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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### ADMINISTRATIVE TRIALS AND HEARINGS

#### MEETING

The next meeting of the Environmental Control Board will take place on Thursday, April 27, 2017, at **100 Church Street, 12th Floor, Training Room #143**, New York, NY 10007, at 9:15 A.M., at the call of the Chairman.

◀ a20-24

### 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, 3rd Floor Conference Room, New York, NY 10007, at 2:30 P.M.



a13-20

### 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** **N 170163 ZRQ**

**CD 3**  
**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**

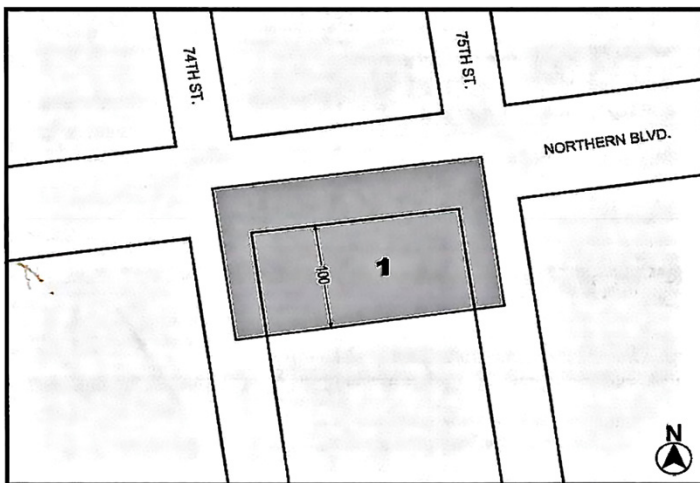
\* \* \*

**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 43rd 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 43rd 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

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Chapter 1
Special Midtown District

81-00
GENERAL PURPOSES

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

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

- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
(k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
(l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
(m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
(n) to protect and strengthen the economic vitality and competitiveness of the East Midtown 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)(s) 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
<del>East Midtown Grand Central Subdistrict</del>	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	C5-2.5	C5-3 C6-6
<b>A. Basic Maximum FAR</b>	8.0	10.0	12.0	14.0	15.0	<del>12.0</del>	<del>15.0</del>
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>1,2,7a</sup>	13.0 <sup>1,3</sup>	14.0	16.0	<del>12.0</del>	<del>15.0</del>
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	<del>2.4</del>	<del>3.0</del>
Maximum Total FAR with District-wide and As-of-Right Incentives	8.0	12.0	14.4	14.0	18.0	<del>14.4</del>	<del>18.0</del>
<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	<del>12.0</del>	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	<del>12.0</del>	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#

<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>6.7</sup> Not available on west side of Eighth Avenue within the Eighth Avenue Corridor

<sup>7.8</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)

**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.

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**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**

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**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 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).

\* \* \*

## **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:

- Section 81-61, inclusive, sets forth general provisions, applicability and definitions for the East Midtown Subdistrict;
- Section 81-62, inclusive, sets forth special use provisions;

- Section 81-63, inclusive, sets forth special #floor area# provisions for the Vanderbilt Corridor Subarea;
- Section 81-64, inclusive, sets forth special #floor area# provisions for #qualifying sites#;
- Section 81-65, inclusive, sets forth special #floor area# provisions for all other #zoning lots#;
- Section 81-66, inclusive, sets forth certain height and setback modifications to the provisions of Sections 81-26 and 81-27;
- Section 81-67, inclusive, sets forth certain modifications to the mandatory district plan elements of Section 81-40, inclusive; and
- Section 81-68, inclusive, sets forth additional provisions pertaining to #qualifying sites#.

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

- 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.
- 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 #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
- 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 Price 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-Gore, 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 (Alternate 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



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:
- 20 percent of the sales price of the transferred #floor area#; or
  - 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:
- 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);
  - site plans and zoning calculations for the #granting lot# and #receiving lot#;
  - materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#;
  - a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#; and
  - 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:

- All requirements for #qualifying sites# set forth in the definition in Section 81-613 (Definitions), inclusive are met; and
- 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 (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]

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) 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.

**81-68**

**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**

<b>Location</b>	<b>Type of Improvement</b>	<b>Transit Line</b>
<u>Lexington/53rd Street station</u>	<u>Replace escalator and stair connecting downtown Lexington platform to station with widened stair</u>	<u>Lexington Avenue Line/53rd Street Line</u>
<u>Lexington/53rd Street station</u>	<u>Provide new street entrance to uptown Lexington platform from 50th Street</u>	<u>Lexington Avenue Line/53rd Street Line</u>
<u>Bryant Park station</u>	<u>Provide ADA access between Flushing platform and mezzanine level</u>	<u>Flushing Line/Sixth Avenue Line</u>
<u>Bryant Park station</u>	<u>Provide new street entrance from north side of West 42nd street</u>	<u>Flushing Line/Sixth Avenue Line</u>
<u>Bryant Park station</u>	<u>Provide ADA access between Sixth Avenue northbound platform and mezzanine level</u>	<u>Flushing Line/Sixth Avenue Line</u>
<u>Bryant Park station</u>	<u>Provide ADA access between Sixth Avenue southbound platform and mezzanine level</u>	<u>Flushing Line/Sixth Avenue Line</u>
<u>59th Street station</u>	<u>Provide new street entrance from north side of 60th Street</u>	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>59th Street station</u>	<u>Provide ADA access between local southbound platform and street level</u>	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>59th Street station</u>	<u>Provide ADA access between 60th Street line platform and mezzanine level</u>	<u>Lexington Avenue Line/Broadway-60th Street Line</u>

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
5th and 53rd Street station	Provide new street entrance on west side of Madison Avenue	53rd Street Line
Grand Central/42nd Street	Widen platform stairs at east end of Flushing platform	Flushing Line
Grand Central/42nd Street	Widen stairs between Flushing and Lexington platforms	Flushing Line

**TYPE 2 IMPROVEMENTS**

Location	Type of Improvement	Transit Line
Lexington/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	Sixth 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

**TYPE 3 IMPROVEMENTS**

Location	Type of Improvement	Transit Line
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:

- (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 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

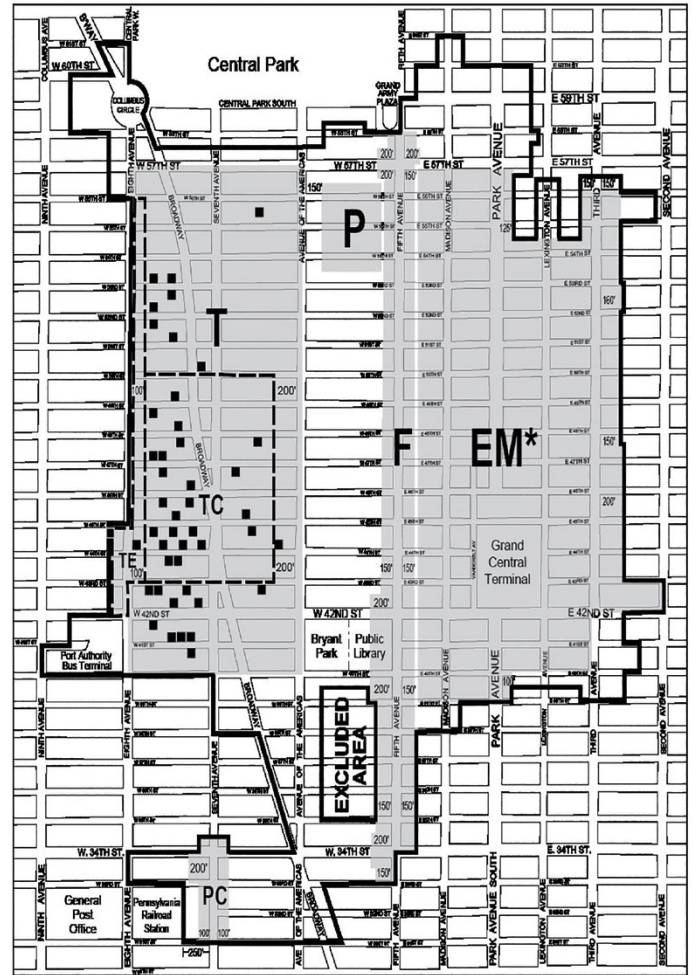
to minimize adverse effects on the character of the surrounding area.

