upon full development of such #zoning lot#, the ratio of #commercial floor area# to #residential floor area# shall be no smaller than the ratio of the minimum amount of #commercial floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential floor area# permitted on the #zoning lot#, as specified in Section 93-21 or 93-22, as applicable; and
(c) For #zoning lots# with at least 55,000 square feet but less than 69,000 square feet of #lot area# within Subarea A3 of the Large

Scale Subdistrict A, the Chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in Paragraph (a) of Section 93-21, upon certification that a plan has been submitted whereby one or more regularly shaped portions of the #zoning lot# with a minimum area of 35,000 square feet are reserved for future development, and that, upon full development of such #zoning lot#, the ratio of #commercial floor area# to #residential floor area# shall be no smaller than the ratio of the minimum amount of #commercial floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential floor area# permitted on the #zoning lot#, as specified in Section 93-21.

All #developments# or #enlargements# so certified shall be permitted only in accordance with the provisions of this Chapter.

\*\*\*

Nos. 5, 6 & 7 GREATER EAST MIDTOWN No. 5

CD 6 C 170187 ZMM

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

- 1. changing from a C5-2 District to a C5-3 District property, bounded by East 43<sup>rd</sup> Street, Second Avenue, East Forty-Second Street, and a line 200 feet easterly of the Third Avenue; and
2. establishing a Special Midtown District (MiD), bounded by East 43<sup>rd</sup> Street, Second Avenue, East Forty-Second Street, and a line 200 feet easterly of the Third Avenue, as shown on a diagram (for illustrative purposes only) dated January 3, 2017.

No. 6

CD 5, 6, 8 N 170186 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 to Article VIII, Chapter 1 (Special Midtown District) of the Zoning Resolution of the City of New York, concerning the establishment of the East Midtown Subdistrict.

Matter underlined is new, to be added; Matter ~~struck out~~ is to be deleted; Matter within # # is defined in Section 12-10 or 81-613; \*\*\* indicates where unchanged text appears in the Zoning Resolution

Table of Contents - Special Midtown District

GENERAL PURPOSES ..... 81-00
\*\*\*
SPECIAL REGULATIONS FOR THE GRAND-CENTRAL-SUBDISTRICT..... 81-60
General Provisions ..... 81-61
Special Bulk and Urban Design Requirements ..... 81-62
Transfer of Development Rights from Landmark Sites ..... 81-63
SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT ..... 81-60
General Provisions ..... 81-61
Special Use Provisions Sites ..... 81-62
Special Floor Area Provisions for the Vanderbilt Corridor Subarea ..... 81-63
Special Floor Area Provisions for Qualifying Sites ..... 81-64
Special Floor Area Provisions for All Other Sites ..... 81-65
Special Height and Setback Requirements ..... 81-66
Special Mandatory District Plan Element Requirements ..... 81-67
Additional Provisions for Qualifying Sites ..... 81-68
\*\*\*

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 Grand Central Subdistrict by facilitating the development of exceptional and sustainable buildings within the Vanderbilt Corridor and enabling improvements to the pedestrian and mass transit circulation network;
- (o) to ensure that development within the Vanderbilt Corridor East Midtown Subdistrict occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;
- (p) to protect and strengthen the role of landmark buildings as important features of the East Midtown Subdistrict;
- (q)(r) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- (r)(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;
- (s)(t) 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
- (t)(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, 81-261, ~~or~~ 81-271 or Section 81-613 (Definitions).

\* \* \*

**81-03 District Plan**

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

The District Plan includes the following ~~four~~ three 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 Subdistrict and Subareas

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
<u>East Midtown Grand Central Subdistrict</u>	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 Transit Improvement Zone Subarea
- Park Avenue Subarea
- Other Transit Improvement Zone Subarea
- Southern Subarea
- Northern Subarea
- Vanderbilt Corridor Subarea

The combination of the Vanderbilt Corridor Subarea, the Grand Central Transit Improvement Zone Subarea and the portions of the Other Transit Improvement Zone Subarea south of East 48th Street, are hereinafter referred to as the Grand Central Core Area.

These Subareas, as well as the boundary of the Grand Central Core Area, are shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter.

\* \* \*

**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), 81-671 (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).

\* \* \*

**81-10 USE REGULATIONS**

**81-11 Modifications of Use Regulations in Subdistricts**

The #use# regulations of the underlying districts are modified in the East Midtown Subdistrict in accordance with the provisions of Section 81-62 (Special Use Provisions), inclusive, are modified in the Theater Subdistrict in accordance with the provisions of Sections 81-72 (Use Regulations Modified) and 81-73 (Special Sign and Frontage Regulations)

and are modified in the Fifth Avenue Subdistrict in accordance with the provisions of Section 81-82 (Special Regulations on Permitted and Required Uses).

\* \* \*

**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 this Section, inclusive, shall not apply to #non-residential buildings# or #mixed buildings# in the East Midtown Subdistrict, where the special #floor area# provisions of Sections 81-62, 81-63, or 81-64 shall apply.

**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

[REMOVE GRAND CENTRAL SUBDISTRICT FROM CHART. PROVISIONS REPLACED BY THOSE IN SECTION 81-60]

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)						
	Outside the Grand Central Subdistrict					Grand Central Subdistrict	
	C5P	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7	E5-2.5	E5-3 E6-6
<b>A. Basic Maximum FAR</b>	8.0	10.0	12.0	14.0	15.0	12.0	15.0
Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Public plazas# (Section 81-23)	---	1.0 <sup>1,2</sup>	1.0 <sup>1,3</sup>	---	1.0 <sup>2</sup>	---	---
Maximum Total FAR with As-of-Right Incentives	8.0	11.0 <sup>1,2,5</sup>	13.0 <sup>1,3</sup>	14.0	16.0	12.0	15.0
Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvements (Section 74-634)	---	2.0 <sup>1,6,7</sup>	2.4 <sup>1</sup>	---	3.0	2.4	3.0
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
<b>F. Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)</b>	---	2.0	---	---	3.0	---	---
<b>G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:</b>	---	12.0	---	---	18.0	---	---
<b>H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:</b>	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 <sup>4</sup>	---	---	---	---	---
<b>I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict</b>							
	---	12.0	14.4	16.8	18.0	---	---
<b>J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))</b>							
	---	2.4	---	---	---	---	---
<b>K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations</b>							
	---	14.4	14.4	16.8	18.0	---	---
<b>L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:</b>							
Rehabilitation of "listed theaters" (Section 81-745)							
	---	4.4	2.4	2.8	3.0	---	---
<b>M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives</b>							
	8.0	14.4	14.4	16.8	18.0	---	---
<b>N. Maximum FAR of Lots Involving Landmarks:</b>							
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 <sup>5</sup>	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)							
	---	---	---	---	---	9.6	6.6
(d) —a "receiving lot" located in the Vanderbilt Corridor (Section 81-635)							
	---	---	---	---	---	---	15.0
<b>O. Maximum #Floor Area# Allowances by Special Permit for Grand Central Public Realm Improvement Bonus (Section 81-64)</b>							
	---	---	---	---	---	---	15.0
<b>O. P. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives</b>							
	9.6	14.4	14.4	No Limit	No Limit	21.6	No <sup>6</sup> -Limit

<sup>1</sup> Not available for #zoning lots# located wholly within Theater Subdistrict Core

<sup>2</sup> Not available within the Eighth Avenue Corridor

<sup>3</sup> Not available within 100 feet of a #wide street# in C5-2.5 Districts

<sup>4</sup> Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#

- 5 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
- 6 Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict, and limited to 30.0 FAR on a #zoning lot# located within the Vanderbilt Corridor, pursuant to Sections 81-635 or 81-64 in the Grand Central Subdistrict
- 6.7 Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
- 7.8 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34<sup>th</sup> Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities)

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

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

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

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

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

[EXISTING TEXT MOVED TO SECTION 81-63]

Within the Grand Central Subdistrict, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79, or Section 81-63 (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 #building or other structure#, 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.

\* \* \*

**81-214  
Special provisions within the Vanderbilt Corridor in the Grand Central Subdistrict**

[EXISTING TEXT MOVED TO SECTION 81-63]

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) of Appendix A of this Chapter, additional #floor area# may be permitted by the City Planning Commission pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus), or any combination thereof, up to the maximum permitted #floor area# set forth in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), respectively. In no event shall the total #floor area ratio# of the #zoning lot# resulting from such proposed #development# or #enlargement# exceed 30.0-

\* \* \*

**81-23  
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 in the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, or on #qualifying sites#, as defined in Section 81-613, in any other subarea of the East Midtown Subdistrict 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.

\* \* \*

**81-24  
Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses**

**81-241  
Maximum floor area ratios for a residential building or the residential portion of a mixed building**

\* \* \*

**81-25  
General Provisions Relating to Height and Setback of Buildings**

\* \* \*

**81-253  
Special provisions for the 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), 81-66 (Special Height and Setback Regulations), inclusive, or Section 81-671 (Special street wall requirements 81-621 (Special street wall requirements) and 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 81-632 (Special Permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea)
- Section 81-64-81-633 (Special Permit for Grand Central public realm improvements Public Realm Improvement Bonus)
- Section 81-685 (Special Permit to modify Qualifying Site provisions)
- Section 81-635 (Transfer of development rights by special permit);

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**81-27  
Alternative Height and Setback Regulations - Daylight Evaluation**

**81-271  
Definitions**

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**Daylight Evaluation Chart (DEC)**

A graphic tool which permits objective measurements of portions of sky blocked by a #building# when it is viewed from a #vantage point#. There are three #daylight evaluation charts# for use with #street# widths of 60 feet, 75 to 80 feet and 100 feet and over, respectively. All #buildings# are drawn on the appropriate #daylight evaluation chart# to evaluate their compliance with the regulations of Section 81-27 (Alternate Height and Setback Regulations). The three #daylight evaluation charts# are presented in Appendix B Appendix A of this Chapter. A fourth chart, also presented in Appendix B, is available for use for #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-613, with frontage along Park Avenue.

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**81-41  
General Provisions**

The provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify mandatory planning and urban design features. Requirements which apply generally or with minor specified exceptions throughout the #Special Midtown District# are fully set forth in the provisions of Section 81-40. For requirements which are not generally applicable but tied to specific locations within the District, the locations where these requirements apply are shown on Map 2 (Retail and Street Wall Continuity) or Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.

The provisions of Section 81-40 are all primarily oriented toward the accommodation and well-being of pedestrians. The requirements pertain to a number of elements which are interrelated and complement one another but are set forth in different sections because they can be treated separately. Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity along Designated Streets) and 81-44 (Curb Cut Restrictions) are a group of sections with closely related purposes concerned with amenity and the well-being and safety of pedestrians. Sections 81-45 to 81-48, inclusive, are all concerned primarily with pedestrian traffic circulation. Major

#building# entrances are focal points of heavy pedestrian traffic, so that controls on the locations of these entrances, as set forth in Section 81-48, are closely related to the pedestrian circulation space requirements.

Special district plan requirements for the Penn Center Subdistrict are set forth in Section 81-50 (SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT), for the East Midtown Grand Central Subdistrict are set forth in Section 81-60 (SPECIAL REGULATIONS FOR THE EAST MIDTOWN GRAND-CENTRAL SUBDISTRICT), for the Theater Subdistrict are set forth in Section 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT), for the Fifth Avenue Subdistrict are set forth in Section 81-80 (SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT) and for the Preservation Subdistrict are set forth in Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT).

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**81-42  
Retail Continuity along Designated Streets**

For #buildings developed# or #enlarged# after May 13, 1982, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon a designated retail #street# (see Appendix A, Map 2), #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# 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. Museums and libraries shall be permitted. A #building's street# frontage shall be allocated exclusively to such #uses#, except for:

\*\*\*

Special #use# regulations apply along designated retail #streets# located within the boundaries of the Penn Center Subdistrict, the East Midtown Subdistrict, the Theater Subdistrict or the Fifth Avenue Subdistrict and #uses# along such designated #streets# shall be subject to the respective subdistrict retail requirements in Sections 81-531, 81-674, 81-72 and 81-82.

Special ground level and entertainment-related #use# regulations apply to #zoning lots# located within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), and such #zoning lots# shall meet the ground level and entertainment-related #use# requirements of Section 81-72 (Use Regulations Modified).

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**81-60  
SPECIAL REGULATIONS FOR THE EAST MIDTOWN GRAND-CENTRAL 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; enabling improvements to the above- and below-grade pedestrian circulation network; protecting and strengthening the role of landmark buildings as important features of East Midtown; protecting and enhancing the role of Grand Central Terminal as a major transportation hub within East Midtown and the city; expanding and enhancing the pedestrian circulation network connecting the Terminal to surrounding development and minimizing pedestrian congestion; and protecting the surrounding area's iconic 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.

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

The regulations of Sections 81-60 (SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT), inclusive, are applicable only in the East Midtown Grand Central Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) and Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter. 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 set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites), transfer of development rights from landmark sites may be allowed pursuant to Section 81-63.

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

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

**81-611  
Applicability of regulations  
Special use provisions**

The provisions of Section 81-60, inclusive, shall apply in the East Midtown Subdistrict as follows:

- (a) Section 81-61, inclusive, sets forth general provisions, applicability and definitions for the East Midtown Subdistrict;
- (b) Section 81-62, inclusive, sets forth special use provisions;
- (c) Section 81-63, inclusive, sets forth special #floor area# provisions for the Vanderbilt Corridor Subarea;
- (d) Section 81-64, inclusive, sets forth special #floor area# provisions for #qualifying sites#;
- (e) Section 81-65, inclusive, sets forth special #floor area# provisions for all other #zoning lots#;
- (f) Section 81-66, inclusive, sets forth certain height and setback modifications to the provisions of Sections 81-26 and 81-27;
- (g) Section 81-67, inclusive, sets forth certain modifications to the mandatory district plan elements of Section 81-40, inclusive; and
- (h) Section 81-68, inclusive, sets forth additional provisions pertaining to #qualifying sites#.

[EXISTING TEXT REPLACED BY TEXT IN SECTION 81-621]

- (a) Except as provided in Paragraph (b) of this Section, within the Vanderbilt Corridor, as shown in on-Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission, pursuant to Section 81-65.
- (b) In the event a casualty damages or destroys a #building# within the Vanderbilt Corridor, that was used as a #transient hotel# as of May 27, 2015, to an extent greater than the limits set forth in Section 52-53 (Buildings or Other Structures in All Districts), such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the underlying district #floor area ratio# regulations.

**81-612  
Applicability along district boundaries**

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 Section 81-60, inclusive, shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the East Midtown Subdistrict. For the purposes of Section 81-60, inclusive, 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 81-60, inclusive, are in conflict, the regulations of Section 81-60, inclusive, shall govern.

In addition, #zoning lots# with #landmark buildings or other structures# with more than 50 percent of their #lot area# in the Special Midtown District which #abut# the East Midtown Subdistrict boundary, may be considered as part of the Subdistrict for the purposes of transferring development rights pursuant to the applicable provisions of Sections 81-642 or 81-653. However, the maximum amount of #floor area# that may be transferred from a #granting lot#, or portion thereof, located outside the Special Midtown District shall be the maximum #floor area ratio# permitted under the applicable underlying zoning district. For #zoning lots# divided by Subarea boundaries, the provisions of Article 7, Chapter 7 shall apply.

**81-613  
Definitions**

**Adjacent lot**

For the purposes of Section 81-60, inclusive, an "adjacent lot" is:

- (a) a #zoning 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) in C5-3 or C6-6 Districts, a lot contiguous to, or across a #street# and opposite to another lot or series of lots that, except for the intervention of #streets# or #street# intersections, extend 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)).

**Granting lot**

For the purposes of Section 81-60, inclusive, a "granting lot" shall mean a #zoning lot# that contains a #landmark building or other structure#. Such granting lot may transfer development rights pursuant to Sections 81-632 (Special Permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special Permit for transfer of development rights from landmarks to non-qualifying sites).

**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 by the Landmarks Preservation Commission pursuant to the New York City Charter and Administrative Code, 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.

**Non-qualifying site**

For the purposes of Section 81-60, inclusive, a "non-qualifying site" shall refer to a #zoning lot# that does not meet the criteria for a #qualifying site# and is located in a Subarea other than the Vanderbilt Corridor Subarea.

**Qualifying Site**

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

- (a) that is not located in the Vanderbilt Corridor Subarea;
- (b) that has frontage along a #wide street#;
- (c) where, at the time of #development#, there are no existing #buildings or other structures# to remain along such #wide street# frontage, or a portion thereof;
- (d) where a #building# is #developed# in accordance with the #floor area# provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites);
- (e) where a maximum of 20 percent of the #floor area# permitted on such #zoning lot# is allocated to #residential uses#; and
- (f) where such #building# being #developed# complies with the performance requirements of Section 81-681 (Building Performance Requirements for Qualifying Sites).

**Public Realm Improvement Fund**

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund" (the "Fund") shall be a separate account established for the deposit of contributions made when #developments# on #qualifying sites# in the East Midtown Subdistrict are planned to exceed the basic maximum #floor area ratio# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) by utilizing the provisions of either Sections 81-642 (Transfer of development rights from landmarks to Qualifying Sites) or Section 81-643 (Special provisions for retaining non-complying floor area). The Fund shall be utilized, at the discretion of the #Public Realm Improvement Governing Group#, to provide funding to implement improvements to the East Midtown Subdistrict, and in its immediate vicinity.

**Public Realm Improvement Fund Floor Price**

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund Floor Price" ("Floor Price") shall be a value per square foot of transferrable development rights in the East Midtown Subdistrict, which shall provide a basis for establishing a minimum contribution to the #Public Realm Improvement Fund#. As of (date of enactment) the "Floor Price" shall be set at \$393.00 per square foot.

When proposing an adjustment to the Floor Price, the Department of City Planning shall undertake a transferrable development rights valuation study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review and adjust the Floor Price pursuant to the City Administrative Procedures Act not more than once every three years and not less than once every five years. When proposing an adjustment to the Floor



Price, the Department of City Planning shall undertake a transferrable development rights valuation study conducted by qualified professionals utilizing industry best practices.

An applicant, upon written request to the City Planning Commission, may request a transferrable development rights valuation study to determine any recent changes in market conditions within the Subdistrict. The study must be paid for by the applicant and completed within a one-year timeframe. The Department of City Planning shall initiate the study, to be conducted by qualified professionals utilizing industry best practices and the City Planning Commission shall, by rule, review and adjust the Floor Prince pursuant to the City Administrative Procedures Act.

### Public Realm Improvement Fund Governing Group

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund Governing Group" (the "Governing Group") shall be established to administer the #Public Realm Improvement Fund#, and shall consist of nine members: five members shall be representatives of City agencies, appointed by and serving at the pleasure of the Mayor; one member shall be a representative of the Office of the Manhattan Borough President; one member shall be a representative of the New York City Council member representing the City Council district encompassing the largest portion of the East Midtown Subdistrict; one member shall be a representative of Manhattan Community Board 5; and one member shall be a representative of Manhattan Community Board 6.

The Governing Group's purpose shall be to bolster and enhance East Midtown's status as a premier central business district with a high-quality public realm, by allocating funds from the #Public Realm Improvement Fund# to implement above-grade or below-grade public realm improvement projects. The Governing Group shall establish and maintain a Public Realm Improvement Concept Plan ("Concept Plan"), for the purpose of creating a list of priority improvements, and shall have the authority to amend such Concept Plan, and associated list of improvements, as necessary. All priority improvements in the Concept Plan shall meet the criteria set forth in Section 81-683 (Criteria for Improvements in the Public Realm Improvement Concept Plan).

The Governing Group shall adopt procedures for the conduct of its activities, which shall be consistent with the goals of the Subdistrict. All meetings of the Governing Group shall be open to the public with advance notice of all meetings and public hearings provided.

### 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 81-632 (Special Permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special Permit for transfer of development rights from landmarks to non-qualifying sites).

### 81-62 Special Use Provisions Bulk and Urban Design Requirements

[EXISTING TEXT REPLACED BY TEXT IN SECTION 81-611]

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 provisions for transient hotels Special street wall requirements

Within the East Midtown Subdistrict, as shown in on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission.

However, in the event a casualty damages or destroys a #building# within the East Midtown Subdistrict that was used as a #transient hotel# as of May 27, 2015 in the Vanderbilt Corridor Subarea or [date of enactment] in other Subareas, and the extent of such damage or destruction is greater than the limits set forth in Section 52-53 (Buildings or Other Structures in All Districts), such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the applicable basic maximum #floor area ratio# set forth in Section 81-60, inclusive.

In order to permit such a #transient hotel#, the Commission shall find that such #transient hotel# will:

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

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

[EXISTING TEXT REPLACED BY SECTION 81-671]

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 Location of uses in mixed buildings Special height and setback requirements

For #mixed buildings developed# on #qualifying sites#, 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;
- swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#; and
- #physical culture or health establishments# permitted pursuant to Section 73-36.

[EXISTING TEXT REPLACED BY SECTION 81-661]

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

[EXISTING TEXT REPLACED BY PARAGRAPH (B) OF SECTION 81-674]

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**

[EXISTING TEXT REPLACED BY SECTION 81-675]

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**

[EXISTING TEXT REPLACED BY SECTION 81-676]

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;
- (b) within the Subdistrict, a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and
- (c) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) may be applied toward the pedestrian circulation space requirement.

**81-626  
Retail continuity requirements**

[EXISTING TEXT REPLACED BY PARAGRAPH (a) OF SECTION 81-674]

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 2 (Retail and Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above- or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity along Designated Streets).

**81-63  
Special Floor Area Regulations for the Vanderbilt Corridor Subarea  
Transfer of Development Rights from Landmark Sites**

For #non-residential buildings# or #mixed buildings# in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map

4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such 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:

	<b>Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#</b>	<b>Maximum #Floor Area Ratio# (FAR)</b>
A	Basic Maximum FAR	15
B	Maximum Special Permit #Floor Area# Allowances: (District-wide Incentives), Subway station improvements (Section 74-634)	3.0
C	Maximum FAR of Lots Involving Landmarks:	
	Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)	15.0
	Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)	15.0
	Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on:	
	(a) an #adjacent lot# (Section 74-79)	No Limit
	(b) a #receiving lot# (Section 81-632)	15.0
E	Maximum #Floor Area# Allowances by Special Permit for Grand Central public realm improvements (Section 81-633)	15.0
F	Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot# and District-wide Incentives	No Limit

Any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-632 (Special Permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), but not both.

Additional #floor area# may be permitted by the City Planning Commission pursuant to Section 81-632 or Section 81-633 (Special Permit for Grand Central public realm improvements), or any combination thereof, up to the maximum permitted #floor area# set forth in the table above, respectively. In no event shall the total #floor area ratio# of the #zoning lot# resulting from such proposed #development# or #enlargement# exceed 30.0.

[EXISTING TEXT REPLACED BY DEFINITIONS IN SECTION 81-613]

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  
Special provisions for transfers of development rights Requirements for application**

All applications for transfers of development rights pursuant to the special permit by the City Planning Commission in Section 81-632 (Special Permit for transfer of development rights from landmarks to

the Vanderbilt Corridor Subarea) shall additionally comply with the regulations of this Section.

(a) Requirements for applications

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 81-632 (Special Permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea) Section 81-635 (Transfer of development rights by special permit) shall be made jointly by the owners of the #granting lot# and #receiving lot# "granting lot" and "receiving lot" and shall include:

- (a)(1) site plan and zoning calculations for the #granting lot# and #receiving lot# "granting lot" and "receiving lot";
- (b)(2) a program for the continuing maintenance of the landmark;
- (c)(3) 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)(4) for #developments# or #enlargements# pursuant to Section 81-635, a plan of any required pedestrian network improvement; and
- (e)(5) 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# "receiving lot" pursuant to Section 81-632 81-63 (Special Permit for transfer of development rights from landmarks Transfer of Development Rights from Landmark Sites).

(b) Conditions and limitations

[INSERT THE FOLLOWING EXISTING TEXT FROM SECTION 81-632]

The transfer of development rights from a #granting lot# to a #receiving lot#, "granting lot" to a "receiving lot," pursuant to Section 81-632 Section 81-63, shall be subject to the following conditions and limitations:

- (a)(1) the maximum amount of #floor area# that may be transferred from a #granting lot# "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)(2) for each #receiving lot#, "receiving lot," the #floor area# allowed by the transfer of development rights under Section 81-632 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the #receiving lot#, "receiving lot," as shown in the table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) Section 81-211; and
- (c)(3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# "granting lot" by the amount of #floor area# transferred. If the landmark designation is removed, the #landmark #building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or other structure# "landmark lot" is redeveloped, the #granting lot# "granting lot" may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(c) Transfer instruments and notice of restrictions

[INSERT THE FOLLOWING EXISTING TEXT FROM SECTION 81-633]

The owners of the #granting lot# "granting lot" and the #receiving lot# "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# "granting lot" and the #receiving lot# "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.

81-632

**Special Permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea**  
**Conditions and limitations**

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-635]

Within the Vanderbilt Corridor Subarea Grand Central Subdistrict Core, as shown on Map 4 (East Midtown Subdistrict and Subareas) Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit the transfer of development rights from a #granting lot# in the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, to a #receiving lot# "granting lot" to a "receiving lot", and, in conjunction with such transfer, the Commission may permit modifications to #bulk# regulations, mandatory plan elements, and provisions regarding #zoning lots# divided by district boundaries, as set forth in Paragraph (a) of this Section, provided that the Commission determines that the #development# or #enlargement# complies with the conditions of Paragraph (b), the findings of Paragraph (c) and the additional requirements of Paragraph (d) of this Section.

(a) The Commission may permit:

- (1) a transfer of development rights from a #granting lot# to a #receiving lot# "granting lot" to a "receiving lot" provided that:
  - (i) for #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 in Appendix A of this Chapter, the resultant #floor area ratio# on the #receiving lot# "receiving lot" does not exceed 30.0; and
  - (ii) for #zoning lots# outside the Vanderbilt Corridor, the resultant #floor area ratio# on the "receiving lot" does not exceed 21.6;
- (2) modifications of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area# or #dwelling 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#;
- (3) in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, modifications of the provisions of Sections 81-66 (Special Height and Setback Requirements), 81-671 81-621 (Special street wall requirements), 81-622 (Special height and setback requirements), 81-674 (Ground floor use provisions) 81-623 (Building lobby entrance requirements), 81-675 81-624 (Curb cut restrictions and loading berth requirements), 81-676 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;
- (4) for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations; and
- (5) for #zoning lots# located within the Vanderbilt Corridor, modifications, whether singly or in any combination, to:
  - (i) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-671 81-621 (Special street wall requirements), inclusive;
  - (ii) the height and setback regulations of Sections 81-26 (Height and Setback Regulations-Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation), inclusive, or 81-622 (Special height and setback requirements); or
  - (iii) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions) 81-623 (Building lobby entrance requirements), 81-675 81-624 (Curb cut restrictions and loading berth requirements), 81-676 81-625 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of

pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Conditions

As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the above- or below-grade, pedestrian or mass transit circulation network in the Grand Central Core Area Subdistrict. However, in the case of #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, this condition may be waived by the Commission, where appropriate, or may be deemed to have been met by utilization of the provisions of Section 81-634 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus). 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.

(c) Findings

In order to grant a special permit for the transfer of development rights to a #receiving lot#, "receiving lot," the Commission shall find that:

- (1) a program for the continuing maintenance of the landmark has been established;
- (2) for any proposed improvement required pursuant to this Section:
  - (i) the improvement to the above- or below-grade pedestrian or mass transit circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal;
  - (ii) the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the surrounding area Subdistrict and minimize congestion on surrounding #streets#; and
  - (iii) a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the surrounding area Subdistrict;
- (3) where appropriate, for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, the design of the #development# or #enlargement# includes provisions for public amenities including, but not limited to, publicly accessible open spaces, and subsurface pedestrian passageways leading to subway or rail mass transit facilities;
- (4) for #developments# or #enlargements# with a proposed #floor area ratio# in excess of 21.6 on #zoning lots# located within the Vanderbilt Corridor, the #building# has met the ground floor level, building design, sustainable design measures and, for #zoning lots# not located on two #wide streets#, the site characteristic considerations set forth in the applicable conditions and findings of Section 81-633 (Special Permit for Grand Central public realm improvements) Section 81-641 (Additional floor area for the provision of public realm improvements);
- (5) where the modification of #bulk# regulations is proposed:
  - (i) any proposed modification of regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or

#enlargement# on the "receiving lot," density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;

- (ii) for #enlargements# to existing #buildings#, any proposed modifications of height and setback requirements and the requirements of Section 81-66 81-62 are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and
- (iii) for #developments# or #enlargements# on #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, any proposed modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed; or

- (6) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, any proposed modifications to #street walls#, height and setback regulations and mandatory plan elements meet the applicable application requirements and findings set forth in Section 81-634 81-642 (Permitted modifications in conjunction with additional floor area).