Appendix A

Midtown District Plan Maps

Map 1: Special Midtown District and Subdistricts

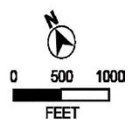
[REPLACE EXISTING MAP WITH THIS]



MIDTOWN DISTRICT PLAN
MAP 1 - Special Midtown District and Subdistricts

Legend for Map 1: 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

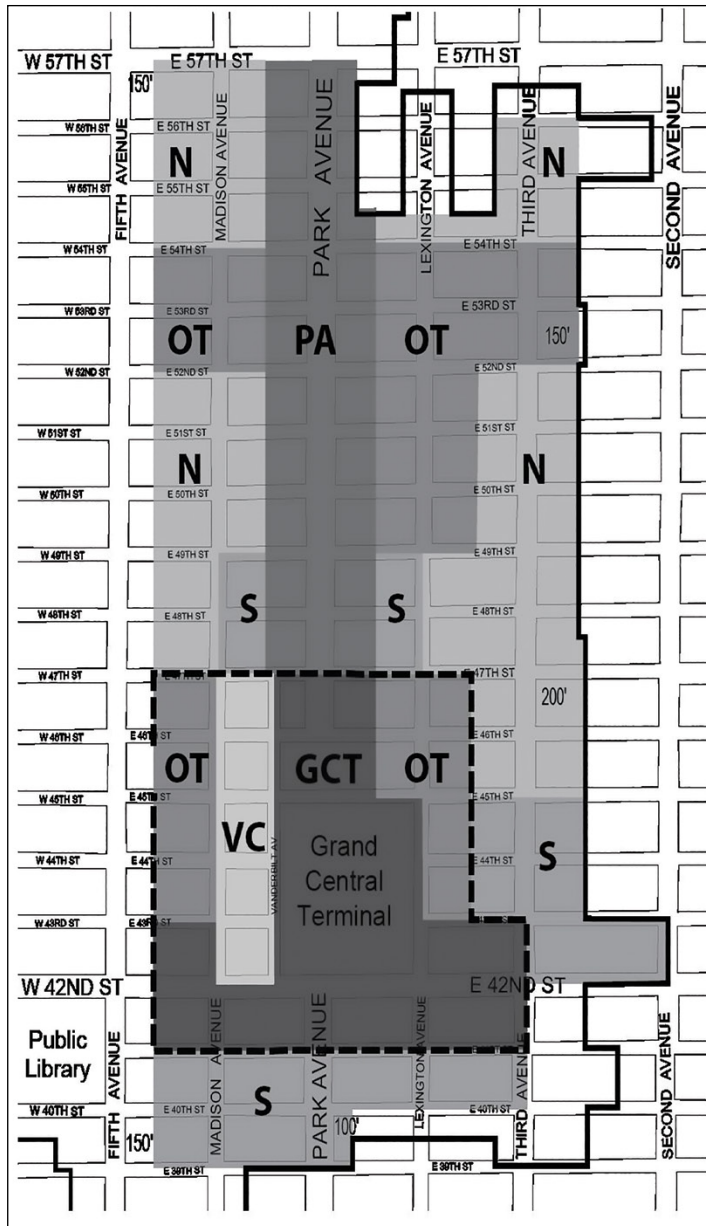


\* \* \*

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 Diagrams

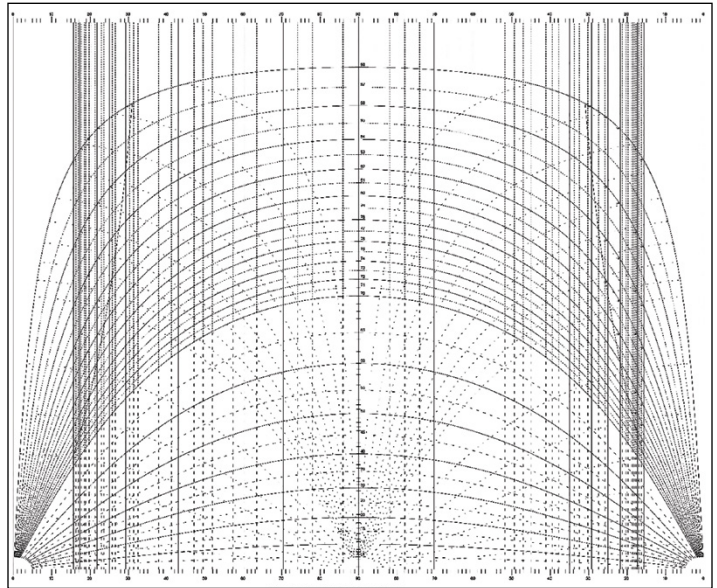
[MOVE EXISTING DAYLIGHT EVALUATION CHARTS INTO APPENDIX B]

\* \* \*

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

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\* \* \*

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\* \* \*

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)(~~p~~) 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)(~~r~~) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (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).

\* \* \*

**81-02  
General Provisions**

**81-022  
Applicability 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 (e) 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).
- (e) ~~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 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.	Basic Maximum FAR						
	8.0	10.0	12.0	14.0	15.0	-12.0	-15.0
B.	Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Public plazas# (Section 81-23)						
	---	1.0 <sup>1,2</sup>	1.0 <sup>1,3</sup>	---	1.0 <sup>2</sup>	---	---
B.	Maximum Total FAR with As-of-Right Incentives						
	8.0	11.0 <sup>1,2,7,6</sup>	13.0 <sup>1,3</sup>	14.0	16.0	-12.0	-15.0
C.	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
D.	Maximum Total FAR with District-wide and As-of-Right Incentives						
	8.0	12.0	14.4	14.0	18.0	-14.4	-18.0
F.	Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)						
	---	2.0	---	---	3.0	---	---
G.	Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:						
	---	12.0	---	---	18.0	---	---
H.	Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:						
	Development rights (FAR) of a "granting site" (Section 81-744)						
	---	10.0	12.0	14.0	15.0	---	---
	Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))						
	---	2.0	2.4	2.8	3.0	---	---
	Inclusionary Housing (Sections 23-90 and 81-22)						
	---	2.0 <sup>4</sup>	---	---	---	---	---
I.	Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict						
	---	12.0	14.4	16.8	18.0	---	---
J.	Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))						
	---	2.4	---	---	---	---	---
K.	Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations						
	---	14.4	14.4	16.8	18.0	---	---
L.	Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:						
	Rehabilitation of "listed theaters" (Section 81-745)						
	---	4.4	2.4	2.8	3.0	---	---
M.	Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives						
	8.0	14.4	14.4	16.8	18.0	---	---
N.	Maximum FAR of Lots Involving Landmarks:						

Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)							
	8.0	10.0	12.0	14.0	15.0	-12.0	-15.0
Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)							
	8.0	10.0	13.0 <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>6</sup> Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
- <sup>7</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.

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**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.

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**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.

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**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**

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

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**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):

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**81-27  
Alternative Alternate 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 – 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.

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**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).

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**81-412  
Directions Directional signs**

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**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 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 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 (Alternative 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 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:

- (c) 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 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	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
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**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**

**TYPE 1 IMPROVEMENTS**

Location	Type of Improvement	Transit Line
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

**TYPE 2 IMPROVEMENTS**

Location	Type of Improvement	Transit Line
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

**TYPE 3 IMPROVEMENTS**

Location	Type of Improvement	Transit Line
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.

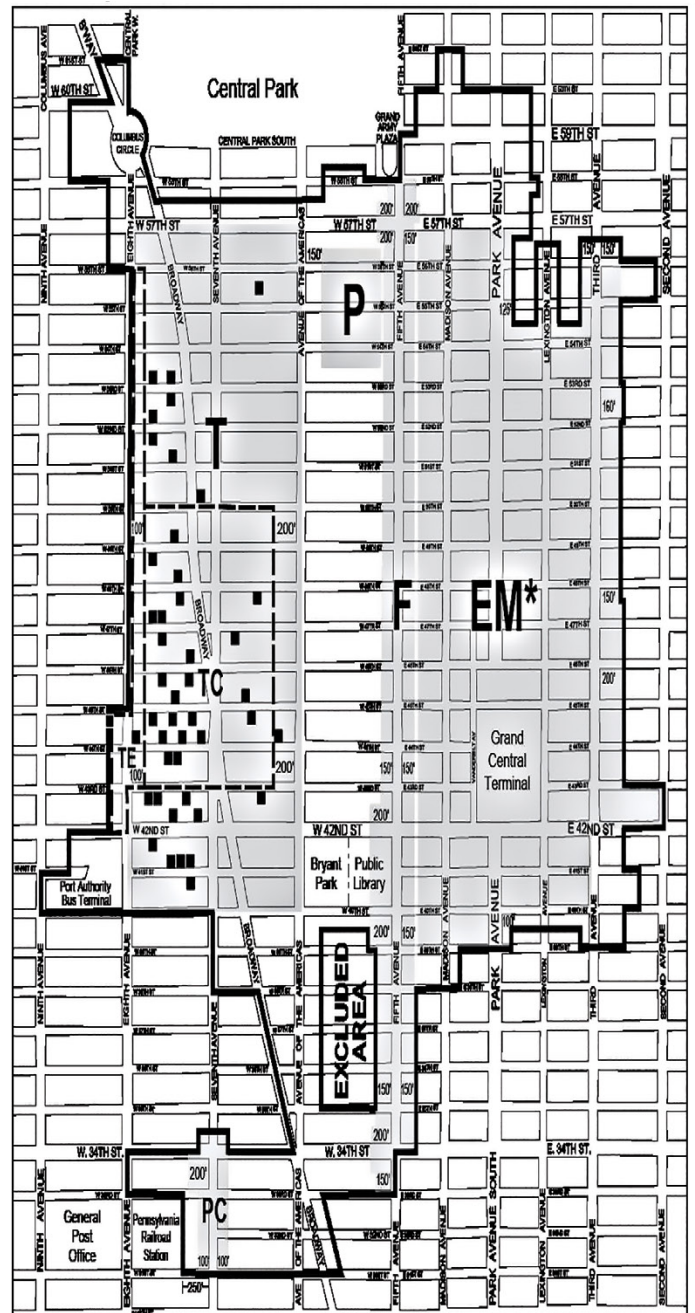
(c) Upon certification by the Chairperson, monies equal to such agreed upon cost estimate between the applicant, DOT and the Governing Group shall be deposited into an escrow account or similar fund established by the Governing Group from the #Public Realm Improvement Fund# ("the Improvement Fund").

(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.

[REPLACE EXISTING MAP WITH THIS]

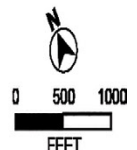


### MIDTOWN DISTRICT PLAN

#### 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



\* \* \*

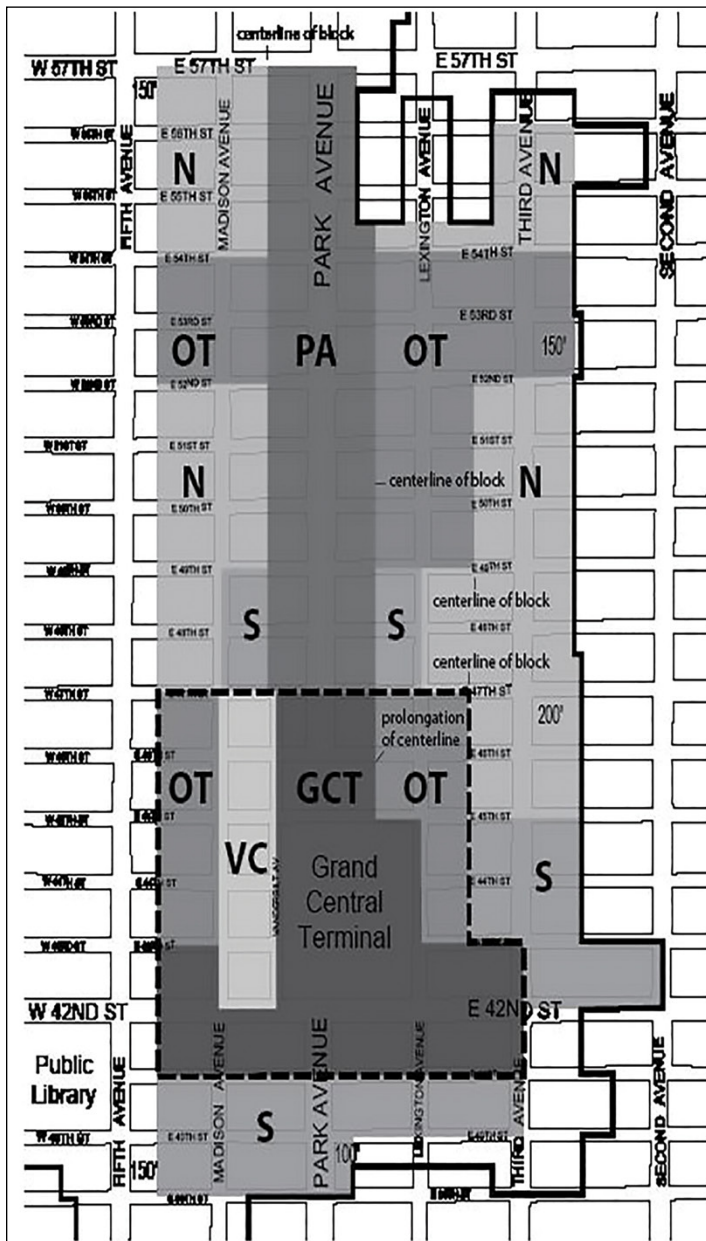
### Appendix A Midtown District Plan Maps

Map 1: Special Midtown District and Subdistricts

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**

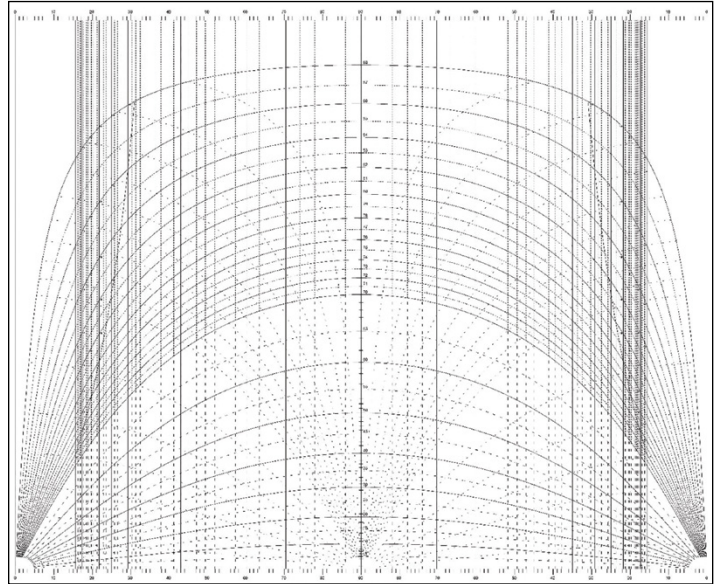
[MOVE EXISTING DAYLIGHT EVALUATION CHARTS INTO APPENDIX B]

\* \* \*

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



**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. 10 - Monday, April 24, 2017, 7:15 P.M., The Knights of Columbus, 1305 86th Street, Brooklyn, NY.

#N160371 ECK

**IN THE MATTER OF** an application from the ABI Group LLC, doing business as Zitelli's, for review, pursuant to Section 366-a(c) of the New York City Charter, of the grant of a renewal application for a revocable consent to operate an existing enclosed sidewalk café with 11 tables and 42 seats, at 8530 Third Avenue on the northwest corner of 86th Street, in the Borough of Brooklyn.

BSA# 2016-4463-BZ

**IN THE MATTER OF** which seeks to permit construction of a six story plus rooftop playground school, at 6202 14th Avenue, contrary to zoning regulations 42-00, 77-11, 43-122, 24-11, 77-22, 77-24, 43-43, 24-521, 24-34, 77-27, 24-35, 24-36, 24-551, 77-28 and 43-301.

**a18-24**

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 10 - Monday, April 24, 2017, 7:15 P.M., Knights of Columbus, 1305 86th Street, Brooklyn, NY.

BSA# 2016-4463-BZ

6202 14th Avenue, Brooklyn, NY.

Application submitted for the property, at 6202 14th Avenue, seeking a variance to permit the construction of a Use Group 3 religious school within an M1-1 and R5B zoning district school under BSA authorizing Section 72-21, contrary to 42-00, 77-11, 43-122, 24-11, 77-22, 77-24, 43-43, 24-521, 24-34, 77-27, 24-35, 24-36, 24-551, 77-28, 43-301.

**a18-24**

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 02 - Thursday, April 20, 2017, 6:00 P.M., Long Island University, Metcalfe Hall, Jonas Board Room, Flatbush and DeKalb Avenues, Brooklyn, NY.

Department of Consumer Affairs Application #2461-2017-ASWC  
515 Atlantic Avenue, Brooklyn, NY

**IN THE MATTER OF** an application by Atlantic J LLC, doing business as Jane, for review pursuant to Section 20-226(b) of the New York City Administrative Code, to operate an unenclosed sidewalk café with 11 tables and 25 seats, at 515 Atlantic Avenue, between Third and Fourth Avenues, in the Borough of Brooklyn.

590 Fulton Street

**IN THE MATTER OF** an application by Boqueria Brooklyn LLC, doing business as Boqueria, for review pursuant to Section 20-226(b) of the New York City Administrative Code, to operate an unenclosed sidewalk café with 19 tables and 38 seats, at 590 Fulton Street, beginning at the shared entrance near Rockwell Place and extending easterly for 46'-10" towards Ashland Place, in the Borough of Brooklyn.

Department of Consumer Affairs application #4510-2017-ASWC  
211 DeKalb Avenue, Brooklyn, NY

**IN THE MATTER OF** an application by Aurora FB, Inc., for review pursuant to Section 20-226(b) of the New York City Administrative Code, to operate an unenclosed sidewalk café with 20 tables and 40 seats, at 211 DeKalb Avenue, on the northeast corner of DeKalb Avenue and Adelphi Street, in the Borough of Brooklyn.

**a14-20**

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

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 04 - Tuesday, April 25, 2017, 6:00 P.M., Bronx Museum of the Arts, 1040 Grand Concourse, Bronx, NY.

#C170311 ZMX

Lower Concourse North Rezoning

**IN THE MATTER OF** an application submitted by NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the

New York City Charter for the amendment of the Zoning Map Section No. 6a: changing a M2-1 district to an R7-2 district property, bounded by the US Pierhead and Bulkhead Line, a line 600 feet northerly of East 149th Street, a line 145 feet westerly of Major Deegan Expressway, the northerly street line of former East 150th Street, Major Deegan, and East 149th Street; establishing within the proposed R7-2 District a C2-5 District, bounded by the U.S. Pierhead and Bulkhead Line, a line 600 feet northerly of East 149th Street, a line 145 feet westerly of Major Deegan Expressway, the northerly street line of former East 150th Street, Major Deegan Expressway, and East 149th Street.

#C170314 PPX

**IN THE MATTER OF** an application submitted by the NYC Department of Citywide Administrative Services (DCAS), Division of Real Estate Services, pursuant to Section 197-c of the New York City Charter for the disposition of five City-owned properties, located on Block 2356, Lots 2 and 72; Block 2539, Lots 1 and a p/o Lots 2 and 3 and the demapped portion of the former East 150th Street between Exterior Street and the Pierhead and Bulkhead line, pursuant to zoning.

#C170315 ZSX

**IN THE MATTER OF** an application submitted by NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit Development Corporation, pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, on property located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), in an R7-2 District\*, with the Special Harlem River Waterfront District\*, Borough of the Bronx, Community District 4.

\* Note: The site is proposed to be rezoned by changing an M2-1 District to an R7-2 District, by establishing a C2-5 District within the proposed R7-2 District, and by establishing a Special Harlem River Waterfront District, under a concurrent related application for a Zoning Map change (C 170311 ZMX).

**a19-25**

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 16 - Tuesday, April 25, 2017, 6:30 P.M., 444 Thomas S. Boyland Street, Brooklyn, NY.