(d) Additional requirements

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

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

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

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

[MOVE EXISTING TEXT TO SECTION 81-631 (b)]

**81-633  
Special Permit for Grand Central public realm improvements  
Transfer instruments and notice of restrictions**

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-641]

For #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may allow, by special permit, #floor area# in excess of the basic maximum #floor area ratio# established in the table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), up to the maximum #floor area# set forth in the table, in accordance with the provisions of this Section.

All applications for a special permit for additional #floor area# pursuant to this Section shall include on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network, or a combination thereof, in the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter Grand Central Subdistrict.

In addition, requirements pertaining to the ground floor level, building design and sustainable design measures are set forth in this Section in order to ensure that any #development# or #enlargement# receiving additional #floor area# constitutes an exceptional addition to the #Special Midtown District#.

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

(a) Conditions and application requirements

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

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

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

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

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

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

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

Applications shall include information and justification sufficient to provide the Commission with the basis for evaluating the benefits to the general public; determining the appropriate amount of bonus #floor area# to grant; and determining whether the applicable findings set forth in Paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

Where the Metropolitan Transportation Authority or any other City or State agency has control and responsibility for the area of a proposed improvement, the applicant shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with control 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.

(2) Ground floor level

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

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

- (i) where a #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue, to the extent necessary, so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;
- (ii) where a #development# or #enlargement# is on a #zoning lot# that does not occupy the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#; or
- (iii) where a #development# or #enlargement# with frontage on a #narrow street# between East 43rd Street and East 47th Street is on a #zoning lot# with a #lot width# of 100 feet or more, as measured along the #narrow street line#, a sidewalk widening shall be provided along such #narrow street#, to the extent necessary, so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

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

(3) Building design

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

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

For those #receiving lots# "receiving lots" that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner

lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, applications shall contain a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

(4) Sustainable design measures

In order to foster the development of sustainable #buildings# in the Vanderbilt Corridor Subarea Grand Central Subdistrict, any #development# or #enlargement# proposed under the provisions of this Section shall include sustainable design measures, including, but not limited to, enhancements to the energy performance, enhanced water efficiency, utilization of sustainable or locally sourced materials and attention to indoor environmental air quality of the #building#.

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

(b) Findings

The Commission shall find that:

(1) for a #development# or #enlargement# not located on two #wide streets#, the amount of additional #floor area# being granted is appropriate based on the extent to which any or all of the following physical factors are present in the #development# or #enlargement#:

- (i) direct access to subway stations and other rail mass transit facilities;
- (ii) the size of the #zoning lot#;
- (iii) the amount of wide #street# frontage; and
- (iv) adjacency to the open area above Grand Central Terminal;

(2) for above-grade improvements to the pedestrian circulation network that are located:

- (i) on-site, the proposed improvements will, to the extent practicable, consist of a prominent space of generous proportions and quality design that is inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of and accessible from an adjoining sidewalk; provide or be surrounded by active #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or
- (ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable, will consist of significant street and sidewalk designs that improve pedestrian circulation in the surrounding area; provide comfortable places for walking and resting, opportunities for planting and improvements to pedestrian safety; and create a better overall user experience of the above-grade pedestrian circulation network that supports the surrounding area Grand Central Subdistrict as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;

(3) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements will provide:

- (i) significant and generous connections from the above-grade pedestrian circulation network and surrounding #streets# to the below-grade pedestrian circulation network;
- (ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and

within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfiguration of existing connections; or

(iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable;

(4) the public benefit derived from the proposed above- or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional #floor area# being granted to the proposed #development# or #enlargement# pursuant to this special permit;

(5) the design of the ground floor level of the #building#:

(i) contributes to a lively streetscape through a combination of retail #uses# that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces; and demonstrates consideration for the location of pedestrian circulation space, #building# entrances, and the types of #uses# fronting upon the #street# or adjoining public spaces;

(ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous pedestrian connections to Grand Central Terminal; and

(iii) will be well-integrated with on-site, above or below-grade improvements required by this Section, where applicable and practicable;

(6) the design of the proposed #building#:

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

(ii) demonstrates an integrated and well-designed facade, taking into account factors such as #street wall# articulation and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area, especially Grand Central Terminal; and

(iii) involves a program that includes an intensity and mix of #uses# that are harmonious with the type of #uses# in the surrounding area;

(7) the proposed #development# or #enlargement# comprehensively integrates sustainable measures into the #building# and site design that:

- (i) meet or exceed best practices in sustainable design; and
- (ii) will substantially reduce energy usage for the #building#, as compared to comparable #buildings#; and

(8) in addition:

(i) the increase in #floor area# being proposed in the #development# or #enlargement# will not unduly increase the #bulk#, density of population or intensity of #uses# to the detriment of the surrounding area; and

(ii) all of the separate elements within the proposed #development# or #enlargement#, including above- or below-grade improvements, the ground floor level, #building# design, and sustainable design measures, are well-integrated and will advance the applicable goals of the #Special Midtown District# described in Section 81-00 (GENERAL PURPOSES).

(c) Additional requirements

Prior to the grant of a special permit pursuant to this Section, and to the extent required by the Metropolitan Transportation Authority (MTA) or any other City or State agencies with control and responsibility for the area in which a proposed improvement is to be located, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; where applicable, establish a program for maintenance; and, where applicable, establish a schedule of hours of public access for the proposed improvement. Where the MTA, or any other City or State agencies with control and

responsibility for the area of a proposed improvement, deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA or any other such agencies.

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

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

Except where a phasing plan is approved by the City Planning Commission, no temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of Section 81-633 (Special Permit for Grand Central public realm improvements) Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) until the required improvements have been substantially completed, as determined by the Chairperson of the City Planning Commission, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

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

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

[MOVE EXISTING TEXT TO SECTION 81-631 (c)]

#### 81-634

#### **Permitted modifications in conjunction with additional floor area**

#### **Transfer of development rights by certification**

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-642]

In conjunction with the grant of a special permit pursuant to Section 81-633 (Special Permit for Grand Central public realm improvements) Section 81-641 (Additional floor area for the provision of public realm improvements), the City Planning Commission may permit modifications to #street walls#, height and setback regulations and mandatory plan elements, as set forth in Paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in Paragraph (b) and the findings set forth in Paragraph (c) of this Section are met.

(a) The Commission may modify the following, whether singly or in any combination:

- (1) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 81-621 (Special street wall requirements), inclusive;
- (2) the height and setback regulations of Sections 81-26 (Height and Setback Regulations-Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation), inclusive, or 81-66 81-622 (Special height and setback requirements); or
- (3) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions) 81-623 (Building lobby entrance requirements), 81-675 81-624 (Curb cut restrictions and loading berth requirements), 81-676 81-625 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR

PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Application requirements

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

- (1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 (Street Wall Continuity Along Designated Streets), or as such provisions are modified pursuant to Section 81-671 81-621 (Special street wall requirements), as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), or as such provisions are modified pursuant to Section 81-66 81-622 (Special height and setback requirements), as applicable;
- (2) 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 81-622; and
- (3) 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 81-622.

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the mandatory district plan elements will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and
- (2) to the #street wall# or height and setback regulations will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations).

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

[EXISTING TEXT DELETED]

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# or #dwelling 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# or #dwelling 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# of the district in which such #bulk# is to be located.

#### 81-635

#### **Transfer of development rights by special permit**

[EXISTING TEXT MOVED TO SECTION 81-632]

#### 81-64

#### **Special Floor Area Provisions for Qualifying Sites**

#### **Special Permit for Grand Central Public Realm Improvement**

**Bonus**

For #non-residential buildings# or #mixed buildings# on #qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying-districts shall apply as set forth in this Section. Such 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 RATIOS AND ALLOWANCES FOR QUALIFYING SITES**

	Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#	Grand Central Transit Improvement Zone Subarea		Park Avenue Subarea		Other Transit Improvement Zone Subarea		Southern Subarea		Northern Subarea	
		C5-2.5	C5-3	C5-2.5	C5-3	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6
A	Basic Maximum FAR										
		12	15	12	15	12	15	12	15	12	15
B	Minimum #Floor Area# Allowances through identified transit improvements (Section 81-641) if exceeding base maximum FAR										
		2.7	2.7	-	-	2.3	2.3	-	-	-	-
C	Maximum #Floor Area# Allowances through identified transit improvements (Section 81-641)										
		5.4	5.4	-	-	4.6	4.6	-	-	-	-
D	Maximum amount of transferable development rights (FAR) from landmark #zoning lots# that may be utilized on a #qualifying site# (Section 81-642)										
		12.3	9.3	11	10	8.7	5.7	9.6	6.6	6	3
E	Maximum as-of-right #Floor Area Ratio# on #qualifying sites#										
		27	27	23	25	23	23	21.6	21.6	18	18
F	Maximum FAR for transit improvement special permit (Section 81-644)										
		3	3	-	-	3	3	-	-	-	-
G	Maximum FAR for public concourse special permit (Section 81-645)										
		3	3	3	3	3	3	3	3	3	3
H	Maximum Total FAR on a #qualifying site#										
		30	30	26	28	26	26	24.6	24.6	21	21

[EXISTING TEXT DELETED]

In order to facilitate the development of exceptional and sustainable #buildings# within the Vanderbilt Corridor as well as improvements to the pedestrian and mass transit circulation network in the vicinity of Grand Central Terminal, for #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown in on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit:

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

**81-641  
Additional floor area for Transit Improvements on Qualifying Sites**

**Additional floor area for the provision of public realm improvements**

All #developments# on #qualifying sites# located within the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, that exceed the basic #floor area ratio# set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) shall comply with the provisions of this Section.

The Chairperson of the City Planning Commission shall allow, by certification, #floor area# on a #qualifying site# to be increased above the applicable basic maximum #floor area ratio# provided that such resulting increase in #floor area ratio# is not less than the minimum specified in Row B of Section 81-64, nor more than the maximum specified in Row C of such table, as applicable, and further provided that a public realm improvement, or a combination of public realm improvements, will be constructed in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, in accordance with the provisions of this Section.

- (a) The following requirements shall be completed prior to application for certification by the Chairperson:
  - (1) The applicant shall select a public realm transit



improvement project that has been identified on the Priority Improvement List in Section 81-682 (Priority Improvement List for Qualifying Sites) and is commensurate with the minimum #floor area# required, and results in a #floor area ratio# increase not exceeding the maximum #floor area ratio# permitted to be achieved through the provisions of this Section. The process for such selection is also set forth in Section 81-682;

- (2) The applicant shall submit concept plans for the proposed transit improvement to the Chairperson and any applicable City or State agencies with jurisdiction over and control of the proposed improvement;
- (3) The applicant shall obtain and provide to the Chairperson a conceptual approval of the improvement from any applicable City or State agencies with jurisdiction over and control of the proposed improvement in letter form, wherein such agencies state that such improvements meet the technical requirements set forth in Section 81-682; and
- (4) 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 design and construct the improvement in accordance with the requirements of the applicable City or State agencies with jurisdiction over and control of the proposed improvement. A certified copy of such legal instruments shall be sent to the Chairperson.

(b) The following items shall be submitted to the Chairperson as part of an application for certification:

- (1) zoning calculations for the proposed #development# on the #qualifying site# showing the additional #floor area# associated with the completion of such transit improvement; and
- (2) drawings, including but not limited to plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairperson for the transit improvement.

The Chairperson shall allow, by certification, a reduction in, or waiver of, the minimum #floor area ratio# required pursuant to Row B of Section 81-64, where there are an insufficient number of available projects on the Priority Improvement List in Section 81-682. The Chairperson shall also allow, by certification, the maximum #floor area ratio# for a #qualifying site# to be increased beyond the limit set forth in Row C in the Table of Section 81-64, where the Metropolitan Transportation Authority requires improvements to the 5th Avenue and East 53rd Street Station to be combined in order to adequately phase improvements and avoid practical difficulties in operating the station.

When an applicant has submitted materials to the Chairperson that satisfy the requirements of paragraphs (a) and (b) of this Section, the Chairperson shall certify to the Department of Buildings that a #development# on a #qualifying site# is in compliance with the provisions of this Section. Such certification shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea..

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# identified as utilizing the additional #floor area# granted pursuant to the provisions of this Section until the Chairperson of the City Planning Commission, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement, has certified that the improvements are substantially complete and usable by the public. Such portion of the #building# shall be designated by the applicant in drawings included in the instruments filed pursuant to Paragraph (b) of this Section.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing such additional #floor area# until the improvements have finally been completed in accordance with the approved plans and such final completion has been approved by the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement.

[EXISTING TEXT MOVED TO 81-633]

#### 81-642

#### Transfer of development rights from landmarks to Qualifying Sites Permitted modifications in conjunction with additional floor area

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# within the

East Midtown Subdistrict to a #qualifying site#, provided that the provisions of this Section are met.

(a) The transfer of development rights shall be subject to the following conditions:

- (1) For #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas), the applicant shall comply with the provisions of Section 81-641 (Additional floor area for Transit Improvements) prior to, or in conjunction with, meeting the requirements of this Section.
- (2) The maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), 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 the provisions of this Chapter, or any preceding regulations.
- (3) For each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row D of the table in Section 81-64.
- (4) 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 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.
- (5) The owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson 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 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 #granting lot# and the #receiving lot# that are a party to such transfer.

- (6) A contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be equal to the greater of:
  - (i) 20 percent of the sales price of the transferred #floor area#; or
  - (ii) an amount equal to 20 percent of the #Public Realm Improvement Fund Floor Price# multiplied by the amount of transferred #floor area#.

(b) 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 items shall be submitted to the Chairperson as part of an application for certification:

- (1) For #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, materials that are sufficient to demonstrate compliance with the provisions of Section 81-641 (Additional floor area for transit improvements on qualifying sites);
- (2) site plans and zoning calculations for the #granting lot# and #receiving lot#;
- (3) 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
- (5) for those #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same

#street# intersection as the lot occupied by Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# to Grand Central Terminal.

When an applicant has submitted materials to the Chairperson that satisfy the requirements of paragraphs (a) and (b) of this Section, the Chairperson shall certify to the Department of Buildings that a #development# on a #qualifying site# is in compliance with the provisions of this Section.

The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development# on a #qualifying site#.

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

[EXISTING TEXT MOVED TO SECTION 81-634]

### **81-643**

#### **Special provisions for retaining non-complying floor area**

A #non-complying commercial building# with #non-complying floor area# constructed prior to December 15, 1961 may be demolished and reconstructed on a #qualifying site# to retain the amount of pre-existing #non-complying floor area# in accordance with the applicable district #bulk# regulations of this Chapter, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings first, that prior to demolition, such #non-complying commercial building# complies with the provisions of Paragraph (a) of this Section, as applicable, and, subsequently, prior to reconstruction, the proposed #development# complies with the applicable provisions of Paragraph (b) of this Section.

- (a) A #non-complying commercial building# may be demolished to reconstruct pre-existing #non-complying floor area# pursuant to the provisions of Paragraph (b) of this Section, provided that calculations of the amount of #non-complying floor area# in such existing #non-complying commercial building# to be replaced in such reconstructed #building# shall be submitted to the Chairperson. Such calculations shall be shown on either the #building's# construction documents previously 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.

For the purpose of calculating the amount of #non-complying floor area# to be retained on #zoning lots# with multiple existing #buildings# at the time of application, the maximum amount of #non-complying floor area# that is able to be reconstructed shall be equivalent to the #floor area# of the #zoning lot# at the time of application, less the total #floor area# of all existing #buildings# to remain.

Certification pursuant to the provisions of Paragraph (a) of this Section shall be a precondition to the issuance of any demolition permit by the Department of Buildings for a #zoning lot# reconstructing #non-complying floor area#. Such certification shall set forth the calculation of the amount of #non-complying floor area# which may be reconstructed pursuant to Paragraph (b) of this Section, as determined by the Chairperson.

- (b) Upon certification pursuant to Paragraph (a) of this Section, a #building# may reconstruct the amount of pre-existing #non-complying floor area# calculated pursuant to such certification, provided that:
- (1) All requirements for #qualifying sites# set forth in the definition in Section 81-613 (Definitions), inclusive are met; and
  - (2) A contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be an amount equal to 20 percent of the #Public Realm Improvement Fund Floor Price# multiplied by the amount of such pre-existing #non-complying floor area#.

The payment of the non-refundable contribution to the #East Midtown District Improvement Fund# pursuant to the provisions of Paragraph (b) of this Section, shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# on a #qualifying site# or other site.

Any proposed #floor area# in the reconstructed #building# beyond the amount contained in the pre-existing #non-complying building# shall be obtained by utilizing the applicable provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites). For the purposes of applying the provisions of such Section, the reconstructed #floor area ratio# shall be considered the basic maximum #floor area ratio#.

### **81-644**

#### **Special Permit for Transit Improvements**

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying 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).

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with the special permit application.

### **81-645**

#### **Special Permit for a Public Concourse**

For #qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment, is provided on the #qualifying site#. Such publicly accessible spaces shall include amenities that are characteristic of #public plazas# or public atriums, as applicable, for the comfort and convenience of the public.

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with the special permit application.

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

- (a) Applications shall include information and justification sufficient to provide the Commission with the basis for: evaluating the benefits to the general public; determining the appropriate amount of increased #floor area# to grant; and determining whether the applicable findings set forth in Paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.
- (b) The Commission shall find that:
  - (1) to the extent practicable, the open or enclosed public concourse will: consist of a prominent space of generous proportions and quality design that is inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of, and accessible from, an adjoining sidewalk; provide or be surrounded by active #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; and
  - (2) the public benefit derived from the proposed public concourse merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this special permit;

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

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson of the City Planning Commission, and such improvements are usable by the public. Such portion of the #building# utilizing increased #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

**81-65  
Special Floor Area Provisions for All Other Sites  
Special Permit for Transient Hotels**

For #non-residential buildings# or #mixed buildings# on #non-qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying-districts shall apply as set forth in this Section. Such 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:

Row	Means for achieving permitted FAR on a #zoning lot# for all other sites	Grand Central Core Area		Any other Areas	
		C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5
A	Basic Maximum FAR	15	12	15	12
B	Additional FAR for provision of a #public plaza# (Section 81-651)	-	-	1	1
C	Total as-of-right FAR	15	12	16	13
D	Additional FAR for subway station improvements through special permit (Section 81-652)	3	2.4	3	2.4
E	Maximum FAR of a #landmark or other structure# for transfer purposes (Section 74-79)	15	12	16	13
F	Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Section 74-79)	No limit	2.4	No limit	2.4
G	Maximum FAR permitted on an #adjacent lot#	No limit	14.4	No limit	14.4

[EXISTING TEXT REPLACED BY TEXT IN SECTION 81-621

Within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or may permit the #conversion# or change of #use# within an existing #building# to a #transient hotel#, provided the Commission finds that the proposed #transient hotel# will:

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

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

**81-651  
Floor area bonus for public plazas**

For #non-qualifying sites# in Subareas outside the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) 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 the table in Section 81-65 (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).

**81-652  
Floor area bonus for subway station improvements**

For #non-qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row D of the table in Section 81-65 (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).

**81-653  
Special Permit for transfer of development rights from landmarks to non-qualifying sites**

For #non-qualifying sites#, the City Planning Commission may permit the transfer of development rights from a #granting lot# to a #receiving lot#, pursuant to the provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites), provided that:

- (a) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-65 (Special Floor Area Provisions for All Other Sites), 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 the provisions of this Chapter, or any preceding regulations;
- (b) for each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row F of the table in Section 81-65; 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.

**81-66  
Special Height and Setback Requirements**

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, and 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), inclusive, are modified by the provisions of this Section, inclusive.

**81-661  
Height and setback modifications for buildings in the Grand Central Core Area**

[RELOCATED TEXT FROM SECTION 81-622]

Within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, 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.

**81-662  
Daylight Compensation modifications for qualifying sites**

#Buildings# on #qualifying sites# in the East Midtown Subdistrict using the daylight compensation method of height and setback regulations may modify the provisions of Section 81-26 (Height and Setback Regulations-Daylight Compensation) as follows:

- (a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):
  - (1) no #compensating recess# shall be required where #encroachments#, or portions thereof, are provided on the

portion of the #building# below a height of 150 feet, as measured from #curb level#;

- (2) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not comply with the provisions of 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 remaining provisions of Paragraph (c) of Section 81-264 shall continue to apply to such #compensating recess#; and
- (3) For #buildings# on #qualifying sites# with frontage along Vanderbilt Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of determining permitted #encroachments# and #compensating recesses#. Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #narrow street lines# to such new westerly 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 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#, and further provided that the #street frontage zone# calculation along Park Avenue shall not include Vanderbilt Avenue;
- (b) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-265 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in Paragraph (c) shall be modified to 20 percent of the length of the #front lot line#; and
- (c) for #buildings# on #qualifying sites# with frontage along Park Avenue, as an alternative to the setback requirements of Table A, B, or C in Paragraph (b) of Section 81-263 (Standard setback requirements), 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 particular height, 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 Daylight Evaluation modifications for qualifying sites**

#Buildings# on #qualifying sites# in the East Midtown Subdistrict using the daylight evaluation method of height and setback regulations may modify the provisions of Section 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) as follows:

- (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 or profile daylight blockage for that portion of the #building# above the curved line representing 70 degrees in the applicable Daylight Evaluation Charts, and below a height of 150 feet above #curb level#;
  - (2) the computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to Paragraph (c) of Section 81-274, may apply along designated #streets# where #street wall# continuity is required;
  - (3) the profile penalty for #profile encroachment#, set forth in Paragraph (a) of Section 81-274, shall not apply; and
  - (4) the provisions of Paragraph (i) of Section 81-274 shall be modified to require an overall passing score of 66 percent. However for #qualifying sites# with existing #buildings# with #non-complying floor area# to be reconstructed pursuant to the provisions of Section 81-643 (Special provisions for retaining non-complying floor area), the overall passing score of the #zoning lot#, as existing on [date of enactment], may be utilized as the passing score for the proposed #development# on the #qualifying site#;
- (b) for #buildings# on #qualifying sites# with frontage along Vanderbilt Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart). Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #narrow street lines# to such new westerly 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#;
  - (2) #vantage points# along Vanderbilt Avenue are taken 30 feet west of the westerly #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#; and
- (c) for #buildings# with frontage along Park Avenue:
  - (1) 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#; and
  - (2) for the purpose of plotting #buildings# on the #daylight evaluation chart# pursuant to Section 81-273 (Rules for plotting buildings on the daylight evaluation chart), Chart 4 (Daylight Evaluation Diagram – Park Avenue) in Appendix B of this Chapter, shall be utilized in lieu of the chart for #streets# 100 feet or more in width.

## 81-67 Special Mandatory District Plan Element Requirements

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall be modified in accordance with the provisions of this Section, inclusive.

### 81-671 Special street wall requirements

[RELOCATED TEXT FROM SECTION 81-621]

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 in the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, 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.

### 81-672 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 along Madison and Lexington Avenues

#Developments# on #qualifying sites# with frontage along Madison and Lexington Avenues, shall provide mandatory sidewalk widenings as follows:

- (1) where such #development# is on a #zoning lot# which occupies the entire #block# frontage, a 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 need exceed 10 feet, as measured perpendicular to the #street line#;
- (2) where such #development# 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 need exceed 10 feet, as measured perpendicular to the #street line#.

#### (b) Permitted sidewalk widenings

Sidewalk widenings may be provided, in accordance with the applicable size and design standards established in 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 #narrow 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 81-671 (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.

### 81-673 Mass transit access

For #developments# on #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, involving ground level construction shall provide on certain #zoning lots# a transit easement volume on such #zoning lot# for public access between the #street# and the below-grade subway station or rail mass transit facility.

Prior to filing any applications with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority (MTA) 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 MTA and the Chairperson shall jointly certify whether or not a transit easement volume 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 MTA and the Chairperson indicate that a transit easement volume is required, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days after its receipt and may, within such 45 day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the City Planning Commission to the Department of Buildings.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing a #development# or #enlargement#.

If a transit easement volume is required on the #zoning lot#, pursuant to the provisions of this Section, 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 MTA, as follows:

- (a) where such mass transit access improvement is constructed and maintained by the owner of the #development# or #enlargement#:
  - (1) each square foot of mass 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. Such mass transit access shall be measured in accordance with the provisions of Section 81-48 (Off-street Improvement of Access Rail Mass Transit Facility), and shall comply with the following:
    - (i) such mass transit access shall be improved to the standards set forth in Section 81-48 and shall be approved by the MTA;
    - (ii) where the #building's# lobby abuts such mass transit access, in addition to mass transit access to the #street#, such mass transit access shall provide a direct connection to the #building's# lobby which is open during normal business hours; and
    - (iii) such mass transit access shall provide 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); and
  - (2) No temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvements are substantially complete and usable by the public.
- (b) where such mass transit access is constructed and maintained by the MTA:

- (1) where construction of the transit easement volume by the MTA is not contemporaneous with the construction of the #development#;
- (i) any underground walls constructed along the #front lot line# of a #zoning lot# shall contain a knockout panel, not less than twelve feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA; and
- (ii) temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume; and
- (2) in the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as #building# columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.

The floor space occupied by any transit easement volume shall not count as #floor area#.

### 81-674

#### Ground floor use provisions

- (a) Within the Vanderbilt Corridor Subarea

[RELOCATED TEXT FROM SECTION 81-626]

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 2 (Retail and Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above- or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-632 (Special Permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea) or Section 81-633 (Special Permit for Grand Central public realm improvements) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity along Designated Streets).

- (b) Within the Grand Central Core Area

[RELOCATED TEXT FROM SECTION 81-623]

For #buildings developed# or #enlarged# on the ground floor after August 26, 1992 in the Grand Central Core Area, as shown on Map 4, #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.

- (c) Along #narrow streets# of #qualifying sites# in the Grand Central Core Area

For #developments# on #qualifying sites# in the Grand Central Core Area, as shown on Map 4, 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 comply with the transparency provisions of Section 81-42.

### 81-675

#### Curb cut restrictions and loading berth requirements

[RELOCATED AND MODIFIED TEXT FROM SECTION 81-624]

For #developments# or #enlargements# within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) 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 and head-out requirements, provided that:

- (1) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are 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.

- (a) Curb cut 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.

### 81-676

#### Pedestrian circulation space requirements

[EXISTING TEXT FROM SECTION 81-625]

Any #development# or #enlargement# within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, 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;
- (b) within the Subdistrict, a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and
- (c) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) † (Special Midtown District and Subdistricts) in Appendix A of this Chapter, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) may be applied toward the pedestrian circulation space requirement.

### 81-68

#### Additional Provisions for Qualifying Sites

### 81-681

#### Building Performance Requirements for Qualifying Sites

In order to ensure advancement of goals for the reduction of greenhouse gas emissions, #buildings# on #qualifying sites# shall either:

- (a) utilize a district steam system for the #building's# heating and hot water systems; or
- (b) the core and shell of such #building# shall exceed the standards of the chosen commercial building energy-efficiency compliance path within the 2016 New York City Energy Conservation Code (NYCECC), by three percent.

Compliance with the provisions of this Section shall be demonstrated to the Department of Buildings at the time of issuance of a new building permit for a #development# on a #qualifying site#.

The City Planning Commission may, by rule, modify the standards of this Section, as necessary, to ensure that the environmental standards

established herein, meet or exceed the current best practices in reducing greenhouse gas emissions.

**81-682**

**Priority Improvement List for Qualifying Sites**

In accordance with the provisions of Section 81-641 (Additional floor area for Transit Improvements), any applicant for a #development# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, shall select a transit improvement, or combination thereof, to be completed in accordance with the provisions of this Section.