#C170189 ZMK

Ebenezer Plaza

**IN THE MATTER OF** an application submitted by Brownsville Linden Plaza LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17d: changing from an M1-1 District to an R7A District property, bounded by New Lots Avenue, Powell Street, a line 150 feet northerly of Hegeman Avenue, Sackman Street, a line 100 feet northerly of Hegeman Avenue, Christopher Avenue, Hegeman Avenue, and Mother Gaston Boulevard; changing from an M1-1 District to an R7D District property, bounded by a line 100 feet northerly of Hegeman Avenue, Sackman Street, a line 150 feet northerly of Hegeman Avenue, Powell Street, Hegeman Avenue, and Christopher Avenue; establishing within a proposed R7A district a C2-4 District, bounded by New Lots Avenue, Powell Street, a line 150 feet northerly of Hegeman Avenue, Sackman Street, a line 100 feet northerly of Hegeman Avenue, Christopher Avenue, Hegeman Avenue, and Mother Gaston Boulevard.

**a19-25**

**DESIGN COMMISSION**

■ MEETING

**Agenda**

**Monday, April 24, 2017**

*The Committee Meeting is scheduled to begin at 10:25 A.M.*

Public Meeting

1:00 P.M. Consent Items

26093: Reconstruction of the Greenpoint Branch Library and Environmental Education Center, 107 Norman Avenue, Brooklyn. (Final) (CC 33, CB 1) BPL

- 26094: Installation of a prototypical newsstand, 2182 Broadway, southeast corner of Broadway, and West 78th Street, Manhattan. (Preliminary and Final) (CC 6, CB 7) DCA/DOT
- 26095: Installation of a prototypical newsstand, 910 8th Avenue, northeast corner of 8th Avenue, and West 54th Street, Manhattan. (Preliminary and Final) (CC 3, CB 5) DCA/DOT
- 26096: Restoration of windows on a portion of the east elevation, Heckscher Building, 1230 Fifth Avenue, Manhattan. (Preliminary and Final) (CC 8, CB 11) DCAS
- 26097: Construction of a NYPD Bomb Squad building, 100A Rodman Neck Path, Pelham Bay Park, Bronx. (Final) (CC 13, CB 10) DDC/NYPD
- 26098: Installation of coping, New Dorp Branch Library, 309 Dorp Lane, Staten Island. (Preliminary and Final) (CC 50, CB 2) DDC/NYPL
- 26099: Construction of a biogas conditioning system, and adjacent site work, Newtown Creek Water Pollution Control Plant, 329 Greenpoint Avenue, Brooklyn. (Preliminary) (CC 33, CB 1) DEP
- 26100: Installation of a prototypical neighborhood wayfinding sign, Richmond Terrace, Staten Island. (Preliminary and Final) (CC 49, CB 1) DOT
- 26101: Installation of M-pole lighting, Myrtle Avenue from 80th Street to Woodhaven Boulevard, Ridgewood, Queens. (Preliminary and Final) (CC 30, CB 5) DOT
- 26102: Construction of a healing garden, Kissena Corridor Park, Main Street and 56th Avenue, Flushing, Queens. (Preliminary) (CC 20, CB 7) DPR
- 26103: Construction of a park, including a storage shed, West 20th Street between 6th Avenue, and 7th Avenue, Manhattan. (Preliminary) (CC 3, CB 4) DPR
- 26104: Installation of an ADA ramp, Brooklyn War Memorial, Cadman Plaza, Tillary Street, Fulton Street, Prospect Street, and Washington Street, Brooklyn. (Preliminary) (CC 33, CB 2) DPR
- 26105: Installation of an ADA ramp, Sara D. Roosevelt Park, Stanton Street between Chrystie Street and Forsyth Street, Manhattan. (Preliminary) (CC 1, CB 3) DPR
- 26106: Reconstruction of athletic fields, and adjacent site work as Phase I of the reconstruction of Astoria Park, Astoria Park South, 21st Street, and Shore Boulevard, Astoria, Queens. (Preliminary) (CC 22, CB 1) DPR
- 26107: Reconstruction of ballfields, a dog run, and promenade as Phase I of the reconstruction of St. Mary's Park, Jackson Avenue and East 143rd Street, Bronx. (Preliminary) (CC 8, CB 1) DPR
- 26108: Reconstruction of Garrison Playground, East 146th Street, Walton Avenue, and the Grand Concourse, Bronx. (Preliminary) (CC 17, CB 1) DPR
- 26109: Reconstruction of Jacob Joffe Park, Avenue K, East 58th Street, Avenue L, and East 59th Street, Brooklyn. (Preliminary) (CC 46, CB 18) DPR
- 26110: Reconstruction of the Reflecting Pool as Phase I of the reconstruction of three fountains, between the Unisphere and Fountain of the Planets, Flushing Meadows Corona Park, Corona, Queens. (Preliminary) (CC 21, CB 4) DPR
- 26111: Reconstruction of Weeksville Playground, Howard Avenue between Atlantic Avenue and Herkimer Street, Brooklyn. (Preliminary) (CC 41, CB 3) DPR
- 26112: Rehabilitation of the Grand Staircase and pathways, and construction of a plaza as Phase I of the reconstruction of Highbridge Park, Laurel Hill Terrace between Amsterdam Avenue and Harlem River Drive and Dyckman Street and Harlem River Drive, Manhattan. (Preliminary) (CC 10, CB 12) DPR
- 26113: Construction of an administration and education building (The Cubes), Socrates Sculpture Park, Vernon Boulevard, Broadway, and 31st Road, Long Island City, Queens. (Preliminary and Final) (CC 26, CB 1) DPR
- 26114: Installation of a sealcoat soccer field, P.S. 83, 219 East 109th Street, Manhattan. (Preliminary and Final) (CC 8, CB 11) DOE
- 26115: Installation of a sealcoat soccer field, Frederick Johnson Park, 7th Avenue between West 150th and West 151st Street, Manhattan. (Preliminary and Final) (CC 9, CB 10) DPR
- 26116: Reconstruction of a playground and athletic courts, Dutch Kills Playground, Crescent Street and 36th Avenue, Long Island City, Queens. (Final) (CC 26, CB 1) DPR
- 26117: Reconstruction of ballfields, Cypress Hills Park, Euclid Avenue between Dumont Avenue and Blake Avenue, Brooklyn. (Final) (CC 42, CB 5) DPR
- 26118: Reconstruction of Fairview Park, Phase I, Englewood Avenue, Arthur Kill Road, Veterans Road West, and Bricktown Way, Staten Island. (Final) (CC 50, CB 3) DPR
- 26119: Reconstruction of Lafayette Playground, Lafayette Avenue between Malcom X Boulevard and Patchen Avenue, Brooklyn. (Final) (CC 47, CB 13) DPR
- 26120: Reconstruction of Lawrence Playground, College Point Boulevard, Botanical Garden Bridge, and the Van Wyck Expressway, Queens. (Final) (CC 20, CB 7) DPR
- 26121: Reconstruction of Playground 123, Phase II, Morningside Park, West 123rd Street and Morningside Avenue, Manhattan. (Final) (CC 9, CB 9) DPR
- 26122: Reconstruction of the Riverside Skate Park, Riverside Park and West 108th Street, Manhattan. (Final) (CC 6, CB 7) DPR
- 26123: Rehabilitation of a comfort station, Corlears Hook Park, Cherry Street, Jackson Street, and the FDR Drive, Manhattan. (Final) (CC 2, CB 3) DPR
- 26124: Rehabilitation of a comfort station, Dutch Kills Playground, Crescent Street and 36th Avenue, Long Island City, Queens. (Final) (CC 26, CB 1) DPR
- 26125: Conservation of *King Jagiello* (1939) by Stanislaw Kazimierz Ostrowski, Central Park, north of the 79th Street transverse, Manhattan. (Final) (CC 9, CB 5, 7, 8, 10 & 11) DPR/CPC
- 26126: Construction of a truck weigh station, compost structures, and adjacent site work, 450 West Service Road, Staten Island. (Preliminary and Final) (CC 50, CB 3) DSNY
- 26127: Rehabilitation of La Marqueta and La Placita, Park Avenue between East 114th Street and East 116th Street, Manhattan. (Preliminary) (CC 9, CB 11) EDC
- 26128: Construction of a concrete facility (Ferrara Brothers), 730 3rd Avenue between 24th Street, 25th Street, and the Gowanus Canal, Brooklyn. (Final) (CC 38, CB 7) EDC
- 26129: Reconstruction of the landscape to accommodate Citywide ferry service, including the installation of electrical equipment, fencing and access gate, Pier 6, Brooklyn Bridge Park. (Preliminary and Final) (CC 33, CB 2) EDC/BBP

Design Commission meetings are held in the Conference Room on the Third Floor of City Hall, unless otherwise indicated.

All attendees, including members of the public, are encouraged to arrive at least 45 minutes in advance of the estimated time; those who also plan to testify are encouraged to submit their testimony in writing in advance of the meeting date. Please note that all times are approximate and subject to change without notice.

Please note that items on the consent agenda are not presented. If members of the public wish to testify on a consent agenda item, they should contact the Design Commission immediately, so the project can be rescheduled for a formal presentation at the next appropriate public hearing, per standard procedure.

Do you need assistance to participate in the meeting? If you need a reasonable accommodation of a disability, such as a sign language interpreter, at the meeting, please inform the Public Design Commission three business days (72 hours) in advance of the meeting. The Public Design Commission Conference Room is wheelchair accessible.

Per Local Law Int 0132-2010, meetings are recorded on digital video and posted online.

Public Design Commission  
City Hall, Third Floor  
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[designcommission@cityhall.nyc.gov](mailto:designcommission@cityhall.nyc.gov)



ENVIRONMENTAL PROTECTION

NOTICE

NOTICE IS HEREBY GIVEN that, pursuant to Title 5, Chapter 3, Subchapter 3, of the Administrative Code of the City of New York, a public hearing will be held, at 1 Centre Street, Mezzanine, Borough of Manhattan on Tuesday, April 25, 2017, at 10:00 A.M. on the following:

REAL PROPERTY PUBLIC HEARING IN THE MATTER OF the acquisition by the City of New York of fee simple (Fee), and by the Watershed Agricultural Council of Conservation Easement interests (WAC CE), using funds provided by the City of New York, on the following real estate in the Counties of Delaware, Greene and Schoharie for the purposes of providing for the continued supply of water, and for preserving and preventing the contamination, or pollution of the New York City water supply system:

Table with 6 columns: NYC ID, County, Municipality, Type, Tax Lot ID, Acres (+/-). Lists property details for various locations like Andes, Franklin, Hamden, etc.

REAL PROPERTY PUBLIC HEARING IN THE MATTER OF the acquisition by the City of New York of easement interests on the following real estate in the County of Ulster, in connection with the operation, repair and/or maintenance of the Catskill Aqueduct, as part of the New York City water supply system:

Table with 5 columns: NYC ID, County, Municipality, Tax Lot ID, Acres (+/-). Lists property details for Marbletown in Ulster County.

A copy of the Mayor's Preliminary Certificates of Adoption, and maps of the real estate to be acquired, are available for public inspection upon request. Please call (845) 340-7810.

← a20

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, 12th Floor, New York, NY, no earlier than 24 hours before the upcoming 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, 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, 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, May 2, 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.

15 Park Row - Individual Landmark

LPC-19-8636 - Block 90 - Lot 4 - Zoning: C5-5

CERTIFICATE OF APPROPRIATENESS

An office building with Classical style elements, designed by R.H. Robertson and built in 1896-99. Application is to establish a master plan governing the future installation of windows.

1 Worth Street - Tribeca West Historic District

LPC-18-1086 - Block 179 - Lot 11 - Zoning: C6-2A

CERTIFICATE OF APPROPRIATENESS

A late-19th Century commercial warehouse with Classical style elements, designed by McKim, Mead, and White, and built in 1896. Application is to replace windows.

440 West 14th Street - Gansevoort Market Historic District

LPC-19-6464 - Block 646 - Lot 18 - Zoning: M1-5

CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style French flats building built in 1890, and a Queen Anne style French flats building built in 1887. Application is to legalize the installation of signage without Landmarks Preservation Commission permit(s).

38 West 10th Street - Greenwich Village Historic District

LPC-19-8768 - Block 573 - Lot 23 - Zoning: R6

CERTIFICATE OF APPROPRIATENESS

An altered Anglo-Italianate style rowhouse built in 1858. Application is to modify the front facade and rooftop and to install an areaway gate.

769 Greenwich Street - Greenwich Village Historic District

LPC-19-8012 - Block 634 - Lot 56 - Zoning: C1-6

CERTIFICATE OF APPROPRIATENESS

A Greek Revival style residence built in 1839. Application is to construct rooftop additions.

36 Commerce Street - Greenwich Village Historic District

LPC-18-7184 - Block 584 - Lot 28 - Zoning: R6

CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse built in 1841. Application is to modify the roof, raise the height of secondary facades, alter window openings, and excavate the rear yard.

77 Washington Place - Greenwich Village Historic District

LPC-19-5554 - Block 552 - Lot 67 - Zoning: R7-2

CERTIFICATE OF APPROPRIATENESS

A Greek Revival style townhouse built in 1844, and altered in 1917. Application is to construct rear yard and rooftop additions; modify Masonry openings at the rear facades; and replace skylights and install railings at the roof.

710 Greenwich Street - Greenwich Village Historic District Extension

LPC-19-7026 - Block 631 - Lot 7501 - Zoning: C1-6A

CERTIFICATE OF APPROPRIATENESS

Two Neo-Classical style warehouse buildings designed by Moore & Landsiedel and built in 1909, and later altered with an addition designed by Matthew W. Del Gaudio in 1912. Application is to replace a door.

710 Greenwich Street - Greenwich Village Historic District Extension

LPC-19-6852 - Block 631 - Lot 7501 - Zoning: C1-6A

CERTIFICATE OF APPROPRIATENESS

Two Neo-Classical style warehouse buildings designed by Moore & Landsiedel and built in 1909, and later altered with an addition designed by Matthew W. Del Gaudio in 1912. Application is to alter the façade, and install storefronts and signage.

**Belvedere Castle Paths - Scenic Landmark**

**LPC-19-09659** - Block 1111 - Lot 1 - **Zoning:** Parkland  
**ADVISORY REPORT**

A Gothic style observation tower designed by Calvert Vaux and built in 1867, and adjacent pathways, within an English Romantic style public park designed in 1856 by Olmsted and Vaux. Application is to construct a pathway and walls for barrier free access.

**Belvedere Castle - Scenic Landmark**

**LPC-19-09660** - Block 1111 - Lot 1 - **Zoning:** Parkland  
**BINDING REPORT**

A Gothic style observation tower designed by Calvert Vaux and built in 1867, within an English Romantic style public park, designed in 1856 by Olmsted and Vaux. Application is to replace windows and doors.

a19-m2

**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 façade 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

**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, 9<sup>th</sup> 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, 9<sup>th</sup> 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.

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## 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)

**ADMINISTRATION FOR CHILDREN'S SERVICES**

■ INTENT TO AWARD

*Services (other than human services)*

**SAFESIGNAL SMARTPHONE SAFETY APPLICATION** - Sole Source - Available only from a single source - PIN#06817S0002 - Due 4-21-17 at 10:00 A.M.

In accordance with Section 3-05 of the Procurement Policy Board Rules, ACS intends to enter into negotiations for a Sole Source contract with Alert Media, Inc. for the SafeSignal Smartphone Safety Application to assist ACS caseworkers in the event of emergencies.

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.

Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038. Alex Linetskiy (212) 341-3457; Fax: (212) 341-3504; [alex.linetskiy@dca.state.ny.us](mailto:alex.linetskiy@dca.state.ny.us)

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**CITYWIDE ADMINISTRATIVE SERVICES**

**OFFICE OF CITYWIDE PROCUREMENT**

■ AWARD

*Goods*

**SCANNING ELECTRON MICROSCOPE AND ACCESSORIES** - Competitive Sealed Bids - PIN#8571600454 - AMT: \$223,124.02 - TO: Carl Zeiss Microscopy LLC, One Zeiss Drive, Thornwood, NY 10594.  
● **BLEACH SOLUTION, SODIUM HYPOCHLORITE** - Competitive Sealed Bids - PIN#8571600447 - AMT: \$550,750.27 - TO: Imperial Bag and Paper Co LLC, 255 Route 1 and 9, Jersey City, NJ 07306.

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■ SOLICITATION

*Goods*

**PVC PIPE, FITTINGS AND VALVES** - Competitive Sealed Bids - PIN#8571600235 - Due 5-18-17 at 10:30 A.M.  
● **SMOKE EJECTORS WITH ACCESSORIES** - Competitive Sealed Bids - PIN#8571600461 - Due 5-18-17 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online site at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord). Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov), by telephone (212) 386-0044, or by fax at (212) 669-7585.

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. Erica De Jesus (212) 386-0435; Fax: (646) 500-7299; [ejesus@dcas.nyc.gov](mailto:ejesus@dcas.nyc.gov)

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**EDUCATION**

**CONTRACTS AND PURCHASING**

■ SOLICITATION

*Goods and Services*

**DISTRIBUTION OF FRESH MILK AND DAIRY PRODUCTS** - Competitive Sealed Bids - PIN#B3038040 - Due 5-24-17 at 4:00 P.M. PRE-BID CONFERENCE ON MONDAY, APRIL 24, 2017, at 3:00 P.M. 65 Court Street, 12th Floor, Room 1201, Brooklyn, NY 11201. The Division of Contracts and Purchasing on behalf of the Department

of Education (DOE), and the Office of SchoolFood is seeking bids from qualified vendors who specialize in the handling, and distribution of milk, and dairy products with capacity and adequate resources to supply fresh milk and dairy items to the DOE's approximately 1,250 OSF-Operated school kitchens Citywide.

RFB OPENING DATE and TIME: THURSDAY, May 25, 2017, at 1:00 P.M., EST

● **SUPPLY OF FRESH MILK AND DAIRY PRODUCTS** - Competitive Sealed Bids - PIN#B3039040 - Due 5-24-17 at 4:00 P.M. PRE-BID CONFERENCE ON MONDAY, APRIL 24, 2017, at 1:00 P.M. 65 Court Street, 12th Floor, Room 1201, Brooklyn, NY 11201.

The Division of Contracts and Purchasing on behalf of the Department of Education (DOE) and the Office of SchoolFood is seeking bids from qualified milk and dairy products suppliers for the DOE's School Food meal program. Awarded suppliers will be responsible for delivering milk and dairy products to the Department's milk distributors.

RFB OPENING DATE and TIME: THURSDAY, May 25, 2017, at 11:00 A.M., EST.

Email [fcastel@schools.nyc.gov](mailto:fcastel@schools.nyc.gov) to confirm attendance at the pre-bid conference. Attendance is not mandatory.

If you are interested in participating in this procurement, you can download the solicitation and requirements at: <https://vendorportal.nycenet.edu>

If you cannot download this BID, please send an email to [VendorHotline@schools.nyc.gov](mailto:VendorHotline@schools.nyc.gov) with the BID Number and title in the subject line of your email.