**(a) Selecting an Improvement**

An applicant shall select a transit improvement from the Priority Improvement List in Paragraph (b) of this Section based on the #floor area# such improvement generates relative to the minimum #floor area# required and maximum #floor area# permitted for completion of such improvement pursuant to Section 81-641, and based on the following geographical and technical considerations:

- (1) First, the applicant shall select a transit improvement in the same Subarea of the East Midtown Subdistrict as the proposed #development# on a #qualifying site#;
- (2) If none of the transit improvements on the Priority Improvement List meet the criteria of Paragraph (a)(1) of this Section, the applicant shall select a transit improvement on a transit route that passes through, and has stations or other facilities in the same Subarea of the East Midtown Subdistrict as the proposed #development# on a #qualifying site#;
- (3) If none of the transit improvements on the Priority Improvement List meet the criteria of paragraphs (a)(1) or (a)(2) of this Section, the applicant shall select any remaining improvement on the list.

In addition, applicants shall consult with the applicable City or State agencies with jurisdiction over and control of the proposed improvement to ensure that the selected improvement will meet the operational and long-term planning needs of the station or transit route, including any phasing requirements, and compliance with the Americans with Disabilities Act (ADA).

**(b) The Priority Improvement List**

The Priority Improvements List (the "Improvements List"), set forth in the tables below, details physical improvements to subway stations and other rail mass transit facilities in, or adjacent to, the East Midtown Subdistrict, that an applicant on a #qualifying site# may complete for additional #floor area#.

Three levels of improvements are available for completion, which, accordingly, generate three different amount of additional #floor area#:

- (1) Type 1 Improvements generate 40,000 square feet of #floor area#, and include new or expanded on-street station entrances, new or expanded on-street station entrances, new or expanded accessible routes for persons with physical disabilities between two levels of a station, and four or less new or reconfigured station stairs.
- (2) Type 2 Improvements generate 80,000 square feet of #floor area#, and include new or expanded station escalators, new or expanded accessible routes for persons with physical disabilities between three or more station levels, new or expanded paid areas of a station, including widened platforms or mezzanine levels, and more than four new or reconfigured station stairs.
- (3) Type 3 Improvements generate 120,000 square feet of #floor area#, and include large-scale renovations that significantly improve the environment of stations, and new connections between two or more stations.

In consultation with the Metropolitan Transportation Authority (MTA), the City Planning Commission may, by rule, modify such Improvements List to reflect new improvements needed in the transit network.

**TABLE 1  
PRIORITY IMPROVEMENT LIST**

**TYPE 1 IMPROVEMENTS**

Location	Type of Improvement	Transit Line
<u>Lexington/53rd Street station</u>	Replace escalator and stair connecting downtown Lexington platform to station with widened stair	<u>Lexington Avenue Line/53rd Street Line</u>
<u>Lexington/53rd Street station</u>	Provide new street entrance to uptown Lexington platform from 50th Street	<u>Lexington Avenue Line/53rd Street Line</u>
<u>Bryant Park station</u>	Provide ADA access between Flushing platform and mezzanine level	<u>Flushing Line/Sixth Avenue Line</u>
<u>Bryant Park station</u>	Provide new street entrance from north side of West 42nd street	<u>Flushing Line/Sixth Avenue Line</u>
<u>Bryant Park station</u>	Provide ADA access between Sixth Avenue northbound platform and mezzanine level	<u>Flushing Line/Sixth Avenue Line</u>
<u>Bryant Park station</u>	Provide ADA access between Sixth Avenue southbound platform and mezzanine level	<u>Flushing Line/Sixth Avenue Line</u>
<u>59th Street station</u>	Provide new street entrance from north side of 60th Street	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>59th Street station</u>	Provide ADA access between local southbound platform and street level	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>59th Street station</u>	Provide ADA access between 60th Street line platform and mezzanine level	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>59th Street station</u>	Provide new platform stair and widen existing stairs between 60th Street line platform and mezzanine level	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>5th and 53rd Street station</u>	Provide new street entrance on west side of Madison Avenue	<u>53rd Street Line</u>
<u>Grand Central/42nd Street</u>	Widen platform stairs at east end of Flushing platform	<u>Flushing Line</u>
<u>Grand Central/42nd Street</u>	Widen stairs between Flushing and Lexington platforms	<u>Flushing Line</u>

**TYPE 2 IMPROVEMENTS**

Location	Type of Improvement	Transit Line
<u>Lexington/53rd Street station</u>	Provide widened escalator between 53rd street platform and mezzanine	<u>Lexington Avenue Line/53rd Street Line</u>
<u>59th Street station</u>	Provide ADA access between northbound platforms and 60th Street line mezzanine	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>59th Street station</u>	Provide ADA access between southbound platforms and 60th Street line mezzanine	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>47th/50th Street station</u>	Provide two platform stairs and widen remaining platform stairs	<u>Sixth Avenue Line</u>
<u>Fifth and 53rd Street station</u>	Provide new stairs to multiple levels of station	<u>53rd Street Line</u>

<u>Fifth and 53rd Street station</u>	<u>Provide ADA access to multiple levels of station</u>	<u>53rd Street Line</u>
<u>Fifth and 53rd Street station</u>	<u>Provide escalators to multiple levels of station</u>	<u>53rd Street Line</u>
<u>Fifth and 53rd Street station</u>	<u>Provide new mezzanine area</u>	<u>53rd Street Line</u>
<u>Fifth and 53rd Street station</u>	<u>Provide new access core between platforms and street level</u>	<u>53rd Street Line</u>
<u>Grand Central/42nd Street station</u>	<u>Expand paid area and add new platform stair between Flushing platform and upper mezzanine</u>	<u>Flushing Line</u>

**TYPE 3 IMPROVEMENTS**

<b>Location</b>	<b>Type of Improvement</b>	<b>Transit Line</b>
<u>Grand Central/42nd Street station</u>	<u>Renovation of remaining portions of Lexington mezzanine</u>	<u>Flushing Line/ Lexington Avenue Line</u>

**81-683**

**Criteria for Improvements in the Public Realm Improvement Concept Plan**

The #Public Realm Improvement Fund Governing Group# shall select priority improvements for the Public Realm Improvement Concept Plan (the "Concept Plan") in accordance with the provisions of this Section.

All improvements in the Concept Plan, which may be funded through contributions to the #East Midtown Public Realm Improvement Fund#, shall:

- (a) be within the East Midtown Subdistrict, a location immediately adjacent thereto, or in a subway or rail mass transit facility with significant ridership into and out of the Subdistrict;
- (b) have a sponsoring agency a City or State agency as a project sponsor;
- (c) meet the definition of a capital project under Section 210 of the New York City Charter; and
- (d) consist of either:
  - (1) below-grade public realm improvements, including, but not limited to widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network, additional vertical circulation, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, or providing daylight access, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways, or improved or new disabled access; or
  - (2) above-grade public realm improvements, including, but not limited to, pedestrian plazas that provide opportunities for passive recreation, or improvements along a street accommodating both vehicular and pedestrian access that may include pedestrian amenities, or streetscape, sidewalk, crosswalk and median enhancements.

**81-684**

**Authorization to allow enlargements on qualifying sites**

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may authorize modifications to the definition of #qualifying site# set forth in Section 81-613, to allow #enlargements# on #qualifying sites#, provided that the Commission finds that such #enlargement# includes significant renovations to the existing #building# that will

bring it, to the greatest extent feasible, up to contemporary space standards.

**81-685**

**Special Permit to modify qualifying site provisions**

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may permit modifications to the certain criteria necessary to be considered a #qualifying site#, as well as height and setback regulations and mandatory plan elements, as set forth in Paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in Paragraph (b) and the findings set forth in Paragraph (c) of this Section are met.

- (a) The Commission may modify the following, whether singly or in any combination:
  - (1) the following #qualifying site# criteria:
    - (i) the requirement for #wide street# frontage, including the requirement that no existing #buildings# will remain on such #wide street# frontage, set forth in paragraphs (b) and (c) of the definition of a #qualifying site# in Section 81-613;
    - (ii) the #building# performance requirements in the Paragraph (f) of the definition of a #qualifying site# and Section 81-681 (Building Performance Requirements for Qualifying Sits); or
    - (iii) the requirement that the additional #floor area# permitted through the provisions of Section 81-64 be achieved exclusively through a #development#;
  - (2) the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 Zoning Lots no Existing Prior to Effective Date of Amendment of Resolution), 77-21 (General Provisions) or 77-22 (Floor Area Ratio);
  - (3) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 (Special street wall requirements), inclusive;
  - (4) the height and setback regulations of Sections 81-26 (Height and Setback Regulations-Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation), inclusive, or 81-66 (Special height and setback requirements); or
  - (5) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.
- (b) Application requirements
 

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



- (1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 (Street Wall Continuity Along Designated Streets), or as such provisions are modified pursuant to Section 81-671 (Special street wall requirements), as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), or as such provisions are modified pursuant to Section 81-66 (Special Height and Setback Requirements), as applicable;
- (2) 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
- (3) 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.

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the definition of #qualifying site# are the minimum extent necessary, and are harmonious with the Subdistrict objective to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers;
- (2) to the requirement for #wide street# frontage in the definition of #qualifying ground floor# will not unduly concentrate #bulk# towards the middle of the #block# to the detriment of the surrounding area;
- (3) to the #building# performance requirements in the definition of #qualifying ground floor# and Section 81-681:
  - (i) are necessary due to the presence of existing #buildings# on the site; and
  - (ii) will not detract from the incorporation of innovative sustainable design measures;
- (4) to regulations pertaining to #zoning lots# divided by district boundaries will result in better site planning;
- (5) to the mandatory district plan elements:
  - (i) will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and
  - (ii) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#;
- (6) to the #street wall# or height and setback regulations:
  - (i) are necessary due to constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site;
  - (ii) will not unduly obstruct the access of light and air to surrounding properties; and
  - (iii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations); and

- (iv) the overall design of the #building# demonstrates an integrated and well-considered façade, taking into account factors such as #street wall# articulation, and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area; and constitutes a distinctive addition to the Midtown Manhattan skyline.

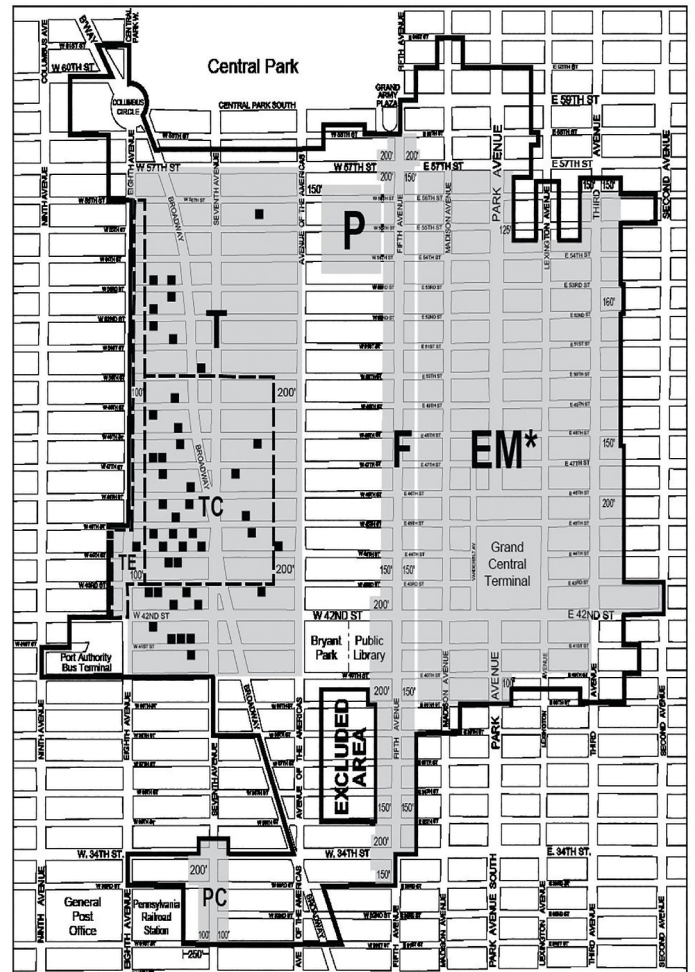
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Appendix A

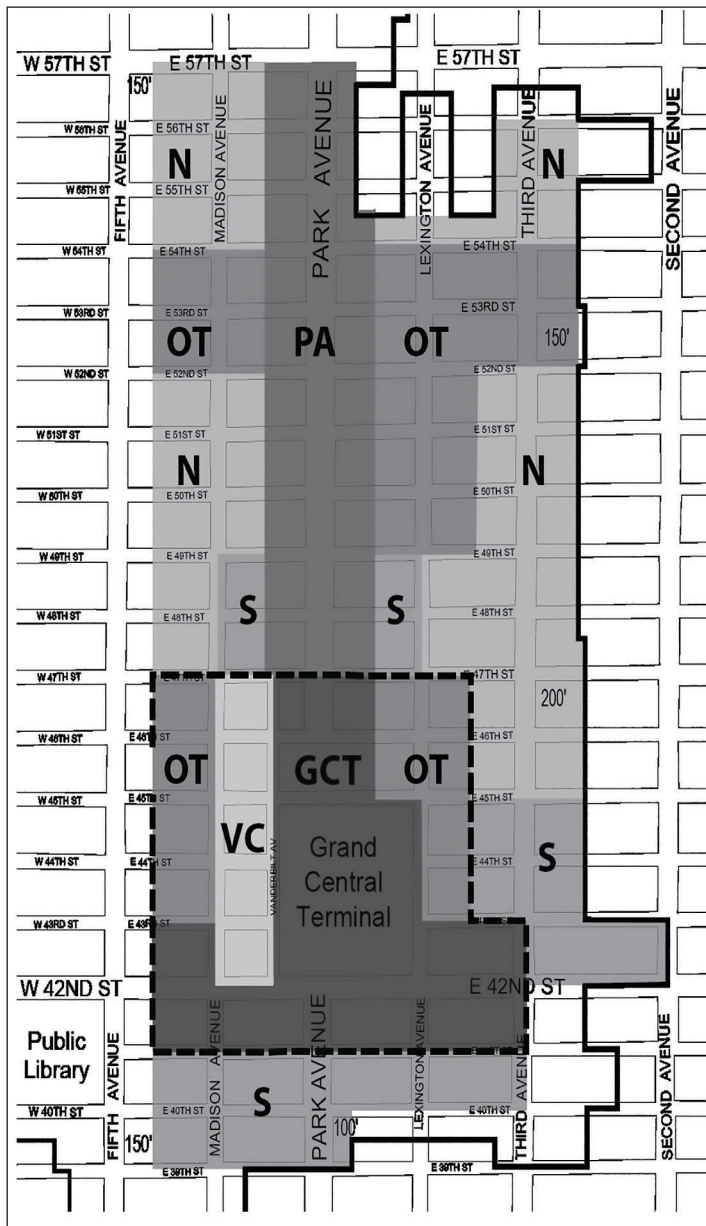
Midtown District Plan Maps

Map 1: Special Midtown District and Subdistricts

[REPLACE EXISTING MAP WITH THIS]



[NEW MAP TO BE ADDED]



MIDTOWN DISTRICT PLAN  
MAP 4 - East Midtown Subdistrict and Subareas

- Grand Central Transit Improvement Zone Subarea (GCT)
- Park Avenue Subarea (PA)
- Other Transit Improvement Zone Subarea (OT)
- Southern Subareas (S)
- Northern Subareas (N)
- Vanderbilt Corridor (VC)
- Grand Central Core Area
- Special Midtown District

\* \* \*

**Appendix B**  
**Daylight Evaluation Diagrams**

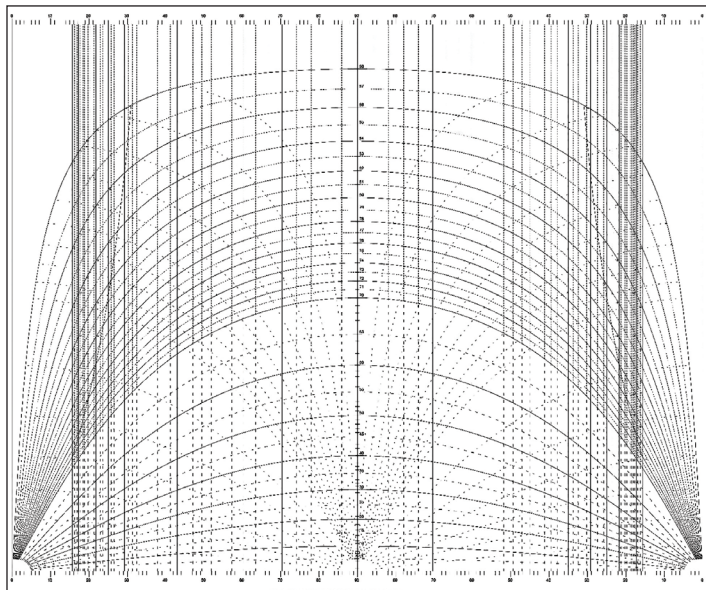
[MOVE EXISTING DAYLIGHT EVALUATION CHARTS INTO  
APPENDIX B]

\* \* \*

Chart 4. Daylight Evaluation Diagram – Park Avenue

[New Chart]

(A full size, 30" by 36", copy of this chart is available for purchase and inspection at the Department of City Planning's Bookstore.)



Daylight Evaluation Diagram, Park Avenue

\* \* \*  
No. 7

**CD 5, 6, 8** **N 170186(A) ZRM**  
**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to Article VIII, Chapter 1 (Special Midtown District) of the Zoning Resolution of the City of New York, concerning the establishment of the East Midtown Subdistrict.

Matter underlined is new, to be added;  
Matter struck out is to be deleted;  
Matter within # # is defined in Section 12-10 or 81-613;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE VIII**  
**SPECIAL PURPOSE DISTRICTS**

**Chapter 1**  
**Special Midtown District**

**Table of Contents - Special Midtown District**

GENERAL PURPOSES .....	81-00
* * *	
SPECIAL REGULATIONS FOR THE GRAND-CENTRAL-SUBDISTRICT .....	81-60
General Provisions .....	81-61
Special Bulk and Urban Design Requirements .....	81-62
Transfer of Development Rights from Landmark Sites .....	81-63
SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT .....	81-60
General Provisions .....	81-61
Special Use Provisions .....	81-62
Special Floor Area Provisions for the Vanderbilt Corridor Subarea .....	81-63
Special Floor Area Provisions for Qualifying Sites .....	81-64
Special Floor Area Provisions for All Other Sites .....	81-65
Special Height and Setback Requirements .....	81-66
Special Mandatory District Plan Element Requirements .....	81-67
Additional Provisions for Qualifying Sites .....	81-68
* * *	

Appendix A - Midtown District Plan Maps District Maps (1 to 3 4)

Appendix B - Daylight Evaluation Charts (1 to 3 4)

**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 ~~Grand Central~~ Subdistrict by facilitating the development of its exceptional and sustainable buildings ~~within the Vanderbilt Corridor~~ and enabling improvements to the pedestrian and mass transit circulation network;
- (o) to ensure that development within the ~~Vanderbilt Corridor~~ East Midtown Subdistrict occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;
- (p) to protect and strengthen the role of landmark buildings as important features of the East Midtown Subdistrict;
- (q) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- (r) 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;
- (s) 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
- (t) 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, 81-261, or 81-271 or Section 81-613 (Definitions).

\* \* \*

**81-02  
General Provisions**

**81-022**

**Ability of Special Transit Land Use District regulations**

Except as otherwise provided in Paragraphs (a), and (b) or (c) of this Section, wherever the #Special Transit Land Use District# includes an area which also lies within the #Special Midtown District#, as described in Paragraph (c) designated on the #zoning map# by the letters "MiD - TA", the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply.

- (a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:
  - (1) the developer has agreed in a writing recorded against the property to implement a plan approved by the City Planning Commission and New York City Transit for off-street relocation of a subway stair entrance, in accordance with the requirements of Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair); or
  - (2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for the provision of a subway station improvement in accordance with the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).
- (b) Where the requirements of Article IX, Chapter 5, are not waived, modifications of the underlying district #bulk# regulations as set forth in this Chapter shall prevail over any inconsistent #bulk# regulations in Article IX, Chapter 5.
- (c) In the East Midtown Subdistrict, the provisions of Paragraph (c) of Section 81-673 (Mass transit access) shall supersede the provisions of Section 95-031 (Selection of transit easement) and 95-052 (Special access facilities for persons with disabilities).
- (c) ~~Within the #Special Midtown District#, the #Special Transit Land Use District# includes the area bounded by a line 100 feet west of Third Avenue, a line midway between East 53rd Street and East 54th Street, a line 160 feet east of Third Avenue (the #Special Midtown District# boundary) and a line midway between East 52nd Street and East 53rd Street.~~

\* \* \*

**81-03  
District Plan**

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

The District Plan includes the following four ~~three~~ 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 Subdistrict and Subareas

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 of this Chapter.

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 <del>Grand-Central</del> 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 Transit Improvement Zone Subarea
- Northern Subarea
- Other Transit Improvement Zone Subarea
- Park Avenue Subarea
- Southern Subarea
- Vanderbilt Corridor Subarea

The entirety of the Vanderbilt Corridor Subarea and the Grand Central Transit Improvement Zone Subarea as well as the portions of the Other Transit Improvement Zone Subarea south of East 48<sup>th</sup> Street, are hereinafter referred to as the Grand Central Core Area.

These Subareas, as well as the boundary of the Grand Central Core Area, are shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter.

\* \* \*

**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), 81-62~~1~~ 81-671 (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 23-66 and 35-65 (Height and Setback Regulations for Quality Housing Buildings).

\* \* \*

**81-10  
USE REGULATIONS**

**81-11  
Modifications of Use Regulations in Subdistricts**

The #use# regulations of the underlying districts are modified in:

- (a) the East Midtown Subdistrict in accordance with the provisions of Section 81-62 (Special Use Provisions), inclusive;
- (b) the Theater Subdistrict in accordance with the provisions of Sections 81-72 (Use Regulations Modified) and 81-73 (Special Sign and Frontage Regulations); and are modified in
- (c) the Fifth Avenue Subdistrict in accordance with the provisions of Section 81-82 (Special Regulations on Permitted and Required Uses).

\* \* \*

**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 this Section, inclusive, shall not apply to #non-residential buildings# or #mixed buildings# in the East Midtown Subdistrict, where the special #floor area# provisions of Sections 81-62, 81-63, or 81-64 shall apply.

**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**

[REMOVE GRAND CENTRAL SUBDISTRICT FROM CHART. PROVISIONS REPLACED BY THOSE IN SECTION 81-60]

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)						
	-Outside the Grand Central Subdistrict				-Grand Central Subdistrict		
	C5P	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7	C5-2.5	C5-3 C6-6
<b>B. Basic Maximum FAR</b>							
	8.0	10.0	12.0	14.0	15.0	-12.0	-15.0
<b>B. Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Public plazas# (Section 81-23)</b>							
	---	1.0 <sup>1,2</sup>	1.0 <sup>1,3</sup>	---	1.0 <sup>2</sup>	---	---
<b>B. Maximum Total FAR with As-of-Right Incentives</b>							
	8.0	11.0 <sup>1,2,7 8</sup>	13.0 <sup>1,3</sup>	14.0	16.0	-12.0	-15.0
<b>C. Maximum Special Permit #Floor Area# Allowances: (District-wide Incentives), Subway station improvements (Section 74-634)</b>							
	---	2.0 <sup>1,6 7</sup>	2.4 <sup>1</sup>	---	3.0	-2.4	-3.0
<b>D. Maximum Total FAR with District-wide and As-of-Right Incentives</b>							
	8.0	12.0	14.4	14.0	18.0	-14.4	-18.0
<b>F. Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)</b>							
	---	2.0	---	---	3.0	---	---
<b>G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:</b>							
	---	12.0	---	---	18.0	---	---
<b>H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:</b>							
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 <sup>4</sup>	---	---	---	---	---
<b>I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict</b>							
	---	12.0	14.4	16.8	18.0	---	---
<b>J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))</b>							
	---	2.4	---	---	---	---	---
<b>K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations</b>							
	---	14.4	14.4	16.8	18.0	---	---
<b>L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:</b>							
Rehabilitation of "listed theaters" (Section 81-745)							
	---	4.4	2.4	2.8	3.0	---	---
<b>M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives</b>							

	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 <sup>5</sup>	14.0	16.0	-12.0	-15.0
	Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on: an "adjacent lot" (Section 74-79)						
(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)						
	---	---	---	---	---	-9.6	-6.6
(d)	a "receiving lot" located in the Vanderbilt Corridor (Section 81-635)						
	---	---	---	---	---	---	-15.0
O.	Maximum #Floor Area# Allowances by Special Permit for Grand Central Public Realm Improvement Bonus (Section 81-64)						
	---	---	---	---	---	---	-15.0
O. P.	Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives						
	9.6	14.4	14.4	No Limit	No Limit	-21.6	No <sup>6</sup> -Limit

<sup>1</sup> Not available for #zoning lots# located wholly within Theater Subdistrict Core  
<sup>2</sup> Not available within the Eighth Avenue Corridor  
<sup>3</sup> Not available within 100 feet of a #wide street# in C5-2.5 Districts  
<sup>4</sup> Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#  
<sup>5</sup> 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core  
<sup>6</sup> Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict, and limited to 30.0 FAR on a #zoning lot# located within the Vanderbilt Corridor, pursuant to Sections 81-635 or 81-64 in the Grand Central Subdistrict  
<sup>67</sup> Not available on west side of Eighth Avenue within the Eighth Avenue Corridor  
<sup>78</sup> 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34<sup>th</sup> Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities spaces)

**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.

[EXISTING PROVISION MOVED TO SECTION 81-63]

Within the Grand Central Subdistrict, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79, or Section 81-63 (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 #building or other structure#, 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.

\*\*\*

**81-214  
 Special provisions within the Vanderbilt Corridor in the Grand Central Subdistrict**

[EXISTING PROVISION MOVED TO SECTION 81-63]

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) of Appendix A of this Chapter, additional #floor area# may be permitted by the City Planning Commission pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus), or any combination thereof, up to the maximum permitted #floor area# set forth in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), respectively. In no event shall the total #floor area ratio# of the #zoning lot# resulting from such proposed #development# or #enlargement# exceed 30.0.

\*\*\*

**81-23  
 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 in the Grand Central Subdistrict Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, or on #qualifying sites#, as defined in Section 81-613, in any other subarea of the East Midtown Subdistrict.

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

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

\* \* \*

**81-24  
Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses**

**81-241  
Maximum floor area ratios for a residential building or the residential portion of a mixed building**

\* \* \*

**81-25  
General Provisions Relating to Height and Setback of Buildings**

\* \* \*

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

The provisions of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation) 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 Grand-Central East Midtown Subdistrict as set forth in Sections 81-61 (General Provisions), 81-621 (Special-street-wall-requirements) and 81-622 (Special height and setback requirements) 81-66 (Special Height and Setback Regulations), inclusive, or Section 81-671 (Special street wall 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 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea)
- Section 81-64 81-633 (Special Permit permit for Grand Central public realm improvements Public Realm-Improvement Bonus)
- Section 81-685 (Special permit to modify qualifying site provisions)
- Section 81-635 (Transfer of development rights by special permit):

\* \* \*

**81-27  
Alternative Alternate Height and Setback Regulations - Daylight Evaluation**

**81-271  
Definitions**

\* \* \*

**Daylight Evaluation Chart (DEC)**

A graphic tool which permits objective measurements of portions of sky blocked by a #building# when it is viewed from a #vantage point#. There are three #daylight evaluation charts# for use with #street# widths of 60 feet, 75 to 80 feet and 100 feet and over, respectively. All #buildings# are drawn on the appropriate #daylight evaluation chart# to evaluate their compliance with the regulations of Section 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation). The three #daylight evaluation charts# are presented located in Appendix A B of this Chapter. A fourth chart, also located in Appendix B, is available for use for #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-613, with frontage along Park Avenue.

\* \* \*

**81-40  
MANDATORY DISTRICT PLAN ELEMENTS**

**81-41  
General Provisions**

The provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify mandatory planning and urban design features. Requirements which apply generally or with minor specified exceptions throughout the #Special Midtown District# are fully set forth in the provisions of Section 81-40. For requirements which are not generally applicable but tied to specific locations within the District, the locations where these requirements apply are shown on Map 2 (Retail and Street Wall Continuity) or Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.