For all questions related to these BIDs, please send email to [fcastel@schools.nyc.gov](mailto:fcastel@schools.nyc.gov) with the BID Number and title in the subject line of your email.

The New York City Department of Education (DOE) strives to give all businesses, including Minority and Women-Owned Business Enterprises (MWBES), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including MWBES, from all segments of the community. The DOE works to enhance the ability of MWBES to compete for contracts. DOE is committed to ensuring that MWBES fully participate in the procurement process.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; [vendorhotline@schools.nyc.gov](mailto:vendorhotline@schools.nyc.gov)



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**DELIVERY OF COMPOSTABLE CUTLERY** - Competitive Sealed Bids - PIN#B3050040 - Due 6-1-17 at 4:00 P.M.

PRE-BID CONFERENCE on Friday, May 5, 2017, at 3:00 P.M., at 65 Court Street, Conference Room 1201, Brooklyn, NY 11201.

To download, please go to <http://schools.nyc.gov/Offices/DCP/Vendor/RequestsforBids/Default.htm>. If you cannot download, send an email to [vendorhotline@schools.nyc.gov](mailto:vendorhotline@schools.nyc.gov), with the RFB number and title in the subject line.

For all questions related to this RFB, please email [rgreene@schools.nyc.gov](mailto:rgreene@schools.nyc.gov) with the RFB number and title in the subject line of your email.

Description: The purpose of this RFB is to contract with a single qualified supplier to provide the following compostable cutlery items to the New York City DOE, and to other school districts participating in the Urban School Food Alliance (USFA): 1) Fork w/Napkin Kit, 2) Spoon w/Napkin Kit, 3) Forks, 4) Spoons, 5) Knives, and 6) Straws. All items must be certified as compostable and meet the RFB's specifications for utility in school cafeterias and for reduced environmental impact, including, for example, heat tolerance, functionality, and ingredients used in their manufacture.

Bidders will be required to quote net costs for products from manufacturers and a delivery mark-up inclusive of all service costs, such as operational and transportation costs, including fuel, and overhead, as well as profit margin. The lowest bidder will be determined based on the combined total cost for products, and delivery mark-up. Products will be delivered to each USFA member school district; for the NYCDOE, products will be delivered to the OSF warehouse in Long Island City, and to the DOE's contracted vendor responsible for supplying cafeteria supplies to high schools.

The New York City Department of Education (DOE) strives to give all businesses, including Minority and Women-Owned Business Enterprises (MWBES), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including MWBES, from all segments of the community. The DOE works to enhance the



ability of MWBEs to compete for contracts. DOE is committed to ensuring that MWBEs fully participate in the procurement process.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; vendorhotline@schools.nyc.gov



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**REMOVAL AND TRANSFER OF CAFETERIA AND KITCHEN EQUIPMENT** - Competitive Sealed Bids - PIN#B2985040 - Due 5-31-17 at 4:00 P.M.

RFB OPENING DATE and TIME: THURSDAY, JUNE 1, 2017, at 11:00 A.M., EST

PRE-BID CONFERENCE ON FRIDAY, MAY 5, 2017, at 1:00 P.M. 65 Court Street, 12th Floor, Room 1201, Brooklyn, NY 11201.

The Division of Contracts and Purchasing on behalf of the Department of Education (DOE), and the Office of SchoolFood is seeking bids from qualified vendors actively engaged in the business of moving, and disposing of cafeteria and kitchen equipment. This contract will provide the removal and disposal of obsolete and non-functioning equipment from DOE properties in compliance with industry standards, laws, and regulations, including those applicable to Freon recovery. These contracts will also cover the transfer of cafeteria and kitchen equipment between various DOE locations.

Email fcastel@schools.nyc.gov to confirm attendance at the Pre-Bid Conference. Attendance is not mandatory.

If you are interested in participating in this procurement, you can download the solicitation and requirements at: <https://vendorportal.nycenet.edu>

If you cannot download this BID, please send an email to VendorHotline@schools.nyc.gov with the BID Number and title in the subject line of your email. For all questions related to this BID, please send email to fcastel@schools.nyc.gov with the BID Number and title in the subject line of your email.

The New York City Department of Education (DOE) strives to give all businesses, including Minority and Women-Owned Business Enterprises (MWBEs), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including MWBEs, from all segments of the community. The DOE works to enhance the ability of MWBEs to compete for contracts. DOE is committed to ensuring that MWBEs fully participate in the procurement process.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; vendorhotline@schools.nyc.gov



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**ENVIRONMENTAL PROTECTION**

**MANAGEMENT BUDGET**

■ AWARD

*Construction Related Services*

**JOB ORDER CONTRACT- GENERAL CONSTRUCTION REGION 1, MANHATTAN AND BRONX** - Competitive Sealed Bids - PIN# 82616B0048001 - AMT: \$2,500,000.00 - TO: D and K Construction Co., 155 Union Avenue, Middlesex, NJ 08846. JOC-16-FMC-1G

● **JOB ORDER CONTRACT- GENERAL CONSTRUCTION REGION 2, BROOKLYN, QUEENS, STATEN ISLAND** - Competitive Sealed Bids - PIN#82616B0049001 - AMT: \$2,500,000.00 - TO: DIA General Construction, Inc., 1360 Clifton Avenue, Clifton, NJ 07012. JOC-16-FMC-2G

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**WATER AND SEWER OPERATIONS**

■ SOLICITATION

*Services (other than human services)*

**PREVENTIVE MAINTENANCE AND REPAIR OF DEHUMIDIFIERS, VENTILATION AND ASSOCIATED OPERATING SYSTEMS IN BWSO FACILITIES AND**

**SUBTERRANEAN CHAMBERS-CITYWIDE** - Competitive Sealed Bids - PIN#82617B0061 - Due 5-18-17 at 11:30 A.M.

Contract Number: MDV-103, Document Fee: \$0, Project Manager: Andrew Kuchynsky, AKuchynsky@dep.nyc.gov. Engineer's Estimate: \$711,610 - \$837,199. There will be a Pre-Bid Meeting to be held on May 18, 2017, located at 59-17 Junction Boulevard, 12th Floor Conference Room at 9:00 A.M. Site Visit to follow 5/4/2017 - next to 851 Main Street, Roosevelt Island (there is no direct address for the facility) SECURITY FORM IS REQUIRED, Send forms to Project Manager. PPE is required. Last day for questions 5/12/2017.

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 Bid Room, Flushing, NY 11373. Fabian Heras (718) 595-3265; fheras@dep.nyc.gov



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**HEALTH AND MENTAL HYGIENE**

■ AWARD

*Human Services/Client Services*

**HEALTH AND WELLNESS SERVICES** - BP/City Council Discretionary - PIN#17AZ034501R0X00 - AMT: \$125,000.00 - TO: Bailey House, Inc., 1751 Park Avenue, New York, NY 10035.

● **MENTAL HYGIENE SERVICES FOR CHILDREN AND YOUTH** - BP/City Council Discretionary - PIN#17AO025801R0X00 - AMT: \$150,000.00 - TO: Center for Alternative Sentencing and Employment Services, Inc., 151 Lawrence Street, Brooklyn, NY 11201.

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**AGENCY CHIEF CONTRACTING OFFICER**

■ INTENT TO AWARD

*Human Services/Client Services*

**HOUSING AND SUPPORTIVE SERVICES** - Negotiated Acquisition - Other - PIN#18AZ00000R0X00 - Due 4-21-17 at 11:00 A.M.

NYC DOHMH intends to enter into Negotiated Acquisition Extensions with the following providers for Housing and Supportive Services (scattered sites) to the homeless population under NY/NYIII, for a contract term of 7/1/2017 - 6/30/2018:

1. New York Foundling Hospital  
18AZ002401R0X00
2. Camba, Inc.  
18AZ002701R0X00
3. The Fortune Society, Inc.  
18AZ002801R0X00
4. Breaking Ground Housing Development Fund Corporation  
18AZ003501R0X00
5. SCO Family of Services  
18AZ003601R0X00
6. Jewish Board of Family Children Services Inc.  
18AZ003801R0X00
7. Jericho Project  
18AZ003901R0X00
8. Western United Community Renewal Inc.  
18AZ005301R0X00
9. Palladia Inc.  
18AZ006001R0X00

DOHMH determined that it is in the City's best interest to negotiate with these existing contractors, because these extensions will ensure continuity of these services while DOHMH finalizes a new solicitation.

This notice is for informational purposes only. However, vendors who are interested in future procurements for these services, are welcome to submit an expression of interest no later than 4/21/2017, by 11:00 A.M.

These are 12 month extensions via Negotiated Acquisition Extensions with existing providers.

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.

Health and Mental Hygiene, 42-09 28th Street, 17th Floor, Long Island City, NY 11101. Marcella Napolitano (347) 396-6680; Fax: (347) 396-6759; mnapolitano@health.nyc.gov

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**HOUSING AUTHORITY**

**SUPPLY MANAGEMENT**

■ SOLICITATION

*Construction Related Services*

**SMD SECURING VACANT PROPERTIES THROUGHOUT THE FIVE (5) BOROUGHES OF NYC - Competitive Sealed Bids - PIN#65252 - Due 5-9-17 at 10:00 A.M.**

Provide and install 14 gauge steel perforated security panels over windows, entrance doors, basement doors and any other openings as directed by NYCHA.