The provisions of Section 81-40 are all primarily oriented toward the accommodation and well-being of pedestrians. The requirements pertain to a number of elements which are interrelated and complement one another but are set forth in different sections because they can be treated separately. Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity along Along Designated Streets) and 81-44 (Curb Cut Restrictions) are a group of sections with closely related purposes concerned with amenity and the well-being and safety of pedestrians. Sections 81-45 to 81-48, inclusive, are all concerned primarily with pedestrian traffic circulation. Major #building# entrances are focal points of heavy pedestrian traffic, so that controls on the locations of these entrances, as set forth in Section 81-48, are closely related to the pedestrian circulation space requirements.

Special district plan requirements for the Penn Center Subdistrict are set forth in Section 81-50 (SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT), for the Grand-Central East Midtown Subdistrict are set forth in Section 81-60 (SPECIAL REGULATIONS FOR THE GRAND-CENTRAL EAST MIDTOWN SUBDISTRICT), for the Theater Subdistrict are set forth in Section 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT), for the Fifth Avenue Subdistrict are set forth in Section 81-80 (SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT) and for the Preservation Subdistrict are set forth in Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT).

\* \* \*

**81-412  
Directions Directional signs**

\* \* \*

**81-42  
Retail Continuity along Along Designated Streets**

For #buildings developed# or #enlarged# after May 13, 1982, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon a designated retail #street# (see Appendix A, Map 2), #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# 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. Museums and libraries shall be permitted. A #building's street# frontage shall be allocated exclusively to such #uses#, except for:

\* \* \*

Special #use# regulations apply along designated retail #streets# located within the boundaries of the Penn Center Subdistrict, the East Midtown Subdistrict, the Theater Subdistrict or the Fifth Avenue Subdistrict and #uses# along such designated #streets# shall be subject to the respective subdistrict retail requirements in Sections 81-531, 81-674, 81-72 and 81-82.

Special ground level and entertainment-related #use# regulations apply to #zoning lots# located within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), and such #zoning lots# shall meet the ground level and entertainment-related #use# requirements of Section 81-72 (Use Regulations Modified).

\* \* \*

**81-60  
SPECIAL REGULATIONS FOR THE EAST MIDTOWN GRAND CENTRAL SUBDISTRICT**

**81-61  
General Provisions**

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

Special regulations are set forth in this Section to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers; enabling improvements to the above- and below-grade pedestrian circulation network; protecting and strengthening the role of landmark buildings as important features of East Midtown; protecting and enhancing the role of Grand Central Terminal as a major transportation hub within East Midtown and the City; expanding and enhancing the pedestrian circulation network connecting Grand Central Terminal to surrounding development and minimizing pedestrian congestion; and protecting the surrounding area's iconic 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), inclusive, are applicable only in the Grand Central East Midtown Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) and Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter. 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 set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites), transfer of development rights from landmark sites may be allowed pursuant to Section 81-63.

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

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

**81-611  
Special use provisions  
Applicability of regulations**

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-621]

(c) Except as provided in Paragraph (b) of this Section, within the Vanderbilt Corridor, as shown in on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the

#development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission, pursuant to Section 81-65.

(d) In the event a casualty damages or destroys a #building# within the Vanderbilt Corridor, that was used as a #transient hotel# as of May 27, 2015, to an extent greater than the limits set forth in Section 52-53 (Buildings or Other Structures in All Districts), such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the underlying district #floor area ratio# regulations.

The provisions of Section 81-60, inclusive, shall apply in the East Midtown Subdistrict as follows:

- (i) Section 81-61, inclusive, sets forth general provisions, applicability and definitions for the East Midtown Subdistrict;
- (j) Section 81-62, inclusive, sets forth special use provisions;
- (k) Section 81-63, inclusive, sets forth special #floor area# provisions for the Vanderbilt Corridor Subarea;
- (l) Section 81-64, inclusive, sets forth special #floor area# provisions for #qualifying sites#;
- (m) Section 81-65, inclusive, sets forth special #floor area# provisions for all other #zoning lots#;
- (n) Section 81-66, inclusive, sets forth certain height and setback modifications to the provisions of Sections 81-26 and 81-27;
- (o) Section 81-67, inclusive, sets forth certain modifications to the mandatory district plan elements of Section 81-40, inclusive; and
- (p) Section 81-68, inclusive, sets forth additional provisions pertaining to #qualifying sites#.

**81-612  
Applicability along district boundaries**

For #zoning lots# divided by district boundaries, the underlying provisions shall apply, except as follows.

- (a) For #qualifying sites# divided by district boundaries where both districts have the same maximum #floor area ratio# set forth in Rows E and H of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the provisions of Section 33-16 (Special Provisions for Zoning Lots Divided by District Boundaries) shall not apply. In lieu thereof, the #floor area# resulting from the provisions of Section 81-64, inclusive, may be located anywhere on the #zoning lot#.
- (b) For #zoning lots# divided by subarea boundaries, the provisions of Article VII, Chapter 7 shall apply.
- (c) For #zoning lots# with #landmark buildings or other structures# where more than 50 percent of the #lot area# is located within the #Special Midtown District#, and which #abut# the East Midtown Subdistrict boundary, such #zoning lot# may be considered as part of the Subdistrict for the purposes of transferring development rights pursuant to the applicable provisions of Sections 81-642 (Transfer of development rights from landmarks to qualifying sites) or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites). However, the maximum amount of #floor area# that may be transferred from a #granting lot#, or portion thereof, located outside the Special Midtown District shall be the maximum #floor area ratio# permitted under the applicable underlying zoning district.

**81-613  
Definitions**

**Adjacent lot**

For the purposes of Section 81-60, inclusive, an "adjacent lot" is:

- (c) a #zoning 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 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
- (d) in C5-3 or C6-6 Districts, a #zoning lot# that is contiguous to, or across a #street# and opposite another lot or series of lots that, except for the intervention of #streets# or #street# intersections, extend 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)).

### Granting lot

For the purposes of Section 81-60, inclusive, a “granting lot” shall mean a #zoning lot# that contains a #landmark building or other structure#. Such #granting lot# may transfer development rights pursuant to Sections 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites).

### 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 by the Landmarks Preservation Commission pursuant to the New York City Charter and Administrative Code, 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.

### Non-qualifying site

For the purposes of Section 81-60, inclusive, a “non-qualifying site” shall refer to a #zoning lot# that does not meet the criteria for a #qualifying site# and is located in a subarea other than the Vanderbilt Corridor Subarea.

### Public Realm Improvement Fund

For the purposes of Section 81-60, inclusive, the “Public Realm Improvement Fund” (the “Fund”) shall be a separate account established for the deposit of contributions made when #developments# on #qualifying sites# in the East Midtown Subdistrict will exceed the basic maximum #floor area ratio# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) through their utilization of the provisions of either Sections 81-642 (Transfer of development rights from landmarks to qualifying sites) or 81-643 (Special provisions for retaining non-complying floor area). The Fund shall be utilized, at the discretion of the #Public Realm Improvement Fund Governing Group#, to provide funding to implement improvements to the East Midtown Subdistrict, and its immediate vicinity.

### Public Realm Improvement Fund Development Rights Valuation

For the purposes of Section 81-60, inclusive, the “Public Realm Improvement Fund Development Rights Valuation” (“Development Rights Valuation”) shall be a value per square foot of transferable development rights in the East Midtown Subdistrict, which shall provide a basis for establishing a minimum contribution to the #Public Realm Improvement Fund#. As of [date of enactment] the Development Rights Valuation shall be set at \$393.00 per square foot.

When proposing an adjustment to the Development Rights Valuation, the Department of City Planning shall undertake a transferrable development rights valuation study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review and adjust the Development Rights Valuation, pursuant to the City Administrative Procedures Act not more than once every three years and not less than once every five years.

An applicant, upon written request to the Commission, may request a transferable development rights valuation study to determine any recent changes in market conditions within the Subdistrict. The study must be paid for by the applicant and completed within a one-year timeframe. The Department of City Planning shall initiate the study, to be conducted by qualified professionals utilizing industry best practices and the Commission shall, by rule, review and adjust the Development Rights Valuation pursuant to the City Administrative Procedures Act.

### Public Realm Improvement Fund Governing Group

For the purposes of Section 81-60, inclusive, the “Public Realm Improvement Fund Governing Group” (the “Governing Group”) shall be established to administer the #Public Realm Improvement Fund#, and shall consist of nine members: five members shall be representatives of City agencies, appointed by and serving at the pleasure of the Mayor; one member shall be a representative of the Office of the Manhattan Borough President; one member shall be a representative of the New York City Council member representing the City Council district encompassing the largest portion of the East Midtown Subdistrict; one member shall be a representative of Manhattan Community Board 5; and one member shall be a representative of Manhattan Community Board 6.

The Governing Group’s purpose shall be to bolster and enhance East Midtown’s status as a premier central business district with a high-quality public realm, by allocating funds from the #Public Realm Improvement Fund# to implement above-grade or below-grade public realm improvement projects. The Governing Group shall establish and maintain a Public Realm Improvement Concept Plan (“Concept Plan”),

for the purpose of creating a list of priority improvements, and shall have the authority to amend such Concept Plan, and associated list of improvements, as necessary. All priority improvements in the Concept Plan shall meet the criteria set forth in Section 81-683 (Criteria for improvements in the Public Realm Improvement Concept Plan).

The Governing Group shall adopt procedures for the conduct of its activities, which shall be consistent with the goals of the Subdistrict. All meetings of the Governing Group shall be open to the public with advance notice provided of all meetings and public hearings.

### Qualifying site

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

- (g) that is not located in the Vanderbilt Corridor Subarea;
- (h) that has frontage along a #wide street#;
- (i) where, at the time of #development#, either a portion of such #zoning lot’s wide street# frontage is clear of #buildings or other structures#, or, the entire #block# frontage along such #wide street# is occupied by #landmark building or other structures#;
- (j) where a #building# is #developed# in accordance with the #floor area# provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites);
- (k) where a maximum of 20 percent of the #floor area# permitted on such #zoning lot# is allocated to #residential uses#; and
- (l) where such #building# being #developed# complies with the performance requirements of Section 81-681 (Building energy design requirements for 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 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites).

### 81-62

#### Special Bulk and Urban Design Requirements Use Provisions

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-611]

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 provisions for transient hotels

#### Special street wall requirements

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-671]

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.

Within the East Midtown Subdistrict, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the #development# of a #building# containing a #transient hotel#, as



listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission.

However, in the event a casualty damages or destroys a #building# within the East Midtown Subdistrict that was used as a #transient hotel# as of May 27, 2015 in the Vanderbilt Corridor Subarea or on [date of enactment] in other Subareas, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the applicable basic maximum #floor area ratio# set forth in Section 81-60, inclusive.

To permit such a #transient hotel#, the Commission shall find that such #transient hotel# will:

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

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

### 81-622

#### Location of uses in mixed buildings Special height and setback requirements

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-661]

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:

- (c) 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
- (d) 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.

For #mixed buildings developed# on #qualifying sites#, 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 6A, 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 6C;
- 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;
- swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#; and
- #physical culture or health establishments# permitted pursuant to Section 73-36.

For such #uses#, the provisions of Section 32-41 (Enclosure within Buildings) shall not apply.

### 81-623

#### Building lobby entrance requirements

[EXISTING PROVISIONS REPLACED BY TEXT IN PARAGRAPH (b) OF SECTION 81-674]

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

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-675]

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

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-676]

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:

- (d) no arcade shall be allowed within the Subdistrict;
- (e) within the Subdistrict, a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and
- (f) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) may be applied toward the pedestrian circulation space requirement.

### 81-626

#### Retail continuity requirements

[EXISTING PROVISIONS REPLACED BY TEXT IN PARAGRAPH (a) OF SECTION 81-674]

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 2 (Retail and Street Wall Continuity), any portion of such #building's# ground-floor level frontage along such designated retail #street# allocated to above- or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity along Designated Streets).

### 81-63

#### Transfer of Development Rights from Landmark Sites Special Floor Area Provisions for the Vanderbilt Corridor Subarea

[EXISTING PROVISIONS REPLACED BY TEXT IN DEFINITIONS IN SECTION 81-613]

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.

For #non-residential buildings# or #mixed buildings# in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratios# of the underlying-districts shall apply as set forth in this Section. Such 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# in the Vanderbilt Corridor Subarea	Maximum #Floor Area Ratio# (FAR)
A	Basic Maximum FAR	15
B	Maximum Special Permit #Floor Area# Allowances: (District-wide Incentives), Subway station improvements (Section 74-634)	3.0
C	Maximum FAR of Lots Involving Landmarks:	
	Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)	15.0
	Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)	15.0
	Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on:	
	(c) an #adjacent lot# (Section 74-79)	No Limit
	(d) a #receiving lot# (Section 81-632)	15.0
D	Maximum #Floor Area# Allowances by Special Permit for Grand Central public realm improvements (Section 81-633)	15.0
E	Maximum Total FAR of a Lot with Transferred Development Rights on #receiving lots# (Section 81-632) or District-wide Incentives (including Section 81-633)	30.0
F	Maximum Total FAR of a Lot with Transferred Development Rights on an #adjacent lot#(Section 74-79) or District-wide Incentives (other than Section 81-633)	No Limit

Any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), but not both.

**81-631 Requirements for application**

**Special provisions for transfers of development rights**

All applications for transfers of development rights pursuant to the special permit by the City Planning Commission in Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea) shall also comply with the regulations of this Section.

(d) Requirements for applications

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) Section 81-632 shall be made jointly by the owners of the “granting lot” and “receiving lot” #granting lot# and #receiving lot# and shall include:

- (a)(1) site plan and zoning calculations for the “granting lot” and “receiving lot” #granting lot# and #receiving lot#;
- (b)(2) a program for the continuing maintenance of the landmark;
- (c)(3) 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)(4) for #developments# or #enlargements# pursuant to Section 81-635; a plan of any required pedestrian network improvement; and
- (e)(5) 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” #receiving lot# pursuant to Section 81-63 Transfer of Development Rights from Landmark Sites) 81-632.

(e) Conditions and limitations

[INSERT THE FOLLOWING EXISTING TEXT FROM SECTION 81-632]

The transfer of development rights from a “granting lot” to a “receiving lot,” #granting lot# to a #receiving lot#, pursuant to Section 81-63 Section 81-632, shall be subject to the following conditions and limitations:

- (a)(1) the maximum amount of #floor area# that may be transferred from a “granting lot” #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)(2) for each “receiving lot,” #receiving lot#, the #floor area# allowed by the transfer of development rights under Section 81-632 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the “receiving lot,” #receiving lot#, as shown in Section 81-211 the table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea); and
- (c)(3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the “granting lot” #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed, the #landmark #building or other structure# is destroyed or #enlarged#, or the “landmark lot” #zoning lot# with the #landmark building or other structure# is redeveloped, the “granting lot” #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(f) Transfer instruments and notice of restrictions

[INSERT THE FOLLOWING EXISTING TEXT FROM SECTION 81-633]

The owners of the “granting lot” #granting lot# and the “receiving lot” #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” #granting lot# and the “receiving lot” #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.

**81-632 Conditions and limitations**

**Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea**

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-635]

Within the Grand Central Subdistrict Core Vanderbilt Corridor Subarea, as shown on Map 1 (Special Midtown District and Subdistricts) Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may

permit the transfer of development rights from a "granting lot" to a "receiving lot" #granting lot# in the Grand Central Core Area, as shown on Map 4, to a #receiving lot#, and, in conjunction with such transfer, the Commission may permit modifications to #bulk# regulations, mandatory plan elements, and provisions regarding #zoning lots# divided by district boundaries, as set forth in Paragraph (a) of this Section, provided that the Commission determines that the #development# or #enlargement# complies with the conditions of Paragraph (b), the findings of Paragraph (c) and the additional requirements of Paragraph (d) of this Section.

(a) The Commission may permit:

- (1) a transfer of development rights from a "granting lot" to a "receiving lot" #granting lot# to a #receiving lot# provided that:
  - (i) for #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 in Appendix A of this Chapter, the resultant #floor area ratio# on the #receiving lot# "receiving lot" does not exceed 30.0; and
  - (ii) for #zoning lots# outside the Vanderbilt Corridor, the resultant #floor area ratio# on the "receiving lot" does not exceed 21.6;
- (2) modifications of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area# or #dwelling 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#;
- (3) in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, modifications of the provisions of Sections 81-66 (Special Height and Setback Requirements), 81-621 81-671 (Special street wall requirements), 81-622 (Special height and setback requirements); 81-674 (Ground floor use provisions) 81-623 (Building lobby entrance requirements), 81-624 81-675 (Curb cut restrictions and loading berth requirements), 81-625 81-676 (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;
- (4) for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations; and
- (5) for #zoning lots# located within the Vanderbilt Corridor, modifications, whether singly or in any combination, to:
  - (i) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), inclusive, or 81-621 81-671 (Special street wall requirements), inclusive;
  - (ii) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation), inclusive, or 81-622 (Special height and setback requirements); or
  - (iii) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-623 (Building lobby entrance requirements) 81-674 (Ground floor use provisions), 81-624 81-675 (Curb cut restrictions and loading berth requirements), 81-625 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Conditions

As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the above- or below-grade, pedestrian or mass transit circulation network in the Subdistrict Grand Central Core Area. However, in the case of #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, this condition may be waived by the Commission, where

appropriate, or may be deemed to have been met by utilization of the provisions of Section 81-633 81-64 (Special Permit permit for Grand Central Public Realm Improvement Bonus-public realm improvements). 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.

(c) Findings

In order to grant a special permit for the transfer of development rights to a #receiving lot#, "receiving lot," the Commission shall find that:

- (1) a program for the continuing maintenance of the landmark has been established;
- (2) for any proposed improvement required pursuant to this Section:
  - (i) the improvement to the above- or below-grade pedestrian or mass transit circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal;
  - (ii) the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the surrounding area Subdistrict and minimize congestion on surrounding #streets#; and
  - (iii) a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the surrounding area Subdistrict;
- (3) where appropriate, for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, the design of the #development# or #enlargement# includes provisions for public amenities including, but not limited to, publicly accessible open spaces, and subsurface pedestrian passageways leading to subway or rail mass transit facilities;
- (4) for #developments# or #enlargements# with a proposed #floor area ratio# in excess of 21.6 on #zoning lots# located within the Vanderbilt Corridor, the #building# has met the ground floor level, building design, sustainable design measures and, for #zoning lots# not located on two #wide streets#, the site characteristic considerations set forth in the applicable conditions and findings of Section 81-633 (Special permit for Grand Central public realm improvements) Section 81-641 (Additional floor area for the provision of public realm improvements);
- (5) where the modification of #bulk# regulations is proposed:
  - (i) any proposed modification of 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," #receiving lot#, density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;
  - (ii) for #enlargements# to existing #buildings#, any proposed modifications of height and setback requirements and the requirements of Section 81-66 81-62 are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback

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

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

(6) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor; any proposed modifications to #street walls#, height and setback regulations and mandatory plan elements meet the applicable application requirements and findings set forth in Section 81-634 81-642 (Permitted modifications in conjunction with additional floor area).

(d) Additional requirements

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

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

No temporary certification certificate of occupancy for any #floor area# of the #development# or #enlargement# on a #receiving lot# "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 MTA.

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

[MOVE EXISTING TEXT TO SECTION 81-631 (b)]

81-633

**Transfer instruments and notice of restrictions  
Special permit for Grand Central public realm improvements**

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-641]

For #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 1 (Special Midtown District and Subdistricts) Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may allow, by special permit, #floor area# in excess of the basic maximum #floor area ratio# established in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), up to the maximum #floor area# set forth in the table, in accordance with the provisions of this Section.

All applications for a special permit for additional #floor area# pursuant to this Section shall include on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network, or a combination thereof, in the Grand Central Subdistrict Grand Central Core Area, as shown on Map 4. In addition, requirements pertaining to the ground floor level, building design and sustainable design measures are set forth in this Section in order to ensure that any #development# or #enlargement# receiving additional #floor area# constitutes an exceptional addition to the #Special Midtown District#.

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

(a) Conditions and application requirements

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

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

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

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

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

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

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

Applications shall include information and justification sufficient to provide the Commission with the basis for evaluating the benefits to the general public; determining the appropriate amount of bonus #floor area# to grant; and determining whether the applicable findings set forth in Paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

Where the Metropolitan Transportation Authority or any other City or State agency has control and responsibility for the area of a proposed improvement, the applicant shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with control 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.

(2) Ground floor level

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of the pedestrian circulation network in the surrounding area Grand Central Subdistrict, especially in the vicinity of Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall provide

enhancements to the ground floor level of the #building#, including, but not limited to, sidewalk widenings, streetscape amenities or enhancements to required pedestrian circulation spaces.

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

- (i) where a #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue, to the extent necessary, so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;
- (ii) where a #development# or #enlargement# is on a #zoning lot# that does not occupy the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#; or
- (iii) where a #development# or #enlargement# with frontage on a #narrow street# between East 43rd Street and East 47th Street is on a #zoning lot# with a #lot width# of 100 feet or more, as measured along the #narrow street line#, a sidewalk widening shall be provided along such #narrow street#, to the extent necessary, so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

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

### (3) Building design

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

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

For those "receiving lots" #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, applications shall contain a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

### (4) Sustainable design measures

In order to foster the development of sustainable #buildings# in the Grand Central Subdistrict Vanderbilt Corridor

Subarea, any #development# or #enlargement# proposed under the provisions of this Section shall include sustainable design measures, including, but not limited to, enhancements to the energy performance, enhanced water efficiency, utilization of sustainable or locally sourced materials and attention to indoor environmental air quality of the #building#.

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

### (b) Findings

The Commission shall find that:

- (1) for a #development# or #enlargement# not located on two #wide streets#, the amount of additional #floor area# being granted is appropriate based on the extent to which any or all of the following physical factors are present in the #development# or #enlargement#:
  - (i) direct access to subway stations and other rail mass transit facilities;
  - (ii) the size of the #zoning lot#;
  - (iii) the amount of wide #street# frontage; and
  - (iv) adjacency to the open area above Grand Central Terminal;
- (2) for above-grade improvements to the pedestrian circulation network that are located:
  - (i) on-site, the proposed improvements will, to the extent practicable, consist of a prominent space of generous proportions and quality design that is inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of and accessible from an adjoining sidewalk; provide or be surrounded by active #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or
  - (ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable, will consist of significant street and sidewalk designs that improve pedestrian circulation in the surrounding area; provide comfortable places for walking and resting, opportunities for planting and improvements to pedestrian safety; and create a better overall user experience of the above-grade pedestrian circulation network that supports the Grand Central Subdistrict surrounding area as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;
- (3) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements will provide:
  - (i) significant and generous connections from the above-grade pedestrian circulation network and surrounding #streets# to the below-grade pedestrian circulation network;
  - (ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfiguration of existing connections; or
  - (iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable;

- (4) the public benefit derived from the proposed above- or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional #floor area# being granted to the proposed #development# or #enlargement# pursuant to this special permit;
- (5) the design of the ground floor level of the #building#:
  - (i) contributes to a lively streetscape through a combination of retail #uses# that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces; and demonstrates consideration for the location of pedestrian circulation space, #building# entrances, and the types of #uses# fronting upon the #street# or adjoining public spaces;
  - (ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous pedestrian connections to Grand Central Terminal; and
  - (iii) will be well-integrated with on-site, above or below-grade improvements required by this Section, where applicable and practicable;
- (6) the design of the proposed #building#:
  - (i) ensures light and air to the surrounding #streets# and public spaces through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;
  - (ii) demonstrates an integrated and well-designed facade, taking into account factors such as #street wall# articulation and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area, especially Grand Central Terminal; and
  - (iii) involves a program that includes an intensity and mix of #uses# that are harmonious with the type of #uses# in the surrounding area;
- (7) the proposed #development# or #enlargement# comprehensively integrates sustainable measures into the #building# and site design that:
  - (i) meet or exceed best practices in sustainable design; and
  - (ii) will substantially reduce energy usage for the #building#, as compared to comparable #buildings#; and
- (8) in addition:
  - (i) the increase in #floor area# being proposed in the #development# or #enlargement# will not unduly increase the #bulk#, density of population or intensity of #uses# to the detriment of the surrounding area; and
  - (ii) all of the separate elements within the proposed #development# or #enlargement#, including above- or below-grade improvements, the ground floor level, #building# design, and sustainable design measures, are well-integrated and will advance the applicable goals of the #Special Midtown District# described in Section 81-00 (GENERAL PURPOSES).

(c) Additional requirements

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

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

may consult with the City or State agency that intends to acquire the area of the proposed improvement.

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

Except where a phasing plan is approved by the City Planning Commission, no temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) Section 81-633 (Special permit for Grand Central public realm improvements) until the required improvements have been substantially completed, as determined by the Chairperson of the City Planning Commission, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

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

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

[MOVE EXISTING TEXT TO SECTION 81-631 (c)]

81-634

**Transfer of development rights by certification Permitted modifications in conjunction with additional floor area**

[EXISTING TEXT DELETED]

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

- (c) — 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
- (d) — 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# or #dwelling 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# or #dwelling 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# of the district in which such #bulk# is to be located.

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-642]

In conjunction with the grant of a special permit pursuant to Section 81-641 (Additional floor area for the provision of public realm improvements) Section 81-633 (Special permit for Grand Central public realm improvements), the City Planning Commission may permit modifications to #street walls#, height and setback regulations and mandatory plan elements, as set forth in Paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in Paragraph (b) and the findings set forth in Paragraph (c) of this Section are met.

- (a) The Commission may modify the following, whether singly or in any combination:

- (1) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-621 81-671 (Special street wall requirements), inclusive;
  - (2) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, or 81-622 81-66 (Special height and setback requirements Height and Setback Requirements); or
  - (3) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-623 (Building lobby entrance requirements) 81-674 (Ground floor use provisions), 81-624 81-675 (Curb cut restrictions and loading berth requirements), 81-625 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.
- (b) Application requirements

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

- (1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 (Street Wall Continuity Along Designated Streets), or as such provisions are modified pursuant to Section 81-621 81-671 (Special street wall requirements), as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), or as such provisions are modified pursuant to Section 81-622 81-66 (Special height and setback requirements), as applicable;
- (2) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-622 81-66; and
- (3) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-622 81-66.

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the mandatory district plan elements will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and
- (2) to the #street wall# or height and setback regulations will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations).

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

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

[EXISTING TEXT MOVED TO SECTION 81-632]

**81-64  
Special Permit for Grand Central Public Realm Improvement Bonus  
Special Floor Area Provisions for Qualifying Sites**

[EXISTING TEXT DELETED]

In order to facilitate the development of exceptional and sustainable #buildings# within the Vanderbilt Corridor as well as improvements to the pedestrian and mass transit circulation network in the vicinity of Grand Central Terminal, for #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown in on Map 1 (Special Midtown District and Subdistricts) in Appendix A of

this Chapter, the City Planning Commission may permit:

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

For #non-residential buildings# or #mixed buildings# on #qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratio# of the underlying districts shall apply as set forth in this Section. Such 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 RATIOS AND ALLOWANCES FOR QUALIFYING SITES**

Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#	Grand Central Transit Improvement Zone Subarea		Park Avenue Subarea		Other Transit Improvement Zone Subarea		Southern Subarea		Northern Subarea	
	C5-2.5	C5-3	C5-2.5	C5-3	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6
A Basic Maximum FAR	12	15	12	15	12	15	12	15	12	15
B Minimum #Floor Area# Allowances through identified transit improvements (Section 81-641) if exceeding base maximum FAR	2.7	2.7	-	-	2.3	2.3	-	-	-	-
C Maximum #Floor Area# Allowances through identified transit improvements (Section 81-641)	5.4	5.4	-	-	4.6	4.6	-	-	-	-
D Maximum amount of transferable development rights (FAR) from landmark #zoning lots# that may be utilized on a #qualifying site# (Section 81-642)	12.3	9.3	13	10	8.7	5.7	9.6	6.6	6	3
E Maximum as-of-right #Floor Area Ratio# on #qualifying sites#	27	27	25	25	23	23	21.6	21.6	18	18
F Maximum FAR for transit improvement special permit (Section 81-644)	3	3	-	-	3	3	-	-	-	-
G Maximum FAR for public concourse special permit (Section 81-645)	3	3	3	3	3	3	3	3	3	3
H Maximum Total FAR on a #qualifying site#	30	30	28	28	26	26	24.6	24.6	21	21

**81-641  
Additional floor area for the provision of public realm improvements  
Additional floor area for Transit Improvements on Qualifying Sites**

[EXISTING TEXT MOVED TO 81-633]

All #developments# on #qualifying sites# located within the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, that exceed the basic maximum #floor area ratio# set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) shall comply with the provisions of this Section.