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/nycbusiness. 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. Erneste Pierre-Louis (212) 306-3609; Fax: (212) 306-5109; erneste.pierre-louis@nycha.nyc.gov

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*Goods and Services*

**SMD MAINTENANCE PAINTING OF APARTMENTS - ADAMS, BRONX - Competitive Sealed Bids - PIN#65245 - Due 5-18-17 at 10:00 A.M.**

The term of the contract is Two (2) Years. The contractor must paint complete apartments based on the estimated number of apartments of a particular size. The work shall consist of furnishing labor, material, equipment, insurance, incidental items, and permits, all in accordance with the Contract Documents, for the painting of residential apartments in any of the Buildings constituting the Developments.

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, please 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" followed by "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. Mimose Julien (212) 306-8141; Fax: (212) 306-5109; mimose.julien@nycha.nyc.gov

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**SMD ELECTRICAL WORK (LABOR ONLY)-VARIOUS DEVELOPMENT IN THE FIVE (5) BOROUGHES OF NEW YORK CITY - Competitive Sealed Bids - Due 5-18-17**

PIN# 65235 - Brooklyn - Due at 10:00 A.M.  
PIN# 65236 - Bronx - Due at 10:05 A.M.  
PIN# 65237 - Manhattan - Due at 10:10 A.M.  
PIN# 65238 - Queens and Staten Island - Due at 10:15 A.M.

The term of this contract is Two (2) Years. This is a requirement contract for labor only. The Authority shall provide all required material(s) for this contract inclusive of wire, cable, conduit, enclosures, fittings, hangers, and all required incidental items. On an "as need" basis, provide interior/exterior electrical work, at a fixed hourly rate as set forth in the Form of Proposal. The development's Property Maintenance Supervisor shall request a written quote from the contractor for installation or repair of an item.

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.

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, please 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" followed by "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 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. Miriam Rodgers (212) 306-3469; Fax: (212) 306-5109; miriam.rodgers@nycha.nyc.gov

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**HUMAN RESOURCES ADMINISTRATION**

■ INTENT TO AWARD

*Human Services/Client Services*

**SHELTER SERVICES FOR HOMELESS FAMILIES AT ABYSSINIAN HOUSE - Negotiated Acquisition - Other -PIN#07117N0006001 - Due 4-22-17 - at 2:00 P.M.**

\*For Informational purposes only\*  
The Department of Homeless Services (DHS) intends to enter into a Negotiated Acquisition (NA) with the following vendor: SOBRO

Term: 2/1/2016 - 6/30/2017  
Amount: \$2,416,412.00

This is a Negotiated Acquisition contract with SOBRO as the assigned provider for the provision of services for Homeless Families, at Abyssinian House-Tier II, at 139-43 West 138th Street, New York, NY. The contract is needed to provide continued services, as the new provider has taken over February 1, 2016. The original provider and owner of the building engaged SOBRO to take over operations of the site. Organizations that believe they are qualified to provide these services, or are interested in similar future procurements, may express their interest by filing with the New York City Vendor Enrollment Center at (212) 857-1680, or via email at vendor.enrollment@cityhall.nyc.gov. For Human Services contracts, go to http://www.nyc.gov/html/

hhsaccelerator/htm/roadmap/roadmap.shtml.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Human Resources Administration, 150 Greenwich Street, 37th Floor, New York, NY 10007. Paul Romain (929) 221-5555; Fax: (929) 221-0757; romainp@hra.nyc.gov

a17-21

## CONTRACTS

### ■ INTENT TO AWARD

*Human Services/Client Services*

**ON-CALL CASE MANAGEMENT SERVICES** - Renewal - PIN# SEE BELOW..... - Due 4-26-17 at 5:00 P.M.

Catholic Charities Community Services Archdiocese of New York  
1011 First Avenue, 6th Floor  
New York, NY 10022  
Contract Amount: \$600,000.00  
E-PIN: 09614I0007001R001

Jewish Board of Family and Children's Services, Inc.  
135 West 50th Street  
New York, NY 10020  
Contract Amount: \$600,000.00  
E-PIN: 09614I0007002R001

Brooklyn Bureau of Community Service  
285 Schermerhorn Street  
Brooklyn, NY 11217  
Contract Amount: \$600,000.00  
E-PIN: 09614I0007003R001

Jewish Board of Family and Children's Services, Inc.  
135 West 50th Street  
New York, NY 10020  
Contract Amount: \$600,000.00  
E-PIN: 09614I0007004R001

Catholic Charities Community Services Archdiocese of New York  
1011 First Avenue, 6th Floor  
New York, NY 10022  
Contract Amount: \$600,000.00  
E-PIN: 09614I0007005R001

Jewish Board of Family and Children's Services, Inc.  
135 West 50th Street  
New York, NY 10020  
Contract Amount: \$600,000.00  
E-PIN: 09614I0007006R001

SCO Family of Services  
1 Alexander Place  
Glen Cove, NY 11542  
Contract Amount: \$600,000.00  
E-PIN: 09614I0007007R001

Catholic Charities Community Services Archdiocese of New York  
1011 First Avenue, 6th Floor  
New York, NY 10022  
Contract Amount: \$600,000.00  
E-PIN: 09614I0007008R001

Jewish Board of Family and Children's Services, Inc.  
135 West 50th Street  
New York, NY 10020  
Contract Amount: \$600,000.00  
E-PIN: 09614I0007009R001

The NYC Department of Social Services /Human Resources Administration through its Crisis and Disaster Response program plans to renew nine (9) contracts with the contractors listed above for the "Provision of Emergency On-Call Case Management Services".

The contract renewal term will be from 8/1/2017 to 7/31/2020. Anyone having comments on the contractor's performance on the proposed renewal of the contracts may contact Amanda Hayde at (929) 221-7334.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Human Resources Administration, 150 Greenwich Street, 42nd Floor, New York, NY 10007. Amanda Hayde (929) 221-7334; Fax: (212) 437-2126; haydea@hra.nyc.gov

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## 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 on-line at: <http://a856-internet.nyc.gov/nycvendoronline/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](mailto:dmwbe.capital@parks.nyc.gov)

j3-d29

### ■ INTENT TO AWARD

*Goods and Services*

**SEWERAGE PUMPING DISPOSAL** - Sole Source - Available only from a single source - PIN# 846SP17C000X17 - Due 4-24-17 at 11:00 A.M.

The Department of Parks and Recreation intends to enter into a Sole Source Negotiation, with 2952 Victory Boulevard Pump Corporation, having an office at 10 Jefferson Boulevard, Staten Island, NY, to perform sewerage pumping disposal services, for Willow Brook Park, by means of a connection from the Willow Brook Park sanitary sewer lines, to the Sewerage Pumping Station.

Any firm that would like to express their interest in providing services for similar projects in the future, may do so by phone and joining the City Bidder's list, by filling out the NYC-FMS Vendor Enrollment form at <https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService> to enroll your organization with the City of New York.

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, 24 West 61st Street, 3rd Floor, New York, NY 10023. Christopher Miao (212) 830-7983; christopher.miao@parks.nyc.gov

a17-21

CAPITAL PROJECTS

■ INTENT TO AWARD

Construction Related Services

MEMORANDUM OF AGREEMENT - Government to Government - PIN# 8462017T0003001 - Due 5-4-17 at 4:30 P.M.

Department of Parks and Recreation ("DPR"), Capital Projects Division, intends to enter into a Funding Agreement with the Hudson River Park Trust, located at Pier 40, Second Floor, 353 West Street, New York, NY 10014, for the purpose upgrading the facilities for the following projects: (a) Tribeca Dog Run, and Pier 25 Playground Gates (ADA Compliance) (b) Houston Street Tennis Courts and (c) Tribeca Basketball Court.

● MEMORANDUM OF AGREEMENT - Government to Government - PIN# 8462017T0004001 - Due 5-4-17 at 4:30 P.M.

Department of Parks and Recreation ("DPR"), Capital Projects Division, intends to enter into a Funding Agreement with the Hudson River Park Trust, located at Pier 40, Second Floor, 353 West Street, New York, NY 10014, for the purpose of upgrading the facilities as described in the project for the Chelsea Waterside Park Basketball Court.

Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing to the address listed here, and received by May 4, 2017. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available online at "NYC.gov/selltonyc" and in hard copy by calling the Vendor Enrollment Center (212) 857-1680.

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. Grace Fields-Mitchell (718) 760-6687; Fax: (718) 760-6885; grace.fields-mitchell@parks.nyc.gov

a19-25

DESIGN, CONSTRUCTION AND CONSTRUCTION SUPERVISION

- Government to Government - PIN#8462017T0005001 - Due 5-4-17 at 4:30 P.M.

Department of Parks and Recreation ("DPR"), Capital Projects Division, intends to enter into a Funding Agreement with the Hudson River Park Trust, located at Pier 40, second Floor, 353 West Street, New York, NY 10014, for the purpose of upgrading the facilities as described in the project for the Leroy Street Dog Run between Leroy and Clarkson Streets, in Hudson River Park.

Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing to the address listed here and received by May 4, 2017. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available on line at "NYC.gov/selltonyc" and in hard copy by calling the Vendor Enrollment Center (212) 857-1680.

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. Grace Fields-Mitchell (718) 760-6687; Fax: (718) 760-6885; grace.fields-mitchell@parks.nyc.gov

a18-24

CONTRACTS

■ SOLICITATION

Construction/Construction Services

RECONSTRUCTION OF A PERIMETER SIDEWALK - Competitive Sealed Bids - PIN#84617B0098 - Due 5-16-17 at 10:30 A.M.

Located on the Westside of Flatbush Avenue, extending Southeast from the Intersection of Grand Army Plaza, and Eastern Parkway, to the Prospect Park Zoo in Prospect Park, Borough of Brooklyn. Contract B073-216M.