The Chairperson of the City Planning Commission shall allow, by certification, #floor area# on a #qualifying site# to be increased above the applicable basic maximum #floor area ratio# provided that such resulting increase in #floor area ratio# is not less than the minimum specified in Row B of the table in Section 81-64, nor more than the maximum specified in Row C of such table, as applicable, and further provided that a public realm improvement, or a combination of public

realm improvements, will be constructed in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, in accordance with the provisions of this Section.

- (c) The following requirements shall be completed prior to application for certification by the Chairperson:
  - (5) the applicant shall select a public realm transit improvement project that has been identified on the Priority Improvement List in Section 81-682 (Priority Improvement List for qualifying sites) and is commensurate with the minimum #floor area# required, and results in a #floor area ratio# increase not exceeding the maximum #floor area ratio# permitted to be achieved through the provisions of this Section. The process for such selection is also set forth in Section 81-682;
  - (6) the applicant shall submit concept plans for the proposed transit improvement to the Chairperson and any applicable City or State agencies with jurisdiction over and control of the proposed improvement;
  - (7) the applicant shall obtain and provide to the Chairperson a conceptual approval of the improvement from any applicable City or State agencies with jurisdiction over and control of the proposed improvement in letter form, wherein such agencies state that such improvements meet the technical requirements set forth in Section 81-682; and
  - (8) 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 design and construct the improvement in accordance with the requirements of the applicable City or State agencies with jurisdiction over and control of the proposed improvement. A certified copy of such legal instruments shall be sent to the Chairperson.
- (d) The following items shall be submitted to the Chairperson as part of an application for certification:
  - (3) zoning calculations for the proposed #development# on the #qualifying site# showing the additional #floor area# associated with the completion of such transit improvement; and
  - (4) drawings, including but not limited to plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairperson for the transit improvement.

The Chairperson shall allow, by certification, a reduction in, or waiver of, the minimum #floor area ratio# required pursuant to Row B of the table in Section 81-64, where there are an insufficient number of available projects on the Priority Improvement List in Section 81-682. The Chairperson shall also allow, by certification, the maximum #floor area ratio# for a #qualifying site# to be increased beyond the limit set forth in Row C of the table in Section 81-64, where the Metropolitan Transportation Authority requires improvements to the Fifth Avenue and East 53rd Street Station to be combined in order to adequately phase improvements and avoid practical difficulties in operating the station.

When an applicant has submitted materials to the Chairperson that satisfy the requirements of paragraphs (a) and (b) of this Section, the Chairperson shall certify to the Department of Buildings that a #development# on a #qualifying site# is in compliance with the provisions of this Section. Such certification shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea,.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# identified as utilizing the additional #floor area# granted pursuant to the provisions of this Section until the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement, has certified that the improvements are substantially complete and usable by the public. Such portion of the #building# shall be designated by the applicant in drawings included in the instruments filed pursuant to Paragraph (b) of this Section.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing such additional #floor area# until the improvements have finally been completed in accordance with the approved plans and such final completion has been approved by the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement.

**81-642  
Permitted modifications in conjunction with additional floor area  
Transfer of development rights from landmarks to qualifying sites**

[EXISTING TEXT MOVED TO SECTION 81-634]

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# within the East Midtown Subdistrict to a #qualifying site#, provided that the provisions of this Section are met.

- (a) The transfer of development rights shall be subject to the following conditions:
    - (6) For #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas), the applicant shall comply with the provisions of Section 81-641 (Additional floor area for transit improvements) prior to, or in conjunction with, meeting the requirements of this Section.
    - (7) The maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), 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 the provisions of this Chapter, or any preceding regulations.
    - (8) For each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row D of the table in Section 81-64.
    - (9) 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 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.
    - (10) The owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson 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 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 #granting lot# and the #receiving lot# that are a party to such transfer.
- (7) A contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be equal to the greater of:
    - (iii) 20 percent of the sales price of the transferred #floor area#; or
    - (iv) an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of transferred #floor area#.
- (c) An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and the #receiving lot#. The following items shall be submitted to the Chairperson as part of an application for certification:
    - (6) for #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, materials that are sufficient to demonstrate compliance with the provisions of Section 81-641 (Additional floor area for transit improvements on qualifying sites);
    - (7) site plans and zoning calculations for the #granting lot# and #receiving lot#;
    - (8) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#;



- (9) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#, and
- (10) for those #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# to Grand Central Terminal.

When an applicant has submitted materials to the Chairperson that satisfy the requirements of paragraphs (a) and (b) of this Section, the Chairperson shall certify to the Department of Buildings that a #development# on a #qualifying site# is in compliance with the provisions of this Section.

The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development# on a #qualifying site#. Additional provisions are set forth in Section 81-686 for applicants undertaking a sidewalk improvement immediately adjacent to their #qualifying site#.

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

#### **81-643 Special provisions for retaining non-complying floor area**

For #non-complying commercial buildings# existing on December 15, 1961 with #non-complying floor area#, the provisions of Section 54-41 (Permitted Reconstruction) may be modified to allow such #non-complying building# to be demolished or altered, to the extent of 75 percent or more of its total #floor area#, and reconstructed on a #qualifying site# to retain the amount of pre-existing #non-complying floor area# in accordance with the applicable district #bulk# regulations of this Chapter, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings first, that prior to demolition or alteration, the applicant meets the provisions of Paragraph (a) of this Section, as applicable, and, subsequently, prior to reconstruction, the proposed #development# will comply with the applicable provisions of Paragraph (b) of this Section.

- (b) Certification to demolish or alter a #non-complying building#

The Chairperson shall certify the amount of #non-complying floor area# existing within a #non-complying building# that may be reconstructed pursuant to the provisions of Paragraph (b) of this Section, based on calculations submitted to the Chairperson. Such calculations shall be based on either the #building's# construction documents previously 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.

For the purpose of calculating the amount of #non-complying floor area# to be retained on #zoning lots# with multiple existing #buildings# at the time of application, the maximum amount of #non-complying floor area# that may be reconstructed shall be equivalent to the #floor area# of the #zoning lot# at the time of application, less the total #floor area# of all existing #buildings# to remain.

Certification pursuant to the provisions of Paragraph (a) of this Section shall be a precondition to the issuance of any demolition or alteration permit by the Department of Buildings for a #zoning lot# reconstructing #non-complying floor area#.

- (d) Certification to reconstruct #non-complying floor area#

The amount of #non-complying floor area# established pursuant to Paragraph (a) of this Section may be reconstructed, provided that the Chairperson certifies that:

- (3) all requirements for #qualifying sites# set forth in the definition in Section 81-613 (Definitions), inclusive are met; and
- (4) a contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of such pre-existing #non-complying floor area#.

For the purposes of this Chapter, the reconstruction of such #non-complying floor area# shall be considered a #development#.

The payment of the non-refundable contribution to the #Public Realm Improvement Fund# pursuant to the provisions of Paragraph (b) of this Section, shall be a precondition to the issuance of any foundation permit or new building or alteration

permit by the Department of Buildings allowing a #development# on a #qualifying site#.

Any proposed #floor area# in the reconstructed #building# beyond the amount contained in the pre-existing #non-complying building# may be obtained by utilizing the applicable provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites). For the purposes of applying the provisions of such Section, the reconstructed #floor area ratio# shall be considered the basic maximum #floor area ratio#. However, the maximum #floor area ratios# of Row E and Row H shall continue to apply.

#### **81-644 Special permit for transit improvements**

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying 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).

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

#### **81-645 Special permit for a Public Concourse**

For #qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment, is provided on the #qualifying site#. Such publicly accessible spaces shall include amenities that are characteristic of #public plazas# or public atriums, as applicable, for the comfort and convenience of the public.

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

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

- (d) Applications shall include information and justification sufficient to provide the Commission with the basis for:

- (1) evaluating the benefits to the general public;
- (2) determining the appropriate amount of increased #floor area# to grant; and
- (3) determining whether the applicable findings set forth in Paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

- (e) The Commission shall find that:

- (3) to the extent practicable, the open or enclosed public concourse will:
  - (i) consist of a prominent space of generous proportions and quality design that is inviting to the public;
  - (ii) improve pedestrian circulation and provide suitable amenities for the occupants;
  - (iii) front upon a #street# or a pedestrian circulation space in close proximity to and within view of, and accessible from, an adjoining sidewalk;
  - (iv) provide or be surrounded by active #uses#;
  - (v) be surrounded by transparent materials;
  - (vi) provide connections to pedestrian circulation spaces in the immediate vicinity; and
  - (vii) be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; and

- (4) the public benefit derived from the proposed public concourse merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this special permit;
- (f) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, and, where applicable, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, and such improvements are usable by the public. Such portion of the #building# utilizing increased #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

**81-65  
Special Permit for Transient Hotels  
Special Floor Area Provisions for All Other Sites**

[EXISTING TEXT REPLACED BY TEXT IN SECTION 81-621]

Within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or may permit the #conversion# or change of #use# within an existing #building# to a #transient hotel#, provided the Commission finds that the proposed #transient hotel# will:

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

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

For #non-residential buildings# or #mixed buildings# on #non-qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying-districts shall apply as set forth in this Section. Such 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:

Row	Means for achieving permitted FAR on a #zoning lot# for all other sites	Grand Central Core Area		Any other Areas	
		C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5
A	Basic Maximum FAR	15	12	15	12
B	Additional FAR for provision of a #public plaza# (Section 81-651)	-	-	1	1
C	Total as-of-right FAR	15	12	16	13
D	Additional FAR for subway station improvements through special permit (Section 81-652)	3	2.4	3	2.4

E	Maximum FAR of a #landmark or other structure# for transfer purposes (Section 74-79)	15	12	16	13
F	Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Sections 74-79)	No limit	2.4	No limit	2.4
G	Maximum FAR permitted on an #adjacent lot#	No limit	14.4	No limit	14.4

**81-651  
Floor area bonus for public plazas**

For #non-qualifying sites# in subareas outside the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) 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 the table in Section 81-65 (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).

**81-652  
Floor area bonus for subway station improvements**

For #non-qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row D of the table in Section 81-65 (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).

**81-653  
Special permit for transfer of development rights from landmarks to non-qualifying sites**

For #non-qualifying sites#, the City Planning Commission may permit the transfer of development rights from a #granting lot# to a #receiving lot#, pursuant to the provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites), provided that:

- (d) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-65 (Special Floor Area Provisions for All Other Sites), 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 the provisions of this Chapter, or any preceding regulations;
- (e) for each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row F of the table in Section 81-65; and
- (f) 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.

**81-66  
Special Height and Setback Requirements**

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, and 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, are modified by the provisions of this Section, inclusive.

**81-661  
Height and setback modifications for buildings in the Grand Central Core Area**

[RELOCATED TEXT FROM SECTION 81-622]

For #buildings# on #non-qualifying sites# within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, the provisions of Sections 81-26 (Height and Setback Regulations – Daylight Compensation),

inclusive, or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, are modified as follows:

- (c) 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 a height of 150 feet, as measured from #curb level#; or
- (d) 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.

**81-662 Daylight compensation modifications for qualifying sites**

For #buildings# on #qualifying sites# in the East Midtown Subdistrict using the daylight compensation method of height and setback regulations, the provisions of Section 81-26 (Height and Setback Regulations – Daylight Compensation) are modified as follows:

- (d) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):
  - (4) no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below a height of 150 feet, as measured from #curb level#;
  - (5) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not comply with the provisions of 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 remaining provisions of Paragraph (c) of Section 81-264 shall continue to apply to such #compensating recess#; and
  - (6) for #buildings# on #qualifying sites# with frontage along Vanderbilt Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of determining permitted #encroachments# and #compensating recesses#. Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #narrow street lines# to such new westerly 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 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#, and further provided that the #street frontage zone# calculation along Park Avenue shall not include Vanderbilt Avenue;
- (e) 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#; and
- (f) for #buildings# on #qualifying sites# with frontage along Park Avenue, as an alternative to the setback requirements of Table A, B, or C in Paragraph (b) of Section 81-263 (Standard setback requirements), 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 particular height, in accordance with the applicable requirements of Table D of this Section.

Table D

**SETBACK REQUIREMENTS ON #STREETS# AT LEAST 140 FEET 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 Daylight evaluation modifications for qualifying sites**

For #buildings# on #qualifying sites# in the East Midtown Subdistrict using the daylight evaluation method of height and setback regulations, the provisions of Section 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation) are modified as follows:

- (d) for the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):
  - (5) the computation of daylight evaluation shall not include any daylight blockage for that portion of the #building# above the curved line representing 70 degrees in the applicable Daylight Evaluation Charts, and below a height of 150 feet, as measured from #curb level#. However, such computation shall include the daylight blockage created by extending the lines representing the outermost edges of the portion of the #building# above a height of 150 feet downwards to such 70 degree line
  - (6) the computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to Paragraph (c) of Section 81-274, may apply along designated #streets# where #street wall# continuity is required;
  - (7) the profile penalty for #profile encroachment#, set forth in Paragraph (a) of Section 81-274, shall not apply; and
  - (8) the provisions of Paragraph (i) of Section 81-274 shall be modified to require an overall passing score of 66 percent. However for #qualifying sites# with existing #buildings# with #non-complying floor area# to be reconstructed pursuant to the provisions of Section 81-643 (Special provisions for retaining non-complying floor area), the overall score of the #zoning lot#, as existing on [date of enactment], may be utilized as the passing score for the proposed #development# on the #qualifying site#;
- (b) the reflectivity provisions of Section 81-276 may be utilized to raise both an individual score and the overall score by up to six percentage points;
- (c) for #buildings# on #qualifying sites# with frontage along Vanderbilt Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart). Such modified

#zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #narrow street lines# to such new westerly 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 of 15 feet from the Vanderbilt Avenue #street line#;
- (2) #vantage points# along Vanderbilt Avenue are taken 30 feet west of the westerly #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#; and

(d) for #buildings# with frontage along Park Avenue:

- (3) for the purposes of establishing #vantage points# along Park Avenue to construct a #daylight evaluation chart# pursuant to the provisions of Section 81-272, 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#; and
- (4) for the purpose of plotting #buildings# on the #daylight evaluation chart# pursuant to Section 81-273 (Rules for plotting buildings on the daylight evaluation chart), Chart 4 (Daylight Evaluation Diagram – Park Avenue) in Appendix B of this Chapter, shall be utilized in lieu of the chart for #streets# 100 feet or more in width.

**81-67  
Special Mandatory District Plan Element Requirements**

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall be modified in accordance with the provisions of this Section, inclusive.

**81-671  
Special street wall requirements**

[RELOCATED TEXT FROM SECTION 81-621]

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 in the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, 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 Avenue, Lexington Avenue, Madison Avenue, Vanderbilt Avenue, 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 of the intersection, the maximum height of the #street wall# above #curb level# shall not exceed 120 feet. For such #buildings#, 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 Paragraph (a) of Section 81-263 shall apply only to those portions of the #building# above 120 feet.

**81-672  
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 Circulation 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 along Madison and Lexington Avenues  
#Developments# or #enlargements# on #qualifying sites# with

frontage along Madison and Lexington Avenues, shall provide mandatory sidewalk widenings as follows:

- (3) where such #zoning lot# occupies the entire #block# frontage, a 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 need exceed ten feet, as measured perpendicular to the #street line#;
- (4) where such #zoning lot# 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 need exceed ten feet, as measured perpendicular to the #street line#.

(d) Permitted sidewalk widenings

Sidewalk widenings may be provided, in accordance with the applicable size and design standards established in Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive:

- (1) along #narrow streets# in the Grand Central Subarea, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, for #developments# or #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along such #narrow 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 81-671 (Special street wall requirements).

(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.

**81-673  
Mass transit access**

(a) On #qualifying sites#

Where a #zoning lot# contains an easement volume for pedestrian access to a subway station or rail mass transit facility and such #zoning lot# is proposed to be #developed# or #enlarged# in accordance with the provisions for #qualifying sites#, such existing easement volume shall be preserved, or reconfigured in accordance with standards and terms approved by the MTA, as part of such #development# or #enlargement#. Any reconfiguration shall be constructed by the owner of the #development# or #enlargement#.

For such #developments# or #enlargements#, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.

(c) On #qualifying sites# in the Grand Central Transit Improvement Zone Subarea or the Other Transit Improvement Zone Subarea

For #developments# or #enlargements# involving ground floor level construction on #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, in addition to the provisions of Paragraph (a) of this Section, as applicable, a transit easement volume may be required on such #zoning lot# for public access between the #street# and a below-grade subway station or rail mass transit facility.

Prior to filing any applications with the Department of Buildings for an excavation permit, foundation permit, new building permit

or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority (MTA) 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 of receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume 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 MTA and the Chairperson indicate that a transit easement volume is required, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45 day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.

If a transit easement volume is required on the #zoning lot#, pursuant to the provisions of this Section, 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 MTA, as follows:

(c) where such mass transit access improvement is constructed and maintained by the owner of the #development# or #enlargement#:

(2) Such mass transit access shall be improved to the standards set forth in Section 81-48 and shall be approved by the MTA, and shall comply with the following:

(i) where the #building's# lobby abuts such mass transit access, in addition to mass transit access to the #street#, such mass transit access shall provide a direct connection to the #building's# lobby which is open during normal business hours; and

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

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvements are substantially complete and usable by the public.

(d) where such mass transit access improvement is constructed and maintained by the MTA:

(1) where construction of the transit easement volume by the MTA is not contemporaneous with the construction of the #development#:

(i) any underground walls constructed along the #front lot line# of a #zoning lot# shall contain a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA; and

(ii) temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume; and

(2) in the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.

(c) In other locations

For portions of the #Special Midtown District# within the #Special Transit Land Use District#, where, as part of a #development# or #enlargement# involving ground floor level construction, a transit easement volume is required by the MTA to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the MTA shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

The floor space occupied by any transit easement volume required pursuant to this Section shall not count as #floor area#. Where access improvements are constructed by the owner of the #zoning lot#, each square foot of mass 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.

#### 81-674

##### Ground floor use provisions

(a) Within the Vanderbilt Corridor Subarea

[RELOCATED TEXT FROM SECTION 81-626]

For #buildings developed# or #enlarged# on the ground floor on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 2 (Retail and Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above- or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea) or Section 81-633 (Special permit for Grand Central public realm improvements) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity Along Designated Streets).

(b) Within the Grand Central Core Area

[RELOCATED TEXT FROM SECTION 81-623]

For #buildings developed# or #enlarged# on the ground floor after August 26, 1992 in the Grand Central Core Area, as shown on Map 4, #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 Avenue, Lexington Avenue 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.

(c) Along #narrow streets# of #qualifying sites# in the Grand Central Core Area

For #buildings developed# or #enlarged# on the ground floor on #qualifying sites# in the Grand Central Core Area, as shown on Map 4, 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 comply with the transparency provisions of Section 81-42.

#### 81-675

##### Curb cut restrictions and loading berth requirements

[RELOCATED AND MODIFIED TEXT FROM SECTION 81-624]

For #developments# or #enlargements# within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, in addition to the provisions of Sections 81-30 (OFF-STREET PARKING AND OFF-STREET 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 and head-out requirements, provided that:

- (1) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are 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 cut 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.

**81-676 Pedestrian circulation space requirements**

[EXISTING TEXT FROM SECTION 81-625]

Any #development# or #enlargement# within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, 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:

- (d) no arcade shall be allowed within the Subdistrict;
- (e) ~~within the Subdistrict,~~ a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and
- (f) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 1-4 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit permit for Grand Central Public Realm Improvement Bonus) may be applied toward the pedestrian circulation space requirement.

**81-68 Additional Provisions for Qualifying Sites**

**81-681 Building energy design requirements for qualifying sites**

To ensure advancement of goals for the reduction of greenhouse gas emissions, #buildings# on #qualifying sites# shall either:

- (a) utilize a district steam system for the #building's# heating and hot water systems; or
- (b) the core and shell of such #building# shall exceed the standards of the chosen commercial building energy-efficiency compliance path within the 2016 New York City Energy Conservation Code

(NYCECC), by three percent.

Compliance with the provisions of this Section shall be demonstrated to the Department of Buildings at the time of issuance of a new building permit for a #development# or #enlargement# on a #qualifying site#.

The City Planning Commission may, by rule, modify the standards of this Section, as necessary, to ensure that the environmental standards established herein, meet or exceed the current best practices in reducing greenhouse gas emissions.

**81-682 Priority Improvement List for qualifying sites**

In accordance with the provisions of Section 81-641 (Additional floor area for transit improvements), any applicant for a #development# or #enlargement# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, shall select a transit improvement, or combination thereof, to be completed in accordance with the provisions of this Section.

(b) Selecting an Improvement

An applicant shall select a transit improvement from the Priority Improvement List in Paragraph (b) of this Section based on the #floor area# such improvement generates relative to the minimum #floor area# required and maximum #floor area# permitted for completion of such improvement pursuant to Section 81-641, and based on the following geographical and technical considerations:

- (1) First, the applicant shall select a transit improvement in the same Subarea of the East Midtown Subdistrict as the proposed #development# or #enlargement# on a #qualifying site#;
- (2) If none of the transit improvements on the Priority Improvement List meet the criteria of Paragraph (a)(1) of this Section, the applicant shall select a transit improvement on a transit route that passes through, and has stations or other facilities in the same Subarea of the East Midtown Subdistrict as the proposed #development# or #enlargement# on a #qualifying site#;
- (3) If none of the transit improvements on the Priority Improvement List meet the criteria of paragraphs (a)(1) or (a)(2) of this Section, the applicant shall select from any remaining improvement on the list.

In addition, applicants shall consult with the applicable City or State agencies with jurisdiction over and control of the proposed improvement to ensure that the selected improvement will meet the operational and long-term planning needs of the station or transit route, including any phasing requirements, and compliance with the Americans with Disabilities Act (ADA).

(b) The Priority Improvement List

The Priority Improvement List (the "Improvement List"), set forth in the tables below, details physical improvements to subway stations and other rail mass transit facilities in, or adjacent to, the East Midtown Subdistrict, that an applicant on a #qualifying site# may complete to obtain additional #floor area#.

Three levels of improvements are available for completion, which, accordingly, generate three different amount of additional #floor area#:

- (4) Type 1 Improvements generate 40,000 square feet of #floor area#, and include new or expanded on-street station entrances, new or expanded on-street station entrances, new or expanded accessible routes for persons with physical disabilities between two levels of a station, and four or fewer new or reconfigured station stairs.
- (5) Type 2 Improvements generate 80,000 square feet of #floor area#, and include new or expanded station escalators, new or expanded accessible routes for persons with physical disabilities between three or more station levels, new or expanded paid areas of a station, including widened platforms or mezzanine levels, and more than four new or reconfigured station stairs.
- (6) Type 3 Improvements generate 120,000 square feet of #floor area#, and include large-scale renovations that significantly improve the environment of stations, and new connections between two or more stations.

In consultation with the Metropolitan Transportation Authority (MTA), the City Planning Commission may, by rule, modify such Improvements List to reflect new improvements needed in the transit network.

**TABLE 1**  
**PRIORITY IMPROVEMENT LIST**

<b>TYPE 1 IMPROVEMENTS</b>		
<b>Location</b>	<b>Type of Improvement</b>	<b>Transit Line</b>
Lexington Avenue/53rd Street station	Replace escalator and stair connecting downtown Lexington platform to station with widened stair	Lexington Avenue Line/53rd Street Line
Lexington Avenue/53rd Street station	Provide new street entrance to uptown Lexington platform from 50th Street	Lexington Avenue Line/53rd Street Line
Bryant Park station	Provide ADA access between Flushing platform and mezzanine level	Flushing Line/6th Avenue Line
Bryant Park station	Provide new street entrance from north side of West 42nd street	Flushing Line/6th Avenue Line
Bryant Park station	Provide ADA access between Sixth Avenue northbound platform and mezzanine level	Flushing Line/6th Avenue Line
Bryant Park station	Provide ADA access between Sixth Avenue southbound platform and mezzanine level	Flushing Line/6th Avenue Line
59th Street station	Provide new street entrance from north side of 60th Street	Lexington Avenue Line/Broadway-60th Street Line
59th Street station	Provide ADA access between local southbound platform and street level	Lexington Avenue Line/Broadway-60th Street Line
59th Street station	Provide ADA access between 60th Street line platform and mezzanine level	Lexington Avenue Line/Broadway-60th Street Line
59th Street station	Provide new platform stair and widen existing stairs between 60th Street line platform and mezzanine level	Lexington Avenue Line/Broadway-60th Street Line
Fifth Avenue and 53rd Street station	Provide new street entrance on west side of Madison Avenue	53rd Street Line
Grand Central/42nd Street station	Widen platform stairs at east end of Flushing platform	Flushing Line
Grand Central/42nd Street station	Widen stairs between Flushing and Lexington platforms	Flushing Line

<b>TYPE 2 IMPROVEMENTS</b>		
<b>Location</b>	<b>Type of Improvement</b>	<b>Transit Line</b>
Lexington Avenue/53rd Street station	Provide widened escalator between 53rd street platform and mezzanine	Lexington Avenue Line/53rd Street Line
59th Street station	Provide ADA access between northbound platforms and 60th Street line mezzanine	Lexington Avenue Line/Broadway-60th Street Line
59th Street station	Provide ADA access between southbound platforms and 60th Street line mezzanine	Lexington Avenue Line/Broadway-60th Street Line

47th/50th Street station	Provide two platform stairs and widen remaining platform stairs	6th Avenue Line
Fifth and 53rd Street station	Provide new stairs to multiple levels of station	53rd Street Line
Fifth and 53rd Street station	Provide ADA access to multiple levels of station	53rd Street Line
Fifth and 53rd Street station	Provide escalators to multiple levels of station	53rd Street Line
Fifth and 53rd Street station	Provide new mezzanine area	53rd Street Line
Fifth and 53rd Street station	Provide new access core between platforms and street level	53rd Street Line
Grand Central/42nd Street station	Expand paid area and add new platform stair between Flushing platform and upper mezzanine	Flushing Line

<b>TYPE 3 IMPROVEMENTS</b>		
<b>Location</b>	<b>Type of Improvement</b>	<b>Transit Line</b>
Grand Central/42nd Street station	Renovation of remaining portions of Lexington mezzanine	Flushing Line/Lexington Avenue Line

**81-683**  
**Criteria for improvements in the Public Realm Improvement Concept Plan**

The #Public Realm Improvement Fund Governing Group# shall select priority improvements for the Public Realm Improvement Concept Plan (the "Concept Plan") in accordance with the provisions of this Section.

All improvements in the Concept Plan, which may be funded through contributions to the #East Midtown Public Realm Improvement Fund#, shall:

- (e) be within the East Midtown Subdistrict, a location immediately adjacent thereto, or in a subway or rail mass transit facility with significant ridership into and out of the Subdistrict;
- (f) have a sponsoring City or State agency as a project sponsor;
- (g) meet the definition of a capital project under Section 210 of the New York City Charter; and
- (h) consist of either:
  - (3) below-grade public realm improvements, including, but not limited to widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network, additional vertical circulation, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, improved or new disabled access, or providing daylight access, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways; or
  - (4) above-grade public realm improvements, including, but not limited to, pedestrian plazas that provide opportunities for passive recreation, or improvements along a street accommodating both vehicular and pedestrian access that may include pedestrian amenities, or streetscape, sidewalk, crosswalk and median enhancements.

**81-684**  
**Authorization to allow enlargements on qualifying sites**

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may authorize modifications to the requirement in the definition of #qualifying site# in Section 81-613 that the additional #floor area# permitted through the provisions of Section 81-64 be achieved exclusively through a #development, and may allow #enlargements# on #qualifying sites#, provided that the Commission finds that such #enlargement# includes significant renovations to the existing #building# that will bring it up to contemporary space standards.

Where the existing #building# includes #non-complying floor area#, a contribution shall be deposited by the applicant into the #Public Realm

Improvement Fund#. Such contribution shall be an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of such pre-existing #non-complying floor area#. For the purposes of such calculation, the amount of existing #non-complying floor area# shall not include any bonus #floor area# associated with a #publicly accessible open area# to remain on the #zoning lot#. The payment of the non-refundable contribution to the #Public Realm Improvement Fund#, shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing the #enlargement# on a #qualifying site#.

For such #enlargements# to #buildings# with #non-complying floor area#, the proposed #floor area# beyond the amount contained in the pre-existing #non-complying building# shall be obtained by utilizing the applicable provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites). For the purposes of applying the provisions of such Section, the reconstructed #floor area ratio# shall be considered the basic maximum #floor area ratio#. However, the maximum #floor area ratios# of Row E and Row H shall continue to apply.

**81-685  
Special permit to modify qualifying site provisions**

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may permit modifications to the certain criteria necessary to be considered a #qualifying site#, as well as height and setback regulations and mandatory plan elements, as set forth in Paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in Paragraph (b) and the findings set forth in Paragraph (c) of this Section are met.

(c) The Commission may modify the following, whether singly or in any combination:

- (6) the following #qualifying site# criteria:
  - (iv) the requirement for #wide street# frontage, including the requirement that no existing #buildings# will remain on such #wide street# frontage, set forth in paragraphs (b) and (c) of the definition of a #qualifying site# in Section 81-613;
  - (v) the #building# performance requirements in the Paragraph (f) of the definition of a #qualifying site# and Section 81-681 (Building energy design requirements for qualifying sites); or
  - (vi) the requirement that the additional #floor area# permitted through the provisions of Section 81-64 be achieved exclusively through a #development#;
- (7) the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots no Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions) or 77-22 (Floor Area Ratio), and the provisions of Section 81-612 (Applicability along district boundaries) requiring that #zoning lots# divided by Subarea boundaries utilize the provisions of Article VII, Chapter 7;
- (8) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 (Special street wall requirements), inclusive;
- (9) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternate Height and Setback Regulations –Daylight Evaluation), inclusive, or 81-66 (Special Height and Setback Requirements); or
- (10) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(d) Application requirements

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

shall contain the following materials, at a minimum:

- (4) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 (Street Wall Continuity Along Designated Streets), or as such provisions are modified pursuant to Section 81-671 (Special street wall requirements), as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), or as such provisions are modified pursuant to Section 81-66 (Special Height and Setback Requirements), as applicable;
- (5) 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
- (6) 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.

(e) Findings

The Commission shall find that such proposed modifications:

- (7) to the definition of #qualifying site# are the minimum extent necessary, and are harmonious with the Subdistrict objective to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers;
- (8) to the requirement for #wide street# frontage in the definition of #qualifying ground floor# will not unduly concentrate #bulk# towards the middle of the #block# to the detriment of the surrounding area;
- (9) to the #building# performance requirements in the definition of #qualifying ground floor# and Section 81-681:
  - (i) are necessary due to the presence of existing #buildings# on the site; and
  - (ii) will not detract from the incorporation of innovative sustainable design measures;
- (10) to regulations pertaining to #zoning lots# divided by district boundaries will result in better site planning;
- (11) to the mandatory district plan elements:
  - (iii) will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and
  - (iv) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#;
- (12) to the #street wall# or height and setback regulations:
  - (v) are necessary due to constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site;
  - (vi) will not unduly obstruct the access of light and air to surrounding properties; and
  - (vii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations); and
  - (viii) the overall design of the #building# demonstrates an integrated and well-considered facade, taking into account factors such as #street wall# articulation, and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area; and constitutes a distinctive addition to the Midtown Manhattan skyline.

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

**81-686  
Contribution in-kind for certain public realm improvements**

The Chairperson of the City Planning Commission shall allow, by certification, the applicant for a #development# or #enlargement#



on a #qualifying site# that is immediately adjacent to a sidewalk improvement identified in the Public Realm Improvement Concept Plan to undertake such improvement, and be deducted the cost of such improvement from their contribution to the #Public Realm Improvement Fund#, provided that the provisions of this Section are met.

(a) The following requirements shall be completed prior to application for certification by the Chairperson:

- (1) The applicant shall submit concept plans for the proposed improvement to the Chairperson, the Department of Transportation (DOT), and the #Public Realm Improvement Fund Governing Group# (the "Governing Group");
- (2) DOT shall provide a letter to the Chairperson and the Governing Group containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement;
- (3) Construction documents and cost estimates shall be prepared for such improvements by a professional engineer, and submitted to the Chairperson, the DOT and the Governing Group;
- (4) Upon review, the DOT and the Governing Group shall either approve such construction documents and costs estimates or detail discrepancies to be resolved by the applicant; and
- (5) Upon approval of the construction documents and cost estimates by the DOT and Governing Group, 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 design and construct the improvement in accordance with the requirements of the DOT. A certified copy of such legal instruments shall be sent to the Chairperson.

(b) Upon submittal of all the items in Paragraph (a) of this Section, along with drawings indicating the portion of the #building# utilizing transferred #floor area# pursuant to the provisions of Section 81-642 (Transfer of development rights from landmarks to qualifying sites), the Chairperson shall certify that a #development# or #enlargement# on a #qualifying site# may undertake an improvement to an adjoining sidewalk.

The execution and recording of legal instruments in accordance with Paragraph (a) of this Section shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# or #enlargement# on a #qualifying site# undertaking a contribution in-kind pursuant to this Section.

(c) Upon certification by the Chairperson, monies equal to such agreed upon cost estimate between the applicant, DOT and the Governing Group shall be deposited into an escrow account or similar fund established by the Governing Group from the #Public Realm Improvement Fund# ("the Improvement Fund").

(d) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing transferred #floor area# pursuant to Section 81-642 until the Chairperson of the City Planning Commission, acting in consultation with the DOT and the Governing Group, has certified that the improvements are substantially complete and usable by the public. No permanent certificate of occupancy shall be granted by the Department of Buildings until the improvements have finally been completed in accordance with the approved plans and such final completion has been approved by the Chairperson, the DOT and the Governing Group.

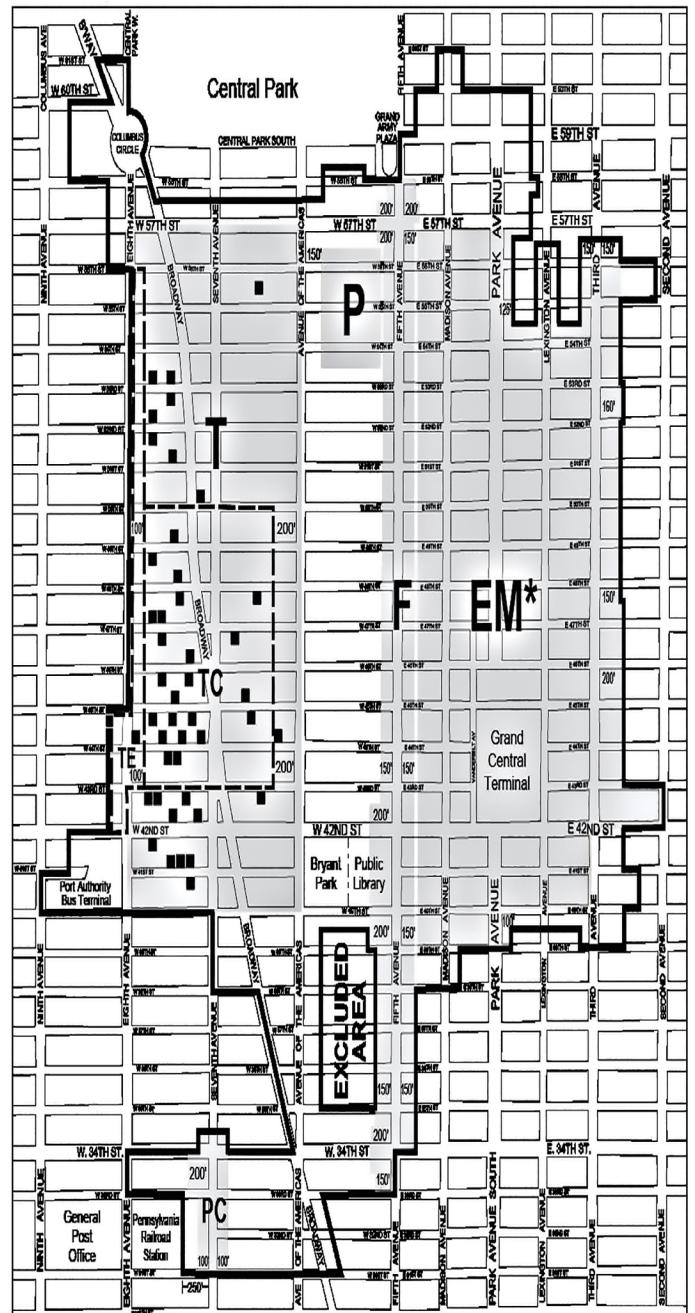
(e) Upon completion of the sidewalk improvement, the monies secured in the escrow account or other similar fund established by the Governing Group shall be released to the applicant.

(f) In the event that an applicant utilizing the provisions of this Section has not completed the sidewalk improvements within five years of obtaining a new building permit from the Department of Buildings, the Governing Group shall release the monies in the escrow account or other similar fund back to the Improvement Fund.

Appendix A  
Midtown District Plan Maps

Map 1: Special Midtown District and Subdistricts

[REPLACE EXISTING MAP WITH THIS]

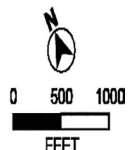


MIDTOWN DISTRICT PLAN

MAP 1 - Special Midtown District and Subdistricts

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

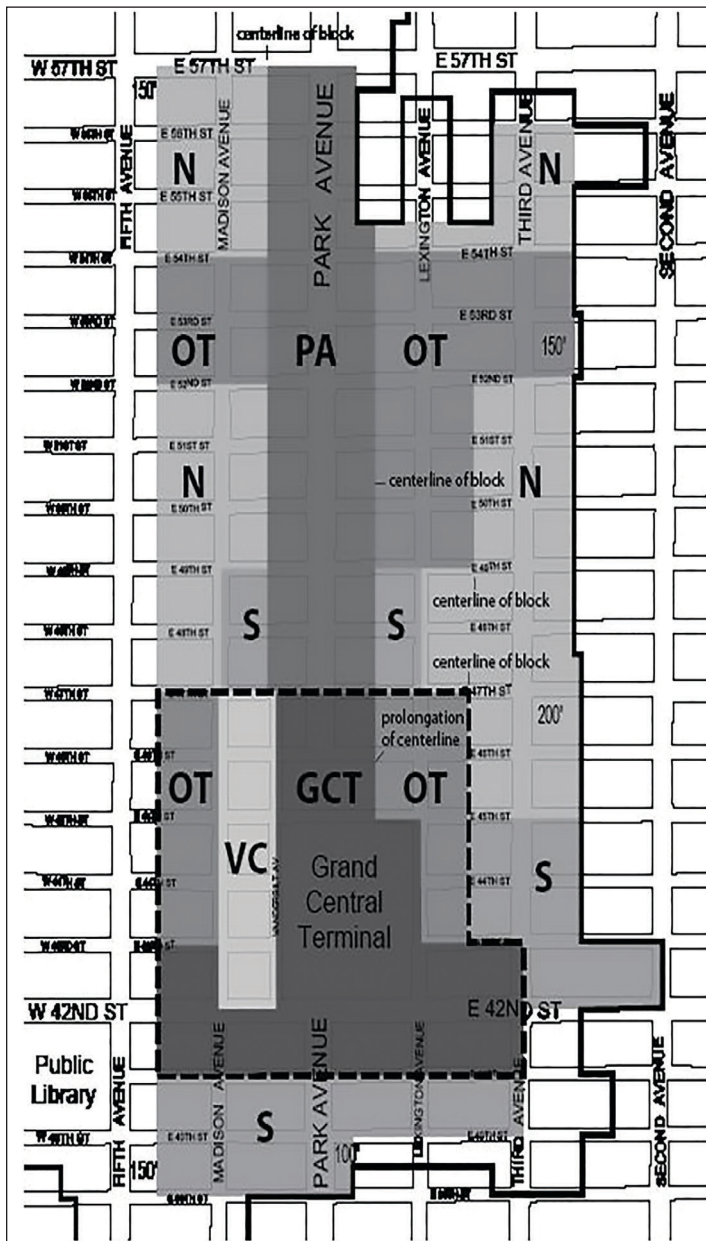
\* East Midtown Subareas are shown on Map 4



\* \* \*

Map 4: East Midtown Subdistrict and Subareas

[NEW MAP TO BE ADDED]



MIDTOWN DISTRICT PLAN

MAP 4 - East Midtown Subdistrict and Subareas

- Grand Central Transit Improvement Zone Subarea (GCT)
- Park Avenue Subarea (PA)
- Other Transit Improvement Zone Subarea (OT)
- Southern Subareas (S)
- Northern Subareas (N)
- Vanderbilt Corridor (VC)
- Grand Central Core Area
- Special Midtown District

\* \* \*

Appendix B

Daylight Evaluation Charts

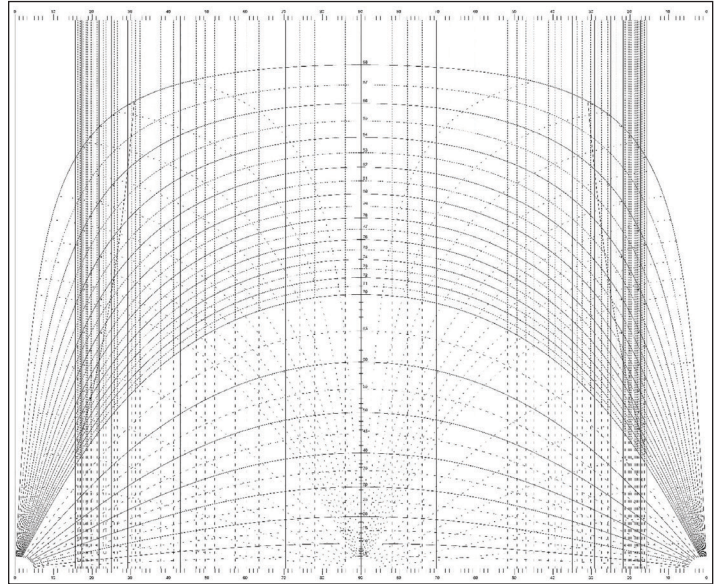
[MOVE EXISTING DAYLIGHT EVALUATION CHARTS INTO APPENDIX B]

\* \* \*

Chart 4. Daylight Evaluation Diagram – Park Avenue

[NEW CHART]

(A full size, 30" by 36", copy of this chart is available for purchase and inspection at the Department of City Planning's Bookstore.)



Daylight Evaluation Diagram, Park Avenue

\* \* \*

NOTICE

On Wednesday, April 26, 2017, at 10:00 A.M., in Spector Hall, at the Department of City Planning located at 22 Reade Street, New York, NY 10007, 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). DCP proposes zoning text and zoning map amendments (collectively, the "Proposed Action") within the East Midtown neighborhood of Manhattan Community Districts 5 and 6. The rezoning area is generally bounded by East 57th Street to the north, East 39th Street to the south, a line generally between 150 and 200 feet easterly of Third Avenue and a line 250 feet westerly of Madison Avenue. Known as the Greater East Midtown Rezoning project, the Proposed Action includes a zoning text amendment to establish the East Midtown Subdistrict within an approximately 78-block area of the Special Midtown District. The proposed Subdistrict would supersede the existing Grand Central Subdistrict, and would allow for increased floor area ratios (FARs) between 18.0 and 27.0. The text amendment would also create four new special permits (ZR Sections 81-621, 81-644, 81-645, and 81-685) and one new authorization (ZR Section 81-684) within the Subdistrict. Under the proposed rezoning, an existing C5-2 district (bounded by East 43rd Street to the north, East 42nd Street to the south, Second Avenue to the east, and a line 200 feet easterly of Third Avenue to the west) would be replaced by a C5-3 district, and would be included in the proposed East Midtown Subdistrict. The Special Midtown District would be extended to encompass the proposed C5-3 district. The Proposed Action is intended to reinforce the area's standing as a premiere Central Business District, support the preservation of landmarked buildings, and provide for public realm improvements. The public hearing will also consider a modification to the zoning text amendment (ULURP No. N 170186 (A) ZRM). Written comments on the DEIS are requested and would be received and considered by the Lead Agency until Monday, May 8, 2017.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 17DCP001M.

YVETTE V. GRUEL, Calendar Officer  
 City Planning Commission  
 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
 Telephone (212) 720-3370



**CITYWIDE ADMINISTRATIVE SERVICES**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN THAT A REAL PROPERTY ACQUISITIONS AND DISPOSITIONS PUBLIC HEARING**, in accordance with Section 824 of the New York City Charter, will be held on April 25, 2017, at 10:00 A.M., 1 Centre Street, Mezzanine, Borough of Manhattan.

**IN THE MATTER OF** a lease for the City of New York, as tenant, of space on the tenth floor in the building, located at 1 Pierrepont Plaza (Block 239, Lot 1), in the Borough of Brooklyn, for the Law Department to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine.

The proposed use was approved by the City Planning Commission, pursuant to NYC Charter Section 195 on February 3, 2016 (CPC Appl. No. N 160127 PXK ) Cal. 6.

The proposed lease shall be for a period of twenty (20) years and two (2) months from the Date of Substantial Completion of alterations and improvements, at an annual rent of \$1,890,880 for years 1 through 5, \$2,089,920 for years 6 through 10, \$2,288,960 for years 11 through 15, and \$2,488,000 for years 15 through 20, payable in equal monthly installments at the end of each month. The first two (2) months of Base Rent following Substantial Completion shall be abated.

The lease may be terminated by the Tenant at the end of the seventh (7th) year, or at any time thereafter, provided the Tenant gives the Landlord twelve (12) months prior written notice. If lease is terminated by Tenant, Tenant shall pay Landlord the unamortized portion of Landlord's Tenant Work Contribution, free rent, and brokerage commissions.

The Tenant shall have two (2) five (5) year rights to renew the lease at Fair Market Value.

The Landlord shall prepare final architectural plans and engineering plans and make alterations and improvements in accordance with preliminary architectural plans and specifications which are attached to the lease. The alterations and improvements consist of Base Building Work, which the landlord shall provide at its sole cost and expense, and Tenant Work. The total cost of the final architectural and engineering plans for the Tenant Work, and the Tenant Work, shall not exceed \$7,176,963 of which the Landlord shall contribute \$1,990,400.00 and the balance will be paid by the Tenant.

Further information, including public inspection of the proposed lease may be obtained, at One Centre Street, Room 2000 North, New York, NY 10007. To schedule an inspection, please contact Chris Fleming at (212) 386-0315.

Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9<sup>th</sup> Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call VERIZON relay services.



◀ a13

**NOTICE IS HEREBY GIVEN THAT A REAL PROPERTY ACQUISITIONS AND DISPOSITIONS PUBLIC HEARING**, in accordance with Section 824 of the New York City Charter, will be held on April 25, 2017, at 10:00 A.M., 1 Centre Street, Mezzanine, Borough of Manhattan.

**IN THE MATTER OF** a lease for the City of New York, as tenant, of space on the third and fourth floors of the building, located at 260 East 161st Street (Block 2443, Lot 100) in the Borough of Bronx, for the Law Department and the Office of the Chief Medical Examiner, to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine.

The proposed lease shall be for a period of ten (10) years and three (3) months from the date Substantial Completion of alterations and improvements. The Law Department will be responsible to pay an annual rent of \$1,458,720 for years 1 through 5, and \$1,580,280 for years 6 through lease expiration date. The Office of the Chief Medical Examiner will be responsible to pay an annual rent of \$130,320 for years 1 through 5, and \$141,180 for years 6 through lease expiration date. All rents will be payable in equal monthly installments at the end of each month.

The Tenant shall have two (2) consecutive five (5) year options to renew the lease upon twelve (12) months prior written notice. The first option period shall be at \$1,722,100 per annum for the Law Department premises and \$153,850 per annum for the Office of the Chief Medical Examiner premises. The second option period shall be at Fair Market Value.

The Landlord shall prepare final architectural plans and engineering

plans and make alterations and improvements in accordance with preliminary architectural plans and specifications which are attached to the lease. The alterations and improvements consist of Base Building Work, which the landlord shall provide at its sole cost and expense, and Tenant Work. The total cost of the final architectural plans and engineering plans for the Tenant Work, and the Tenant Work, shall not exceed \$7,589,438, of which the Landlord shall contribute \$1,790,760, and the balance will be paid by the Tenant.

Further information, including public inspection of the proposed lease may be obtained, at One Centre Street, Room 2000 North, New York, NY 10007. To schedule an inspection, please contact Chris Fleming, at (212) 386-0315.

Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9<sup>th</sup> Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call VERIZON relay services.



◀ a13

**COMMUNITY BOARDS**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 02 - Wednesday, April 19, 2017, 6:00 P.M., NYU Tandon School of Engineering, Room LC400, Dibner Building, 5 MetroTech Center, Brooklyn, NY.

BSA# 2017-36-BZ

55 Prospect Street, Brooklyn, NY

**IN THE MATTER OF** an application filed at the Board of Standards and Appeals on behalf of Shadowbox Dumbo LLC, doing business as Shadowbox, for a special permit to allow the operation of a physical culture establishment in a portion of the first floor of the building, located at 55 Prospect Street (Block 63, Lot 1), at the north side of Prospect Street, between Adams and Pearl Streets, in the Borough of Brooklyn.

#C170029 ZMK and N170030 ZRK

50 Nevins Street Rezoning

**IN THE MATTER OF** applications submitted by Institute for Community Living, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from a C6-1 District to a C6-4 District property, bounded by Schermerhorn Street, Nevins Street, a line midway between Schermerhorn Street and State Street, and a line 100 feet northwesterly of Nevins Street (Block 172, Lot 37), Borough of Brooklyn, Community District 2, and for the amendment of the Zoning Resolution, Appendix F, designating portions of the Special Downtown Brooklyn District in the R6B and C6-4 (R10 equivalent) districts, (Block 172, Lot 37), as a Mandatory Inclusionary Housing Designated Area.

◀ a13-19

**NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 11 - Tuesday, April 18, 2017, 6:30 P.M., National Black Theatre, 2031 Fifth Avenue, New York City, NY.

#C170269 PCM

DSNY District 11 Garage

**IN THE MATTER OF** an application submitted by Department of Sanitation, the Department of Housing Preservation and Development, and Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection acquisition of property, located at 207/217 East 127th Street (Block 1792, Lots 5 and part of 28), to facilitate the relocation of Department of Sanitation, Manhattan 11 District Garage, and Lot Cleaning Unit Headquarters, Borough of Manhattan, Community District 11.

a12-18

**NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 09 - Wednesday April 19, 2017, 7:00 P.M., Ebbets Field M.S. 352, 46 McKeever Place, Brooklyn, NY.

#C170147 ZMK

Franklin Avenue Rezoning

IN THE MATTER OF an application submitted by Cornell Realty Management LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d: eliminating from an existing R6A District a C1-3 District, bounded by a line midway between Carroll Street and President Street, Franklin Avenue, Carroll Street, and a line 100 feet northwesterly of Franklin Avenue; changing from an R6A district to an R8X district, property bounded by a line midway between Carroll Street and President Street, Franklin Avenue, Carroll Street, and a line 300 feet northwesterly of Franklin Avenue; and Crown Street, Franklin Avenue, Montgomery Street, and line 300 feet northwesterly of Franklin Avenue.

C170316 PCK

Maple Street Open Space and Garden

IN THE MATTER OF an application submitted by the Department of Parks and Recreation (DPR), and the co-applicant, the Department of Citywide Administrative Services (DCAS), Project ID P2017K0164 involves the site selection and acquisition by the City of the vacant parcel, located at 237 Maple Street, Brooklyn (Block 5030, Lot 72), a midblock lot which sits between Rogers Avenue and Nostrand Avenue, which was converted into a passive open and community garden by residents living in the neighborhood. The acquisition and site selection actions will facilitate the continued use by the Department of Parks and Recreation for passive open space and community garden use.

▲ a13-19

**BOARD OF EDUCATION RETIREMENT SYSTEM**

■ MEETING

The Board of Trustees, of the Board of Education Retirement System, of the City of New York, will be meeting at 5:00 P.M., on April 19, 2017, at Long Island City High School (14-30 Broadway, Queens, NY 11106).

Accessibility questions: Leslie Kearns, (718) 935-4500, lkearns2@bers.nyc.gov, by: Wednesday, April 19, 2017, 1:00 P.M.



a10-19

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

■ MEETING

**PUBLIC NOTICE IS HEREBY GIVEN** that the Franchise and Concession Review Committee, will hold a public meeting on Thursday, April 13, 2017, at 2:30 P.M., at 2 Lafayette Street, 14<sup>th</sup> Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, 253 Broadway, 9<sup>th</sup> Floor, New York, NY 10007, (212) 788-0010, no later than **SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING.**

a4-13

**HOUSING AUTHORITY**

■ MEETING

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, April 26, 2017, at 10:00 A.M., in the Board Room on the 12th Floor of 250 Broadway, New York, NY (unless otherwise noted). Copies of the Calendar are available on NYCHA's website, or can be picked up at the Office of the Corporate Secretary, at 250 Broadway, 12<sup>th</sup> Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes are also available on NYCHA's website, or can be picked up at the Office of the Corporate Secretary, no earlier than 3:00 P.M., on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's website at <http://www1.nyc.gov/site/nycha/about/board-calendar.page> to the extent practicable at a reasonable time before the meeting.

The meeting is open to the public. Pre-Registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will

be limited to three minutes. The public comment period will conclude upon all speakers being heard, or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary by phone at (212) 306-6088, or by email at [corporate.secretary@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.gov), no later than five business days before the Board Meeting.

For additional information, please visit NYCHA's website, or contact (212) 306-6088.

Accessibility questions: Office of the Corporate Secretary by phone, at (212) 306-6088 or by email at [corporate.secretary@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.gov), by: Wednesday, April 19, 2017, 5:00 P.M.



a12-26

**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 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, April 25, 2017, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan, with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting, should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**120 Warwick Avenue - Douglaston Historic District**  
**LPC-18-6649** - Block 8026 - Lot 25 - **Zoning:** R1-2

**CERTIFICATE OF APPROPRIATENESS**

An English Cottage style house designed by Froehlich and Quackenbush, Inc. and built in 1925. Application is to construct an addition.

**230 Grosvenor Street - Douglaston Historic District**

**LPC-19-8265** - Block 8033 - Lot 44 - **Zoning:** R1-2

**CERTIFICATE OF APPROPRIATENESS**

A Tudor Revival style house designed by Walter I. Halliday and built in 1927. Application is to modify window and door openings and replace windows.

**141 Clinton Street - Brooklyn Heights Historic District**

**LPC-19-8047** -Block 268 - Lot 23- **Zoning:** R6

**CERTIFICATE OF APPROPRIATENESS**

An Anglo-Italianate style rowhouse built c. 1853. Application is to construct rooftop mechanical enclosures and privacy fences, and install solar panel arrays.

**276 Hicks Street - Brooklyn Heights Historic District**

**LPC-19-7411** - Block 260 - Lot 37 - **Zoning:** R6

**CERTIFICATE OF APPROPRIATENESS**

A carriage house built in 1903. Application is to construct rooftop and rear yard additions, and replace a door.

**435 Clinton Avenue - Clinton Hill Historic District**

**LPC-19-7611** - Block 1961 - Lot 13 - **Zoning:** R6B

**CERTIFICATE OF APPROPRIATENESS**

A house built c. 1870 and subsequently altered. Application is to construct a rear addition.

**281 Cumberland Street - Fort Greene Historic District**

**LPC-18-7617** - Block 2119 - Lot 21 - **Zoning:** R6B

**CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse built c. 1853-1855. Application is to excavate an areaway, install rooftop HVAC equipment, and excavate and construct a rear yard addition.

**116 Lafayette Avenue - Fort Greene Historic District**

**LPC-19-7155** - Block 2118 - Lot 23 - **Zoning:** R6B

**CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse designed by Robert White and built in 1860. Application is to demolish a dormer window, and install a mansard roof.

**4 Verandah Place - Cobble Hill Historic District**

**LPC-19-2487** - Block 301 - Lot 7502 - **Zoning:** R6

**CERTIFICATE OF APPROPRIATENESS**

A brick house built c. 1841-47. Application is to construct a rooftop addition.

**235 Lincoln Place - Park Slope Historic District**

**LPC-19-7046** - Block 1059 - Lot 50 - **Zoning:** R7B

**CERTIFICATE OF APPROPRIATENESS**

A Neo-Federal style apartment building designed by Charles Kreymborg and built in 1937. Application is to replace windows.

**55 7th Avenue - Park Slope Historic District**  
**LPC-18-1560** - Block 1059 - Lot 2 - **Zoning:** R6A  
**CERTIFICATE OF APPROPRIATENESS**

A Second Empire style rowhouse built in 1871-72. Application is to construct a rooftop addition.

**92 Park Place - Park Slope Historic District**  
**LPC-19-1484** - Block 942 - Lot 12 - **Zoning:** R6B  
**CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style rowhouse built in 1881. Application is to construct a rear yard addition.

**119 Prospect Place - Prospect Heights Historic District**  
**LPC-19-4580** - Block 1150 - Lot 61 - **Zoning:** R6B, R7A  
**CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style rowhouse designed by Thomas K. Schermerhorn and built c. 1884. Application is to construct a rooftop addition.

**80 Maple Street - Prospect Lefferts Gardens Historic District**  
**LPC-19-8602** - Block 5031 - Lot 40 - **Zoning:** R2  
**CERTIFICATE OF APPROPRIATENESS**

A house with Georgian and Spanish Mission Revival style details, designed by Bly & Hamann built in 1924. Application is to install new windows, alter an entrance and step and install a through-the-wall louver.

**248 West 71st Street - West End - Collegiate Historic District**  
**Extension**

**LPC-19-6039** - Block 1162 - Lot 54 - **Zoning:** - 8C  
**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style rowhouse with alterations designed by Thom & Wilson and built in 1892. Application is to modify the front facade and areaway and construct rooftop and rear yard additions.

**240 Division Avenue - Individual Landmark**  
**LPC-19-10185** - Block 2189 - Lot 1 - **Zoning:** R6  
**BINDING REPORT**

Beaux-Arts style library building designed by Richard A. Walker and built in 1903-05. Application is to install signage.

**380 Washington Avenue - Clinton Hill Historic District**  
**LPC-19-10188** - Block 1945 - Lot 36 - **Zoning:** R6B  
**BINDING REPORT**

A library building designed by Bonsignore, Brignati, Goldstein & Mazzotta, and built in 1974. Application is to install signage.

**361 Lewis Avenue - Bedford-Stuyvesant/Expanded Stuyvesant Heights Historic District**  
**LPC-19-10186** - Block 1665 - Lot 1 - **Zoning:** R6B  
**BINDING REPORT**

A Beaux Arts style library building designed by Richard A. Walker of Walker & Morris and built in 1907. Application is to install signage.

**790 Bushwick Avenue - Individual Landmark**  
**LPC-19-10183** - Block 3241 - Lot 18 - **Zoning:** R6  
**BINDING REPORT**

A Classical Revival style library building designed by William B. Tubby, and built in 1904-05. Application is to install signage.

**431 6th Avenue - Individual Landmark**  
**LPC-19-10187** - Block 1006 - Lot 1 **Zoning:** R6B  
**BINDING REPORT**

A Classical style library building designed by Raymond F. Almirall and built in 1906. Application is to install signage.

**10 Grand Army Plaza - Individual Landmark**  
**LPC-19-10189** - Block 1183 - Lot 2 - **Zoning:** R6  
**BINDING REPORT**

A Modern Classical style library building with Art Deco detailing designed by Alfred Morton Githens and Francis Keally and built in 1935-41. Application is to install signage.

**581 Mother Gaston Boulevard - Individual Landmark**  
**LPC-19-10184** - Block 3794 - Lot 18 - **Zoning:** R6  
**BINDING REPORT**

A Jacobean Revival style library building designed by William B. Tubby and built in 1913-14. Application is to install signage.

**895 Madison Avenue - Upper East Side Historic District**  
**LPC-19-8480** - Block 1387 - Lot 21 - **Zoning:** C5-1  
**CERTIFICATE OF APPROPRIATENESS**

A Neo-Renaissance style apartment building designed by W.L. Rouseand L.A. Goldstone and built in 1916. Application is to legalize the installation of awnings and planters without Landmarks Preservation Commission permit(s).

**10 East 63rd Street - Upper East Side Historic District**  
**LPC-19-8625** - Block 1377 - Lot 64 **Zoning:** R8B  
**CERTIFICATE OF APPROPRIATENESS**

A residence originally built by James E. Ware in 1878-79 and redesigned in the Neo-Classical style by A. Wallace McCrea in 1922. Application is to excavate the rear yard.

**1 West 53rd Street - Individual Landmark**  
**LPC-19-6869** - Block 1269 - Lot 30 - **Zoning:** C5-3  
**CERTIFICATE OF APPROPRIATENESS**

A Neo-Gothic style church building designed by Cram, Goodhue & Ferguson and built between 1906-1913. Application is to install signage.

**301 Park Avenue - Individual and Interior Landmark**  
**LPC-19-09644** - Block 1304 - Lot 7501 - **Zoning:** C5-3  
**CERTIFICATE OF APPROPRIATENESS**

An Art Deco style hotel skyscraper designed by Schultze & Weaver and built in 1931. Application is to alter portions of the designated interior spaces.

**301 Park Avenue - Individual and Interior Landmark**  
**LPC-19-09647** - Block 1304 - Lot 7501 - **Zoning:** C5-3  
**CERTIFICATE OF APPROPRIATENESS**

An Art Deco style hotel skyscraper designed by Schultze & Weaver and built in 1931. Application is to alter the facades, create window and door openings, construct rooftop additions, and install marquees and storefronts.

a12-25

## RENT GUIDELINES BOARD

### MEETING

**NOTICE IS HEREBY GIVEN PURSUANT TO SECTION 104** of the Public Officers' Law, that a meeting of the New York City Rent Guidelines Board (RGB), will be held on **Thursday, April 20, 2017, at 9:30 A.M.**, at the Landmarks Preservation Commission Conference Room, David N. Dinkins Manhattan Municipal Building, 1 Centre Street, 9th Floor, New York, NY 10007. The Board will be meeting to hear testimony from invited tenant and owner groups representing rent-stabilized apartments and hotels.

The public is invited to attend and observe the proceedings of the Board at this Meeting.

a13

## TRANSPORTATION

### PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held, at 55 Water Street, 9th Floor, Room 945, commencing at 2:00 P.M., on Wednesday, May 3, 2017. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice), at 55 Water Street, 9th Floor South West, New York, NY 10041, or by calling (212) 839-6550.

**#1 IN THE MATTER OF** a proposed revocable consent authorizing 7 Sutton Square LLC, to continue to maintain and use a fenced-in area on the north sidewalk of Sutton Square, west of Riverview Terrace, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1611**

For the period July 1, 2017 to June 30, 2027 - \$1,899/per annum the maintenance of a security deposit in the sum of \$10,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#2 IN THE MATTER OF** a proposed revocable consent authorizing Boro Land Surveying, PC, to continue to maintain and use a flagpole on the east sidewalk of Court Street, between Union and President Streets, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1614**

For the period July 1, 2017 to June 30, 2027 - \$0.00/per annum the maintenance of a security deposit in the sum of \$2,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#3 IN THE MATTER OF** a proposed revocable consent authorizing Intellifiber Networks LLC, to continue to maintain and use telecommunications fiber optic cables in the existing conduits of Consolidated Edison company of New York, Inc., in the Boroughs of the Bronx and Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other

terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 1870**

- For the period July 1, 2016 to June 30, 2017 - \$354,730
- For the period July 1, 2017 to June 30, 2018 - \$362,676
- For the period July 1, 2018 to June 30, 2019 - \$370,622
- For the period July 1, 2019 to June 30, 2020 - \$378,568
- For the period July 1, 2020 to June 30, 2021 - \$386,514
- For the period July 1, 2021 to June 30, 2022 - \$394,460
- For the period July 1, 2022 to June 30, 2023 - \$402,406
- For the period July 1, 2023 to June 30, 2024 - \$410,352
- For the period July 1, 2024 to June 30, 2025 - \$418,298
- For the period July 1, 2025 to June 30, 2026 - \$426,244

the maintenance of a security deposit in the sum of \$50,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#4 IN THE MATTER OF** a proposed revocable consent authorizing Sage 12 Holding Ltd., to construct, maintain and use a fenced-in areas and steps on the south sidewalk of East 68<sup>th</sup> Street, east of Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2386**

From the Approval Date to the Expiration Date - \$25/per annum

the maintenance of a security deposit in the sum of \$4,500 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#5 IN THE MATTER OF** a proposed revocable consent authorizing Staten Island University Hospital, to continue to maintain and use a conduit under and across Seguire Avenue, north of Melville Street, in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #531**

- For the period July 1, 2016 to June 30, 2017 - \$2,450
- For the period July 1, 2017 to June 30, 2018 - \$2,505
- For the period July 1, 2018 to June 30, 2019 - \$2,560
- For the period July 1, 2019 to June 30, 2020 - \$2,615
- For the period July 1, 2020 to June 30, 2021 - \$2,670
- For the period July 1, 2021 to June 30, 2022 - \$2,725
- For the period July 1, 2022 to June 30, 2023 - \$2,780
- For the period July 1, 2023 to June 30, 2024 - \$2,835
- For the period July 1, 2024 to June 30, 2025 - \$2,890
- For the period July 1, 2025 to June 30, 2026 - \$2,945

the maintenance of a security deposit in the sum of \$3,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#6 IN THE MATTER OF** a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York, to install, maintain and use planters on the north sidewalk of West 167<sup>th</sup> Street, west of Audubon Avenue, on the west sidewalk of Audubon Avenue, between West 167<sup>th</sup> and 168<sup>th</sup> Streets, and on the south sidewalk of West 168<sup>th</sup> Street, west of Audubon Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2380**

From the Approval Date to the Expiration Date - \$324/per annum

the maintenance of a security deposit in the sum of \$2,000 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#7 IN THE MATTER OF** a proposed revocable consent authorizing Yong Im and Young Im, to maintain and use existing retaining wall, together with stair and fence on the top of wall, on the south sidewalk of 43<sup>rd</sup> Avenue, east of 222<sup>nd</sup> Street, in the Borough of Queens. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2381**

From the Approval Date by the Mayor to June 30, 2017 - \$10,473/annum

- For the period July 1, 2017 to June 30, 2018 - \$10,708
- For the period July 1, 2018 to June 30, 2019 - \$10,943
- For the period July 1, 2019 to June 30, 2020 - \$11,178
- For the period July 1, 2020 to June 30, 2021 - \$11,413
- For the period July 1, 2021 to June 30, 2022 - \$11,648
- For the period July 1, 2022 to June 30, 2023 - \$11,883
- For the period July 1, 2023 to June 30, 2024 - \$12,118
- For the period July 1, 2024 to June 30, 2025 - \$12,353
- For the period July 1, 2025 to June 30, 2026 - \$12,588
- For the period July 1, 2026 to June 30, 2027 - \$12,823

the maintenance of a security deposit in the sum of \$12,900 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#8 IN THE MATTER OF** a proposed revocable consent authorizing 50 HYMC Owner LLC, to construct, maintain and use a pedestrian tunnel under and across west 33<sup>rd</sup> Street, east of Hudson Boulevard, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2388**

From the Approval Date by the Mayor to June 30, 2017 - \$2,768/annum

- For the period July 1, 2017 to June 30, 2018 - \$2,848
- For the period July 1, 2018 to June 30, 2019 - \$2,910
- For the period July 1, 2019 to June 30, 2020 - \$2,973
- For the period July 1, 2020 to June 30, 2021 - \$3,035
- For the period July 1, 2021 to June 30, 2022 - \$3,098
- For the period July 1, 2022 to June 30, 2023 - \$3,160
- For the period July 1, 2023 to June 30, 2024 - \$3,222
- For the period July 1, 2024 to June 30, 2025 - \$3,284
- For the period July 1, 2025 to June 30, 2026 - \$3,347
- For the period July 1, 2026 to June 30, 2027 - \$3,410

the maintenance of a security deposit in the sum of \$160,000 and the insurance shall be the amount of Five Million Dollars (\$5,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

← a13-m3

**COMMUTER VAN SERVICE AUTHORITY APPLICATION  
Queens Hearing - 6 year renewal**

**NOTICE IS HEREBY GIVEN** that the Department of Transportation has received an application for a Six Year Renewal and expansion of vans in the Borough of Queens. The authorized service area is in Queens: To and from a residential area in Queen bounded on the north by Merrick Boulevard from Springfield Boulevard to Laurelton Parkway, on the east by Laurelton Parkway along Francis Lewis Boulevard from Merrick Boulevard to 147<sup>th</sup> Avenue, on the south by 147<sup>th</sup> Avenue from Francis Lewis Boulevard to Springfield Boulevard and on the west by Springfield Boulevard from 147<sup>th</sup> Avenue to Merrick Boulevard. From and to said territory to mass transit facilities and shopping center bounded on the north by Jamaica Avenue from South Road/Sutphin Boulevard to Guy R. Brewer Boulevard, on the east by Guy R. Brewer Boulevard from Jamaica Avenue to South Road, on the south by South Road from Guy R. Brewer Boulevard to Sutphin Boulevard and on the west by Sutphin Boulevard from South Road to Jamaica Avenue. The van company requesting this expansion is Flexible Van Line, Inc. They can be reached at 224-21 Merrick Boulevard, Laurelton, NY 11413. The applicant currently utilizes 3 vans daily to provide service 24 hours a day and is requesting an additional 5 vans.

There will be a public hearing held on Thursday, May 4, 2017, at the Queens Borough Hall, 120-55 Queens Boulevard, Room 213, Part 2, Kew Gardens, NY 11424 from 2:00 P.M. - 4:00 P.M. so that you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Transportation Planning & Management, 55 Water Street – 6<sup>th</sup> Floor, New York, NY 10041, no later than May 4, 2017. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed expansion of vans will not meet present and/or future public convenience and necessity.

a10-14

# PROPERTY DISPOSITION

## CITYWIDE ADMINISTRATIVE SERVICES

### ■ SALE

The City of New York in partnership with PropertyRoom.com posts vehicle and heavy machinery auctions online every week at: <https://www.propertyroom.com/s/nyc+fleet>

All auctions are open to the public and registration is free.

Vehicles can be viewed in person by appointment at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214. Phone: (718) 802-0022

o11-m29

## OFFICE OF CITYWIDE PROCUREMENT

### ■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement 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 Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j3-d29

## POLICE

### ■ NOTICE

### 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: 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 equipment, computers, and other miscellaneous articles.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

### 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

j3-d29

# 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](http://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."*

### HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York ("PPB Rules"), vendors must first complete and submit an electronic prequalification application using the City's Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

### Participating NYC Agencies

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children's Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)

Housing and Preservation Department (HPD)  
Human Resources Administration (HRA)  
Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit [www.nyc.gov/hhsaccelerator](http://www.nyc.gov/hhsaccelerator)

**AGING**

**CONTRACT PROCUREMENT AND SUPPORT SERVICES**

■ INTENT TO AWARD

*Human Services/Client Services*

**CITYWIDE HOME SHARING PROGRAM** - Negotiated Acquisition - Judgment required in evaluating proposals - PIN#12517N0002 - Due 4-20-17 at 5:00 P.M.

The New York City Department for the Aging (DFTA) intends to contract with one vendor, the New York Foundation for Senior Citizens (NYF), to continue operation of the Home Sharing Program. The Home Sharing Program is a unique service that matches home providers (hosts) and one or more homeseekers (guests) who together will share the home of the provider. One or more of the individuals matched must be at least 60 years of age; the program also offers assistance to individuals aged 55 or older interested in hosting a developmentally disabled adult. The term of the contract will be three years, expected to commence on July 1, 2017, with the possibility of a three-year renewal. The amount of the contract is \$318,998 annually. This is a Citywide service offered free of charge to program participants.

The Home Sharing Program, a nationally recognized alternative housing model, includes two major benefits for participants: it provides financial relief to the homeowner and the guest through shared housing costs, and it facilitates companionship. Guests also find that the cost of rent (or an arrangement in which household chores are completed in lieu of rent), falls below market rate, making living in the City more affordable. Home sharing also reduces the possibility of social isolation and loneliness that seniors living alone tend to encounter. The arrangement often includes some type of agreement that calls for the guest to participate in household chores (e.g., cleaning, vacuuming, pet care), which allows the older adult to maintain his/her independence as these become more difficult to accomplish without assistance.

Matching home owners and home seekers is a complex, multi-faceted process that requires knowledge, expertise and attention to detail in order to minimize risk and maximize satisfaction. Over the past 20 years, NYF has developed a carefully structured process for screening the host, the guest, and the living environment. Program staff screen candidates for compatibility using some 30 lifestyle measures, and they conduct reference checks and in-person/in-home interviews. Once screened, the staff use the data garnered from the assessment to pair potential matches and conduct match meetings prior to moving forward. Once the match is deemed tenable for both, New York Foundation assists the pair in drafting and signing written agreements on the financial and living arrangements. As no two matches are alike, agreements are highly customized to meet the needs of all the parties involved. Staff are able to use knowledge gained from past agreements (e.g., considerations as to sleep/wake habits) to assist with the agreements of the newly matched pair. Agreements often cover such areas as house rules, payment arrangements, expectations, and maintenance of the living quarters.

The degree of expertise held by the New York Foundation for Senior Citizens is unprecedented in the City. While home sharing is nationally and internationally recognized as a viable affordable housing option that also has social benefits for its participants, NYF is the only organization offering this service Citywide and at no cost to the participants. Over the years, NYF has demonstrated the capability to find, screen, match and provide ongoing support to individuals interested in the Home Sharing Program; it has come to be a trusted source for this unique service.

New York Foundation's Home Sharing program, carried out by professional social workers, provides a high degree of confidence that the match will work out financially and socially over the long term. Because seniors can be vulnerable in various ways, the in-person professional nature of the program is essential to the safety and security of the seniors and their homes. It also offers older adults who are not technologically savvy a way to find housemates in a world primarily driven by the internet.

DFTA does not have the in-house resources to implement the Home Sharing Program, which requires a highly specialized organization, one with professionals who understand both the complexity surrounding matching home providers with home seekers, and the nuances involved in such a pairing. Thus, DFTA is seeking to engage an experienced organization with expertise in this area to carry out the program.

Given the experience and history of the New York Foundation for Senior Citizens in developing and operating the Citywide Home Sharing Program, DFTA's current plan is to contract with them to continue to operate this program. Before proceeding with this plan, DFTA is interested in learning whether any other organization with the necessary capacity, expertise and experience would like to be considered. Major elements that DFTA will take into account in making a final selection include the following:

- A minimum of five years of experience operating a Home Sharing Program that, as described in detail above, matches vulnerable populations with homeseekers;
- A track record in serving vulnerable populations in a social service capacity Citywide;
- A demonstrable method for minimizing risk and maximizing satisfaction throughout the matching and post-match process, for homeowners and homeseekers;
- A track record of successfully matching homeowners and seekers, as evidenced by data/statistics on the matched participants, satisfaction surveys, follow-up interviews, and/or anecdotal success stories from participants who have been living together for over a year;
- Established networks for outreach to inform the public about the program;
- Serve as a resource to program staff when they are helping program participants obtain any additional resources they may need; and
- Ability to tap into other resources within its own organization in order to enhance the program and provide quality driven service.

Any organization interested in this project that can demonstrate that it meets the criteria above may express their interest by emailing Erkan Solak, DFTA Agency Chief Contracting Officer, at [ESolak@aging.nyc.gov](mailto:ESolak@aging.nyc.gov) by no later than 5:00 P.M., on April 20, 2017. All qualified organizations will be required to complete a written application that will be due no later than 5:00 P.M., on May 4, 2017. Expressions of interest will be evaluated, but please be aware that submission of an application does not guarantee consideration.

*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.*

*Aging, 2 Lafayette Street, Room 400, New York, NY 10007. Erkan Solak (212) 602-4280; Fax: (212) 442-0994; [esolak@aging.nyc.gov](mailto:esolak@aging.nyc.gov)*

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**CITYWIDE ADMINISTRATIVE SERVICES**

**OFFICE OF CITYWIDE PROCUREMENT**

■ AWARD

*Goods*

**RADIOS; PERSONAL AM/FM (DOC)** - Competitive Sealed Bids - PIN# 8571600459 - AMT: \$430,250.00 - TO: Keefe Group, LLC, 301 Mill Road, Edison, NJ 08837.

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■ SOLICITATION

*Goods*

**SPRAY BOOTH WITH MIX ROOM (RE-AD)** - Competitive Sealed Bids - PIN#8571700216 - Due 5-15-17 at 10:30 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.*

*Citywide Administrative Services, 1 Centre Street, 18th Floor South, New York, NY 10007. Michael Ransom (212) 386-0466; Fax: (646) 500-7298; [mransom@dcas.nyc.gov](mailto:mransom@dcas.nyc.gov)*

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**COMPTROLLER**

■ SOLICITATION

*Goods and Services*

**CONTRACT MANAGEMENT SYSTEM** - Competitive Sealed Proposals - Other - PIN#01517819300 IT - Due 5-4-17 at 3:00 P.M.



The Office of the New York City Comptroller ("Comptroller"), acting on behalf of the five (5) New York City Retirement Systems (separately "System"; combined, the "Systems"), is seeking proposals from qualified firms for a contract management system to support the activities of the Bureau of Asset Management's Contracting Division. Detailed requirements are specified in the Request for Proposal ("RFP").

The RFP will be available for download from the Comptroller's website at <http://comptroller.nyc.gov/services/for-businesses/doing-business-with-the-comptroller/rfps-solicitations/> on or about April 13, 2017.

Minority-Owned and Women-Owned Businesses or partnership arrangements with City-Certified Minority-Owned and Women-Owned Investment Firms are encouraged. Additionally, participation by small and New York City-Based businesses is encouraged.

Questions about the solicitation should be transmitted by email to Aya Guriel, Senior Contract Analyst, at [contractsystem@comptroller.nyc.gov](mailto:contractsystem@comptroller.nyc.gov) by April 20, 2017. Proposals are due Thursday, May 4, 2017, by 3:00 P.M. (ET).

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.

Comptroller, 1 Centre Street, Room 800 South, New York, NY 10007.  
Aya Guriel (212) 669-2756; [aguriel@comptroller.nyc.gov](mailto:aguriel@comptroller.nyc.gov)

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**DESIGN AND CONSTRUCTION**

**CONTRACTS**

■ SOLICITATION

*Construction Related Services*

**PWDFORT, RENOVATION OF FORT WASHINGTON ARMORY, BOROUGH OF MANHATTAN** - Sole Source - Available only from a single source - PIN#8502017PW0003P - Due 4-25-17 at 4:00 P.M.

The Department of Design and Construction intends to enter into a sole source contract with The Armory Foundation for the above project. The contractor must have unique knowledge of the site, and must guarantee the assumption of all costs above the estimated cost of design and construction. Any firm which believes that it is also qualified to provide these services, or would like to provide such services in the future is invited to indicate by letter/email, which must be received no later than April 25, 2017, at 4:00 P.M., to Steven Wong, Program Director, 5th Floor, 30-30 Thomson Avenue, Long Island City, NY 11101. Email:[wongs@ddc.nyc.gov](mailto:wongs@ddc.nyc.gov)

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.

Design and Construction, 30-30 Thomson Avenue, Long Island City, NY 11101. Steven Wong (718) 391-2550; [wongs@ddc.nyc.gov](mailto:wongs@ddc.nyc.gov)

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**DISTRICT ATTORNEY - NEW YORK COUNTY**

■ SOLICITATION

*Construction/Construction Services*

**LICENSED CONTRACTOR TO REMOVE OLD, SUPPLY AND INSTALL NEW IT MECHANICAL** - Competitive Sealed Bids - PIN#20170800029 - Due 5-24-17 at 9:30 A.M.

The work to be performed under this Contract includes, furnishing all labor, materials, travel time, equipment and all other work incidental, thereto necessary or required for the interior renovation of the IT Switch Room, at 80 Centre Street in Manhattan, for the New York County District Attorney's Office ("DANY").

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.

District Attorney - New York County, One Hogan Place, New York, NY 10013. Esther Fogel Fox (212) 335-9726; [bidsrfps@dany.nyc.gov](mailto:bidsrfps@dany.nyc.gov)

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**ENVIRONMENTAL PROTECTION**

**AGENCY CHIEF CONTRACTING OFFICE**

■ SOLICITATION

*Services (other than human services)*

**BEPA-GIS STUDY: BUREAU OF ENVIRONMENTAL PLANNING AND ANALYSIS CITYWIDE PARCEL-BASED IMPERVIOUS AREA GIS STUDY** - Request for Proposals - PIN#82617BEPAGIS - Due 5-17-17 at 4:00 P.M.

The New York City Department of Environmental Protection (DEP), Bureau of Environmental Planning and Analysis (BEPA) is seeking a Consultant to develop a Citywide parcel-based impervious area Geographic Information System (GIS) layer. The Consultant will gather, analyze, and utilize new planimetric data, in addition to DEP's existing planimetric data to create this layer. Minimum Qualification Requirements: None.

Pre-Proposal Conference: April 17, 2017, 10:30 A.M., NYCDEP, 59-17 Junction Boulevard, 11th Floor Conference Room, Flushing, NY 11373. Attendance by Proposers is optional, but strongly recommended. A maximum of one person from each Proposer may attend due to room constraints.

This solicitation has a LL-1 goal established.

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.

Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373. Jeanne Schreiber (718) 595-3456; Fax: (718) 595-3278; [rfp@dep.nyc.gov](mailto:rfp@dep.nyc.gov)



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**HEALTH AND MENTAL HYGIENE**

■ AWARD

*Human Services/Client Services*

**THEODORE ROOSEVELT, EVANDER CHILDS AND HERBERT LEHMAN HIGH SCHOOL HEALTH CENTER** - Request for Proposals - PIN# 16SH000101R0X00 - AMT: \$2,810,270.52 - TO: Montifiore Medical Center, 111 East 210th Street-12th Floor, Brooklyn, NY 11230.

● **MENTAL HYGIENE SERVICES** - BP/City Council Discretionary - PIN# 17SA028501R0X00 - AMT: \$170,000.00 - TO: Mothers Aligned Saving Kids, Inc./Mask, 1431 East 12th Street, Brooklyn, NY 11230.

● **MENTAL HYGIENE SERVICES** - BP/City Council Discretionary - PIN# 17AO027301R0X00 - AMT: \$240,385.00 - TO: Safe Horizon, Inc., 2 Lafayette Street, New York, NY 10007.

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*Services (other than human services)*

**BRONX HEALTHCARE LEARNING COLLABORATIVE** - BP/City Council Discretionary - PIN#17PT011301R0X00 - AMT: \$200,000.00 - TO: HealthCare Industry Grant Corporation, 350 West 42nd Street, New York, NY 10108.

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**HOUSING AUTHORITY**

**SUPPLY MANAGEMENT**

■ SOLICITATION

*Goods*

**SMD LESLIE HEATING SUPPLIES: LESLIE AMOT VALVE, ELEMENT O' RINGS** - Competitive Sealed Bids - PIN#65234 - Due 5-11-17 at 10:30 P.M.

● **SMD HEATING SUPPLIES: MECHANISM INTERNAL, TRAP W/COVER, KIT ELEMENT** - Competitive Sealed Bids - PIN#65231 - Due 5-4-17 at 10:30 A.M.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, make a selection from the first

three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department, at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at the time of request.

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 Authority, 90 Church Street, 6th Floor, New York, NY 10007. Christina Gencarelli (212) 306-6719; christina.gencarelli@nycha.nyc.gov



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Goods and Services

**SMS REPLACEMENT OF STEAM CONTROL ZONE VALVE STATIONS AND HEATING CONTROL PANELS - VARIOUS DEVELOPMENTS** - Competitive Sealed Bids - Due 5-11-17

PIN# 65226 - Borough of Bronx - Due at 10:00 A.M.  
 PIN# 65227 - Borough of Brooklyn - Due at 10:05 A.M.  
 PIN# 65228 - Borough of Manhattan - Due at 10:10 A.M.

The project consists of the replacement of steam control zone valve stations and heating control panels at various developments on an as needed basis. The location for the work will be determined by the Heating Services and Operations Department.

Please Note: This Contract shall be subject to the New York City Housing Authority's Project Labor Agreement (PLA). As part of its bid and no later than three (3) business days after the bid opening, the Bidder must submit Letters of Assent to the Project Labor Agreement signed by the Bidder and each of the Bidder's proposed Subcontractors. Failure to submit all required signed Letters of Assent within three (3) business days after the bid opening shall result in a determination that the Bidder's bid is non-responsive.

**● SMD WATER JETTING AND DIGITAL RECORDING - VARIOUS DEVELOPMENTS LOCATED IN THE BOROUGH OF THE BROOKLYN** - Competitive Sealed Bids - PIN# 65223 - Due 5-11-17 at 10:00 A.M.

Perform high pressure/high velocity water jetting of house drains and sewers, clearing all stoppages as required, furnishing all equipment, tools and performing all the labor necessary for the complete execution of all work required by this contract in strict accordance with the Contract Documents on house drainage and house sewer piping at any and all developments located in the Borough of Brooklyn.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the "Doing Business with NYCHA", using the link: <http://www.nyc.gov/nychabusiness>. Once on that page, please scroll down to mid page, on the left hand column, select "Selling to NYCHA", click into "Getting Started: Register or Log-in" link. If you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click "Returning iSupplier Users" and "Log-In Here" If you do not have your log-in credentials, select "Request a Log-In ID." Upon access, select "Sourcing Supplier" then "Sourcing Homepage", reference applicable RFQ number per solicitation.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department, at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at the time of request.

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 Authority, 90 Church Street, 6th Floor, New York, NY 10007. Mimose Julien (212) 306-8141; Fax: (212) 306-5109; mimose.julien@nycha.nyc.gov

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**HOUSING PRESERVATION & DEVELOPMENT**

**PROCUREMENT**

■ INTENT TO AWARD

Services (other than human services)

**ELITE APPLICATION SOFTWARE MAINTENANCE** - Sole Source - Available only from a single source - PIN# 80617S0005 - Due 4-28-17 at 10:00 A.M.

The NYC Department of Housing Preservation and Development (HPD), intends to enter into sole source negotiations for HPD's existing Emphasys Elite Application (a proprietary software support system), currently provided by the Emphasys Computer Solutions, Inc. The software is utilized to manage and track HPD's administration of HUD Section 8 Housing Assistance Payments. Firm(s) who believe they can provide the required services, are to contact the Agency, in writing, no later than the date and time specified in this notice.

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 & Development, 100 Gold Street, Room 8B06, New York, NY 10038. Gaurav Channan (212) 863-6140; Fax: (212) 863-5455; channang@hpd.nyc.gov

a12-18

**PARKS AND RECREATION**

■ VENDOR LIST

Construction/Construction Services

**PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION - NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS**

DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business Enterprise (M/WBE)\*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE\*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

\*Firms that are in the process of becoming a New York City-Certified M/WBE, may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained online at: <http://a856-internet.nyc.gov/nycvendononline/home.asap>; or <http://www.nycgovparks.org/opportunities/business>.

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, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; dmwbe.capital@parks.nyc.gov*

j3-d29

**CONTRACTS**

■ SOLICITATION

*Construction/Construction Services*

**RECONSTRUCTION OF WATER SERVICE, LIGHTING, PAYMENT AND MISC. SITE FEATURES - Competitive Sealed Bids - PIN#84617B0100 - Due 5-9-17 at 10:30 A.M.**

At various locations, Borough of Queens. Contract QG-1116M. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

The cost estimate range is \$500,000.00 to \$1,000,000.00. Bid Deposit: Required 5 percent of Amount of Proposal or Bid Bond 10 percent of Amount of Proposal.

To request the Plan Holder's List, please call the Blue Print Room at (718) 760-6576.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of New York, Parks and Recreation. A separate check/money order is required for each project. The company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

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, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Susana Hersh (718) 760-6855; susana.hersh@parks.nyc.gov*

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**SCHOOL CONSTRUCTION AUTHORITY**

■ SOLICITATION

*Construction/Construction Services*

**NEW ADDITION AND RENOVATION TO EXISTING BUILDING - Competitive Sealed Bids - PIN#SCA17-025268-1 - Due 5-18-17 at 3:00 P.M.**

PS 32 (Brooklyn)  
SCA System Generated Category: \$4,000,001 and Above.  
Pre-Bid Meeting Date: April 19, 2017, at 10:00 A.M., at NYCSCA, 30-30 Thomson Avenue, Long Island City, NY 11101, First Floor, Conference Room: 1238. FAILURE TO ATTEND THIS MANDATORY PRE-BID MEETING WILL RESULT IN YOUR FIRM BEING INELIGIBLE TO BID ON THE REFERENCED SOLICITATION.

Limited List, Bids will only be accepted from the following: Construction Managers/Prime General Contractors (See attached list): Arnell Construction Corp.; Citnalta Construction Corp.; E.W. Howell Co., LLC; Iannelli Construction Co., Inc.; J. Kokolakis Contracting, Inc.; Petracca and Sons, Inc.; Prismatic Development Corp.; T. Moriarty and Son, Inc.; Turner Construction Co.; Tutor Perini Building Corporation.

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.

*School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Edison Aguilar (718) 472-8641; Fax: (718) 472-8290; eaguilar@nycsca.org*

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**SMALL BUSINESS SERVICES**

**PROCUREMENT**

■ INTENT TO AWARD

*Services (other than human services)*

**CITYWIDE ECONOMIC DEVELOPMENT SERVICES PRIMARILY RELATED TO MARITIME, AVIATION, RAIL FREIGHT, MARKET AND INTERMODAL TRANSPORTATION DEVELOPMENT - Sole Source - Available only from a single source - PIN#801SBS170179 - Due 4-21-17 at 3:00 P.M.**

The NYC Department of Small Business Services intends to enter into sole source negotiations with the New York City Economic Development Corporation for Citywide Economic Development services primarily related to maritime, aviation, rail freight, market and intermodal transportation development. Any entity with the in-house expertise, and experience in all areas of maritime, aviation, rail freight, market and intermodal transportation development, or related areas of economic development on a Citywide basis, that believes it is qualified to provide such services, or would like to provide such services in the future is invited to express an interest. Please indicate your interest and qualifications by letter sent via postal mail, which must be received no later than April 21, 2017, 3:00 P.M., to Mr. Daryl Williams, Agency Chief Contracting Officer, New York City Department of Small Business Services, 110 William Street, 7th Floor, New York, NY 10038.

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.

*Small Business Services, 110 William Street, 7th Floor, New York, NY 10038. Daryl Williams (212) 513-6300; Fax: (212) 618-8867; procurementhelpdesk@sbs.nyc.gov*

a7-13

**CITYWIDE ECONOMIC DEVELOPMENT SERVICES - Sole Source - Available only from a single source - PIN#801SBS170178 - Due 4-21-17 at 3:00 P.M.**

The NYC Department of Small Business Services intends to enter into sole source negotiations with the New York City Economic Development Corporation for Citywide Economic Development services. Any entity with the in-house expertise, and experience in all areas of economic development on a Citywide basis, that believes it is qualified to provide such services, or would like to provide such services in the future, is invited to express an interest. Please indicate your interest, and qualifications by letter sent via postal mail, which must be received no later than April 21, 2017, 3:00 P.M., to Mr. Daryl Williams, Agency Chief Contracting Officer, New York City Department of Small Business Services, 110 William Street, 7th Floor, New York, NY 10038.

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.

*Small Business Services, 110 William Street, 7th Floor, New York, NY 10038. Daryl Williams (212) 513-6300; Fax: (212) 618-8867; procurementhelpdesk@sbs.nyc.gov*

a7-13

**CONTRACT AWARD HEARINGS**

**NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, PUBLIC HEARINGS UNIT, 253 BROADWAY, 9TH FLOOR, NEW YORK, N.Y. 10007, (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICES.**

**ADMINISTRATION FOR CHILDREN'S SERVICES**

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Administration for Children's Services, 150 William Street, 9th

Floor - Conference Room 9C-1, Borough of Manhattan, on April 14, 2017, commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** One (1) proposed contract between the Administration for Children's Services of the City of New York and the contractor listed below, for the provision of Extra Ordinary Needs Foster Care Services. The term of the contract will be from approximately November 8, 2016 to November 7, 2017 and will contain one three-year option to renew from November 8, 2017 to November 7, 2020.

Contractor/Address	EPIN	Amount
Cumberland Hospital, LLC 9407 Cumberland Road New Kent, VA 23124	06817R0001001	\$855,700.00

The proposed contractor has been selected by means of a Required/Authorized Source process, pursuant to Section 1-02 (d) (2) of the Procurement Policy Board Rules.

A copy of the draft scope of services/specifications is available for inspection at the New York City Administration for Children's Services, Office of Child Welfare Services, 150 William Street, 9th Floor, Borough of Manhattan, on business days from April 13, 2017 through April 14, 2017, exclusive of holidays, between the hours of 10:00 A.M. and 4:00 P.M. Please contact Mani Jadunauth of the Office of Child Welfare Services Contracts at (212) 676-7522 to arrange a visitation.

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## AGENCY RULES

### CITYWIDE ADMINISTRATIVE SERVICES

#### ■ NOTICE

**Notice of Adoption** of Rules related to the implementation of a reimbursement program for qualifying nonpublic schools that procure certain security services.

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of The Department of Citywide Administrative Services by Section 811 of the New York City Charter and Sections 10-172(c) and 10-172(m) of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Citywide Administrative Services hereby amends its rules relating to a reimbursement program for qualifying nonpublic schools that procure certain security services.

These rules were first published on February 15, 2017, and a public hearing was held on March 17, 2017.

#### Statement of Basis and Purpose

On January 5, 2016, Local Law 2 of 2016 ("the Law") was enacted. The Law empowers the Mayor of the City of New York ("the Mayor") to authorize a program to reimburse qualifying nonpublic schools for the cost of procuring certain security services. By letter dated March 30, 2016, the Mayor authorized this reimbursement program for the 2016-17 school year. The Law also authorizes the Mayor to designate an agency or agencies to administer the reimbursement program. By letter dated March 10, 2016, the Mayor designated the Department of Citywide Administrative Services ("DCAS") as the Law's administering agency. Finally, the Law authorizes DCAS to promulgate rules for the administration of the reimbursement program.

The amendment to the rules:

- Amends the date by which new and existing schools must submit their applications to participate in the reimbursement program for the 2017-2018 school year and for subsequent years in which the reimbursement program is authorized.

DCAS's authority for these rules is found in Sections 811 and 1043 of the New York City Charter and Sections 10-172(c) and 10-172(m) of the Administrative Code of the City of New York.

No comments were received following publication of the proposed rules.

New material is underlined.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department unless otherwise specified or unless the context clearly indicates otherwise.

#### Adopted Rules

Paragraph (i) of subdivision (b) of Section 14-03 of the Title 55 of the Rules of the City of New York is amended to read as follows:

- (i) After completing HHS Accelerator's business and service applications, a school may access the application to participate in the Reimbursement Program. The application will be on a form prescribed by the Department and will be accessed through HHS Accelerator. For the [2016-2017] 2017-2018 school year, and for any subsequent school year in which the Reimbursement Program is authorized, the deadline to submit a completed application is [November 1, 2016] May 15. [For any subsequent school year in which the Reimbursement Program is authorized, the deadline to submit a completed application is October 15]. This deadline applies to both new and existing schools that wish to participate in the Reimbursement Program. The Department [shall] will use such application to determine whether a school is qualified to participate in the Reimbursement Program.

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## SPECIAL MATERIALS

### 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 7/8/2017 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
417	11561	19
231	11531	8
280	11533	32
385	11555	34
140	11516	223
419, 420	11561, 11561	21, 122
391	11559	38
375	11555	68
331	11553	52
228	11531	4

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97<sup>TH</sup> 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.

Scott M. Stringer  
Comptroller

a11-24

**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 7/7/2017 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
164	11529	15
307	11546	27
116, 116A & 116B	11515	26
121	11515	21
39	11513	35

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97<sup>TH</sup> 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.

Scott M. Stringer  
Comptroller  
a11-24

**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 7/4/2017 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
18	11512	20
36	11513	39
182	11530	45
239	11531	17
302	11544	6
173	11529	25
236	11531	14
352, 352A & 352B	11554	24
177	11530	39
16	11512	17

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97<sup>TH</sup> 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.

Scott M. Stringer  
Comptroller  
a7-20

**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 7/9/2017 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
84	11514	25
44	11513	29
233	11531	11
145	11519	130
395	11559	48
162	11529	13
145	11519	130
183	11530	46
87	11514	22
10	11512	11

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97<sup>TH</sup> 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.

Scott M. Stringer  
Comptroller  
a12-25

**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 7/3/2017 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
225, 225A	11531, 11531	50, 51
408	11559	19
383	11555	31
86	11514	23
401, 402	11559, 11559	9, 12
120	11515	22
306	11546	25
367	11555	58
131	11516	234

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97<sup>TH</sup> 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.

Scott M. Stringer  
Comptroller  
a6-19

**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 7/2/2017 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
293, 293A & 293B	11533	1
394	11559	45
13	11512	14
341	11553	34
133, 133A & 133B	11516	231
132	11516	233
304	11545	10
387	11555	36
6	11512	7
370	11555	62

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97<sup>TH</sup> 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.

Scott M. Stringer  
Comptroller  
a5-18

**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 7/1/2017 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
332, 332A & 332B	11553	20
156	11529	3
399	11559	100
119	11515	23
411	11559	30
110, 110A & 110B	11515	36
219	11531	44
95	11514	10
403	11559	13
96	11515	1

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97<sup>TH</sup> 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.

Scott M. Stringer  
Comptroller  
a5-18

**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 6/30/2017 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
308	11546	29
388	11555	38
389	11555	40
421	11561	22
211	11530	28
379, 379A & 379B	11555	5
365	11555	55
229	11531	6

62	11514	1
175	11530	36
393	11559	44

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97<sup>TH</sup> 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.

Scott M. Stringer  
Comptroller

a3-14

**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 6/27/2017 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
232, 232A & 232B	11531	9
197, 197A & 197B	11530	10
142	11517	156
392	11559	40
129	11516	236
309	11546	1
122	11515	19
212	11531	36
398	11559	200

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97<sup>TH</sup> 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.

Scott M. Stringer  
Comptroller

m31-a13

**HOUSING PRESERVATION AND DEVELOPMENT**

■ NOTICE

**REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT**

Notice Date: April 10, 2017

To: Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
	37 Broome Street, Brooklyn	27/17	October 4, 2004 to Present

Authority: Greenpoint-Williamsburg Anti-Harassment Area, Zoning Resolution §§23-013, 93-90

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call (212) 863-5277 or (212) 863-8211.

a10-18

**REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT**

Notice Date: April 10, 2017

To: Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
	237 Madison Avenue, Manhattan	13/17	March 24, 2014 to Present
	533 West 162 <sup>nd</sup> Street, Manhattan	25/17	March 1, 2014 to Present
	28 East 130 <sup>th</sup> Street, Manhattan	28/17	March 16, 2014 to Present
	220 West 137 <sup>th</sup> Street, Manhattan	29/17	March 16, 2014 to Present
	255 West 123 <sup>rd</sup> Street, Manhattan	30/17	March 16, 2014 to Present
	6 Convent Avenue, Manhattan	31/17	March 16, 2014 to Present
	767 St. Nicholas Avenue, Manhattan	34/14	March 23, 2014 to Present
	121 Lewis Avenue, Brooklyn	26/17	March 6, 2014 to Present
	255 South 3 <sup>rd</sup> Street, Brooklyn	35/17	March 24, 2014 to Present
	466 Classon Avenue, Brooklyn	37/17	March 31, 2014 to Present

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038**, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call (212) 863-5277 or (212) 863-8211.

a10-18

**MAYOR'S OFFICE OF CONTRACT SERVICES**

■ NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2017 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitation(s) not included in the FY 2017 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Sanitation  
Description of services sought: To Provide Construction Management Services for the Construction of Brooklyn Community Districts 3 Facility (Professional Services-Construction Related)  
Start date of the proposed contract: October 1, 2017  
End date of the proposed contract: September 30, 2023  
Method of solicitation the agency intends to utilize: CSP  
Personnel in substantially similar titles within agency: Construction Project Manager, Associate Project Manager, Administrative Project Manager  
Headcount of personnel in substantially similar titles within agency: 5

• a13

CHANGES IN PERSONNEL

DEPARTMENT OF SANITATION FOR PERIOD ENDING 03/10/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Sanitation.

DEPARTMENT OF SANITATION FOR PERIOD ENDING 03/10/17

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DEPARTMENT OF SANITATION FOR PERIOD ENDING 03/10/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Sanitation.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Finance.

DEPARTMENT OF FINANCE FOR PERIOD ENDING 03/10/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Finance.

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 03/10/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Transportation.

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 03/10/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Transportation.

GALGAN	ANTHONY	10061	\$159475.0000	INCREASE	YES	02/19/17	841
GALLO	EMILY	J 95021	\$166860.0000	INCREASE	YES	02/26/17	841
GARCIA	NICOLE	D 95015	\$149062.0000	INCREASE	YES	02/26/17	841
GASTEL	SCOTT	J 95989	\$149062.0000	INCREASE	YES	02/26/17	841
GREENE	KENYA	10251	\$33875.0000	APPOINTED	NO	02/12/17	841
GROSS	CARDAN	10251	\$33875.0000	APPOINTED	NO	02/26/17	841
GUISAO	ANTHONY	J 90910	\$45270.0000	APPOINTED	YES	02/26/17	841
HARRY	AXEL	B 10251	\$33875.0000	APPOINTED	NO	02/12/17	841
HEALY	KIERSTEN	E 91504	\$63014.0000	RESIGNED	YES	02/24/17	841
HILL-LEE	ASIA	S 10251	\$42839.0000	APPOINTED	NO	02/26/17	841
IRIZARRY	VIOLET	L 10251	\$44176.0000	INCREASE	NO	02/19/17	841
JACKMAN	AUDREY	22315	\$79915.0000	INCREASE	NO	12/30/16	841
JARIWALA	SUDHIR	J 10015	\$140731.0000	INCREASE	YES	02/19/17	841
JARMOLOWSKY	PERRY	91529	\$54975.0000	RETIRED	NO	03/01/17	841
JOHNSON	SALLY	92406	\$315.6800	RETIRED	NO	03/02/17	841
JONES	TAMIKA	12158	\$43023.0000	DECEASED	NO	02/15/17	841
JONES	TAMIKA	10251	\$40361.0000	DECEASED	NO	02/15/17	841
KADISSERY	LAKSHMI	P 10251	\$37251.0000	APPOINTED	NO	02/12/17	841
KAZMI	MARYIAM	22305	\$52807.0000	APPOINTED	YES	02/12/17	841
KOLONICS	GLENN	92472	\$372.0000	RETIRED	NO	03/02/17	841
LEWIS	NICOLE	M 1002C	\$72552.0000	PROMOTED	NO	01/22/17	841
LI	BOER	20215	\$79351.0000	RESIGNED	YES	02/26/17	841
LORENZ	MATTHEW	R 1005A	\$110000.0000	APPOINTED	YES	02/26/17	841
LOVETT	ASHLEY	K 34201	\$56270.0000	APPOINTED	YES	02/26/17	841
MADDIX	DOUGLAS	22315	\$72575.0000	RETIRED	NO	03/02/17	841
MADDIX	DOUGLAS	20113	\$54484.0000	RETIRED	NO	03/02/17	841
MAGUIRE	THOMAS	G 83008	\$126158.0000	RESIGNED	YES	10/19/14	841
MAXWELL	ONEALE	C 34205	\$53134.0000	RESIGNED	YES	02/26/17	841
MCNIFF	THOMAS	J 31645	\$65176.0000	INCREASE	YES	01/22/17	841
MCRORBIE	ROBERT	W 91504	\$63014.0000	INCREASE	YES	11/27/16	841
PATTERSON	SERETTA	10251	\$42839.0000	INCREASE	NO	02/19/17	841
PROBHERBS	HASSAN	A 10251	\$42750.0000	APPOINTED	NO	02/26/17	841
RAMOS-COLON	ANITA	D 92472	\$372.0000	INCREASE	YES	01/22/17	841
RAMOS-COLON	ANITA	D 92406	\$315.6800	APPOINTED	NO	01/22/17	841
RASHEED	NAIM	83008	\$151817.0000	INCREASE	YES	02/19/17	841
RICHARDSON	KYLE	34205	\$61104.0000	RESIGNED	YES	10/30/16	841
SALPIETRO	MICHAEL	92406	\$315.6800	RETIRED	NO	03/02/17	841
SANAGAVARAPU	SUCHITRA	22122	\$103405.0000	APPOINTED	NO	11/13/16	841
SANCHEZ	LUIS	H 10026	\$150000.0000	INCREASE	NO	02/26/17	841
SCANLON	RAYMOND	C 10080	\$150000.0000	APPOINTED	YES	02/26/17	841
SCHNELL	EDWARD	C 22124	\$106542.0000	INCREASE	YES	02/26/17	841
SHAH	RAHUL	P 10015	\$154587.0000	INCREASE	YES	02/19/17	841
SHAO	EDWARD	20202	\$55039.0000	APPOINTED	NO	02/12/17	841
SKULSKY	BORIS	10015	\$122955.0000	INCREASE	YES	02/19/17	841
SMITH POLLYDOR	ALEATHA	E 10251	\$37251.0000	APPOINTED	NO	02/12/17	841
STEPHENS	NATALIE	L 12158	\$37411.0000	RESIGNED	YES	02/26/17	841
TAMPELLINI	WAYNE	B 91529	\$47804.0000	RESIGNED	YES	02/15/17	841
THERATTIL	JAI	P 10015	\$182000.0000	INCREASE	NO	02/12/17	841

DEPARTMENT OF TRANSPORTATION  
FOR PERIOD ENDING 03/10/17

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
THOMPSON-MORRIS	BEVERLEY	P 10251	\$37251.0000	APPOINTED	NO	02/12/17	841
TURMAN	LISA	10251	\$51034.0000	INCREASE	NO	02/19/17	841
VARGAS	YELITZA	20271	\$50285.0000	INCREASE	YES	02/19/17	841
VASQUEZ	TOMMY	35007	\$29842.0000	APPOINTED	YES	02/26/17	841
VIOLA	JOHN	J 10251	\$48916.0000	INCREASE	NO	02/19/17	841
WALLEN	NICOLE	Y 8297A	\$94739.0000	APPOINTED	YES	02/12/17	841

DEPT OF PARKS & RECREATION  
FOR PERIOD ENDING 03/10/17

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
AGUDELO	LUIS	E 81111	\$67664.0000	PROMOTED	NO	02/19/17	846
AL HOSSAIN	MOHAMMAD	22427	\$72535.0000	APPOINTED	NO	01/08/17	846
ALLEN	QUINN	22427	\$72535.0000	APPOINTED	NO	01/08/17	846
ALVEY	KATHLEEN	C 56057	\$51500.0000	APPOINTED	YES	02/26/17	846
ANDREWS	PERRY	E 80633	\$12.1400	DECEASED	YES	02/23/17	846
BAKER	JANNETH	K 80633	\$12.1400	RESIGNED	YES	02/17/17	846
BANNISTER	SHAMEKA	N 80633	\$12.1400	RESIGNED	YES	02/07/17	846
BELL	MICHAEL	81111	\$67664.0000	INCREASE	NO	02/19/17	846
BENHSINAT	MOHAMED	22427	\$72535.0000	APPOINTED	NO	01/08/17	846
BIKTJORN	TIMOTHY	M 80633	\$12.1400	RESIGNED	YES	10/19/16	846
BOLDEN	EVAN	T 81310	\$46472.0000	APPOINTED	NO	01/22/17	846
BROOKS	JAMES	06070	\$41015.0000	RESIGNED	YES	02/26/17	846
BROUSSET	CATHERIN	10251	\$31563.0000	APPOINTED	YES	12/18/16	846
BROWN	ANTHONY	22427	\$78463.0000	APPOINTED	NO	01/08/17	846
BROWN	BRYANT	80633	\$12.1400	RESIGNED	YES	12/23/16	846
BUCKMAN	CHASE	M 22427	\$72535.0000	APPOINTED	NO	01/08/17	846
CARTER	DONNISHA	80633	\$12.1400	RESIGNED	YES	01/24/17	846
CARTER	LARSHANI	80633	\$12.1400	RESIGNED	YES	02/16/17	846
CARUMBA	KEVIN	C 60421	\$41242.0000	RESIGNED	YES	01/15/17	846
CHEN	ZOE	21310	\$57000.0000	APPOINTED	YES	02/26/17	846
COBB	NAQUANN	60421	\$41242.0000	RESIGNED	YES	02/19/17	846
COOPER	MARANDA	N 80633	\$12.1400	RESIGNED	YES	11/27/16	846
CURRIE	DEBBIE	80633	\$12.1400	RESIGNED	YES	12/23/16	846
D'ORSOGNA	LORETTA	81310	\$46472.0000	APPOINTED	NO	01/22/17	846
DAMO	JOSEPH	91717	\$343.0000	RETIRED	NO	03/01/17	846
DANIEL	RANDAL	P 22427	\$72535.0000	APPOINTED	NO	01/08/17	846
DAWSON	PAUL	22427	\$72535.0000	APPOINTED	NO	01/08/17	846
DEESE	TONY	06070	\$23.1100	INCREASE	YES	10/02/16	846
EDUSEI	JEFFREY	B 56058	\$73000.0000	INCREASE	YES	01/22/17	846
ELLIS	LATOYA	J 80633	\$12.1400	RESIGNED	YES	02/08/17	846
FAKAHANI	MONA	H 81310	\$46472.0000	APPOINTED	NO	01/22/17	846
FONTANEZ	ANGELIC	M 80633	\$12.1400	RESIGNED	YES	02/11/17	846
FOOTE	OWEN	T 22427	\$96710.0000	APPOINTED	NO	01/08/17	846
FORD	JOYCE	L 80633	\$12.1400	RESIGNED	YES	12/07/16	846
FRAZIER	SUZAN	R 81310	\$19.3534	APPOINTED	YES	02/21/17	846

LATE NOTICE

PUBLIC LIBRARY/QUEENS

QUEENS/PURCHASING

SOLICITATION

Construction Related Services

SEWER EJECTOR PUMPS FOR THE CENTRAL QUEENS LIBRARY - Public Bid - PIN#0217-3 - Due 5-5-17 at 2:00 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.

Public Library/Queens, 89-11 Merrick Boulevard, Jamaica, NY 11432; William Funk (718) 990-0782; Fax: (718) 658-2945; william.r.funk@queenslibrary.org

a13

CONTRACT AWARD HEARINGS

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, PUBLIC HEARINGS UNIT, 253 BROADWAY, 9TH FLOOR, NEW YORK, N.Y. 10007, (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICES.

YOUTH AND COMMUNITY DEVELOPMENT

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a contract public hearing will be held on Friday, April 21, 2017, in Conference Room 1421, at the office of the Department of Youth and Community Development, 2 Lafayette Street, New York, NY 10007, commencing at 10:00 A.M. on the following:

IN THE MATTER OF the (3) three contracts between the Department of Youth and Community Development and the Contractors listed below provide transitional independent living services and crisis shelter beds for runaway homeless youth regardless of their background, sexual orientation or race. The RHY program also promotes youth development approaches that foster essential life skills. The term will be from July 1, 2017 to June 30, 2018. The contractors' service area, contract numbers and PIN numbers are indicated below.

PIN: 26018009303D AMOUNT: \$1,494,524.00  
NAME: Sheltering Arms Children and Family Services, Inc.  
ADDRESS: 305 7th Avenue, New York, NY 10001

PIN: 26018009299D AMOUNT: \$1,823,348.00  
NAME: SCO Family of Services  
ADDRESS: 1 Alexander Place, Glen Cove, NY 11542

PIN: 26018009300D AMOUNT: \$2,380,056.00  
NAME: SCO Family of Services  
ADDRESS: 1 Alexander Place, Glen Cove, NY 11542

The proposed contractor was selected pursuant to Section 3-04(b)(2)(iii) of the Procurement Policy Board Rules.

Drafts of the contract may be inspected at the Department of Youth and Community Development, Office of the Agency Chief Contracting Officer, 2 Lafayette Street, 14th Floor, New York, NY 10007, on business days between the hours of 9:00 A.M. and 5:00 P.M., from April 13th, 2017 to April 21st, 2017, excluding weekends and holidays.

a13