Pre-Bid Meeting, Wednesday, May 3, 2017, at 11:30 A.M. LOCATION: at Site - Grand Army Plaza. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013. Bid

Deposit: Required 5 percent of Amount of Proposal, or Bid Bond 10 percent of Amount of Proposal. The Cost Estimate Range is \$1,000,000.00 to \$3,000,000.00.

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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REVENUE

■ SOLICITATION

Services (other than human services)

DEVELOPMENT, OPERATION, AND MAINTENANCE OF A FOOD SERVICE FACILITY IN WNYC TRANSMITTER PARK, BROOKLYN - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# B385-SB-2017 - Due 6-5-17 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a significant Request for Proposals ("RFP") for the development, operation, and maintenance of a food service facility in WNYC Transmitter Park, Brooklyn.

There will be a recommended proposer meeting on Thursday, May 18th, 2017, at 2:00 P.M. We will be meeting at the proposed concession site, at 10 Kent Street, Brooklyn, NY 11222, (Block # 2556 and Lot # 41). If you are considering responding to this RFP, please make every effort to attend this recommended meeting. All proposals submitted in response to this RFP must be submitted no later than Monday, June 5th, 2017, at 3:00 P.M.

Hard copies of the RFP can be obtained, at no cost, commencing on Thursday, April 20th, 2017 through Monday, June 5th, 2017, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located, at 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download, on Thursday, April 20th, 2017, through Monday, June 5th, 2017, on Parks' website. To download the RFP, visit http://www.nyc.gov/parks/businessopportunities, and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) (212) 504-4115.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Eric Weiss (212) 360-3483; Fax: (212) 360-3434; eric.weiss@parks.nyc.gov

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POLICE

CONTRACT ADMINISTRATION

■ INTENT TO AWARD

Goods and Services

UPGRADE TO EXISTING VISITOR PASS SYSTEM AT POLICE HEADQUARTERS SECURITY - Sole Source - Available only from a single source - PIN# 0561700001220 - Due 4-27-17 at 2:00 P.M.

The New York City Police Department intends to enter into Sole Source negotiations with Security Identification Systems Corporation (SISCO),

located at 3595 Fiscal Court, West Palm Beach, FL 33404, for the provision of the Upgrade of the Existing Visitor Pass System at Police Headquarters Security. Any entity which believes that it can provide the required services, is invited to indicate such interest by email to Administrative Procurement Analyst, Sheanni Gunasekera at Sheanni.Gunasekera@nypd.org, on or before April 27, 2017, 2:00 P.M.

Pursuant to Section 3-05(b) of the NYC Procurement Policy Board Rules, the Agency Chief Contracting Officer in consultation with the NYPD's Headquarters Security, has made a determination that a Sole Source procurement is justified due to the fact that SISCO is the sole provider of the SISCO FAST-PASS Visitor Management Solutions system currently in place at Police Headquarters Security. The SISCO concepts in the designing of this system are the intellectual property of SISCO.

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.  
 Police, 90 Church Street, 12th Floor, Suite 1206, New York, NY 10007.  
 Sheanni Gunasekera (646) 610-5221; Fax: (646) 610-5224;  
 sheanni.gunasekera@nypd.org

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**PUBLIC LIBRARY - QUEENS**

**QUEENS/PURCHASING**

■ SOLICITATION

*Goods and Services*

**GLASS REPLACEMENT SERVICES** - Public Bid - PIN# BID #0317-4 - Due 5-9-17 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

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**TRANSPORTATION**

**BRIDGES**

■ AWARD

*Construction Related Services*

**DESIGN AND CSS: COMPONENT REHABILITATION OF 11 BRIDGES** - Request for Proposals - PIN# 84116MBBR955 - AMT: \$2,693,922.74 - TO: Hardesty and Hanover LLC, 5 Marine View Plaza, Hoboken, NJ 07030.

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**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.**

**HOMELESS SERVICES**

■ PUBLIC HEARINGS

**CORRECTED NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Contract Public Hearing, will be held on Thursday, April 20, 2017, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M., on the following:

**IN THE MATTER OF** a proposed contract between the Department of Homeless Services of the City of New York and the contractor listed below, to operate a New Stand-Alone Transitional Residence for Homeless Single Adults. The term of this contract will be from January 23, 2017 to June 30, 2021 with an option to renew from July 1, 2021 to June 30, 2025.

<u>Vendor/Address</u>	<u>Site Address</u>	<u>E-PIN</u>	<u>Amount</u>
Core Services Group, Inc. 45 Main Street, Suite 711 Brooklyn, NY 11201	Bergen House Shelter 1173 Bergen Street Brooklyn, NY 11213	07110P0002153	\$32,000,000.00

The proposed contractor has been selected through the Competitive Sealed Proposal method, pursuant to Section 3-03 (b) (2) of the Procurement Policy Board (PPB) Rules.

A draft copy of the proposed contract is available for public inspection at the Human Resources Administration of the City of New York, Office of Contracts, 150 Greenwich Street, 37<sup>th</sup> Floor, New York, NY 10007, on business days, from April 14, 2017 to April 20, 2017, between the hours of 10:00 A.M. and 5:00 P.M., excluding Saturdays, Sundays and holidays. If you need to schedule an inspection appointment and/or need additional information, please contact Paul Romain at (929) 221-5555.



a14-20



**CAMPAIGN FINANCE BOARD**

■ NOTICE

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** We are proposing amendments to the Campaign Finance Board's ("Board") rules regarding timing of deposits of cash contributions, restrictions on return of contributions, transfers of funds received for other elections, rescission of certification, contributions made and intermediated by individuals doing business with the City, contribution documentation, proof of compliance with the Conflicts of Interest Board ("COIB"), and public funds payments in special elections. These amendments are being made to conform to amendments made to the City Administrative Code by Local Laws No. 167, 173, 184, 185, 186, 188, 189, 192, and 193 for the year 2016.

**When and where is the hearing?** The Board will hold a public hearing on the proposed rules. The public hearing will take place at 10:00 A.M., on May 25, 2017. The hearing will be in the Board's Board Room, at 100 Church Street, 12<sup>th</sup> Floor, New York, NY 10007.

This location has the following accessibility option(s) available:

- Wheelchair Accessible
- Sign Language Interpretation

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Board through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [Rules@nyccfb.info](mailto:Rules@nyccfb.info).
- **Mail.** You can mail written comments to Hillary Weisman, General Counsel for Legal Affairs, Campaign Finance Board, 100 Church Street, 12<sup>th</sup> Floor, New York, NY 10007.
- **Fax.** You can fax written comments to the Board at (212) 409-1705.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling Hillary Weisman, General Counsel for Legal Affairs, at (212) 409-1858. You can also sign up in the hearing room before the hearing begins. You may speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, written comments must be submitted by May 24, 2017.

**Do you need assistance to participate in the hearing?** You must tell

Hillary Weisman if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 409-1800. You must tell us by May 23, 2017.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rules will be available to the public on the Board's website at [www.nycfb.info](http://www.nycfb.info).

**What authorizes the Board to make these rules?** Sections 1043, 1052(a)(8), and 1052(a)(15) of the City Charter, Sections 3-701 *et seq.* of the City Administrative Code, and Local Laws No. 167, 173, 184, 185, 186, 188, 189, 192, and 193 for the year 2016 authorize the Board to make these proposed rules. These rules were included in the Board's regulatory agenda for the 2017 fiscal year.

**Where can I find the Board's rules?** The Board's rules are in Title 52 of the Rules of the City of New York and on the Board's website at <http://www.nycfb.info/act-program/rules/>.

**What rules govern the rulemaking process?** The Board must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

#### **Statement of Basis and Purpose of Proposed Rules**

The Campaign Finance Board ("CFB" or "the Board") is a nonpartisan, independent City agency that empowers New Yorkers to make a greater impact in elections. The CFB administers the City's campaign finance system, overseeing and enforcing the regulations related to campaign finance and holding candidates accountable for using public funds responsibly. The CFB publishes detailed public information about money raised and spent in City elections by candidates and independent spenders, and engages and educates voters through community outreach, the Voter Guide, and the Debate Program.

The CFB is proposing amendments to several of its rules regarding timing of deposits of cash contributions, restrictions on return of contributions, transfers of funds received for other elections, rescission of certification, contributions made and intermediated by individuals doing business with the City, contribution documentation, proof of compliance with the Conflicts of Interest Board ("COIB"), and public funds payments in special elections.

The proposed rules are amended to conform to Local Laws No. 167, 173, 184, 185, 186, 188, 189, 192, and 193 for the year 2016, now codified in Sections 3-702(3); 3-703(1), (1-b), (10), (14), and (17); and 3-705(2)(a) of the City Administrative Code ("Code").

The following is a summary of the substantive changes.

#### **Summary of Proposed Rules**

##### **Chapter 1**

##### **1-04(b): Contributions – Deposit**

This rule is amended to conform to Local Law No. 184 for the year 2016, which extended the time to deposit contributions from ten to twenty business days after receipt, except for cash contributions, which still must be deposited within ten business days of receipt.

##### **1-04(c)(2)(iii): Restrictions on return**

This rule is amended to conform to Local Law No. 186 for the year 2016, which provided that participating candidates may return contributions because of the particular source or intermediary involved in order to protect a reputational interest.

##### **1-07(c): Funds originally received for other elections**

This rule is amended to conform to Local Law No. 189 for the year 2016, which modified requirements on transfers of funds received for another election. Previously, candidates who transferred funds from a non-participating committee were required to obtain evidence of the contributors' intent to have their contributions used for a different election. Pursuant to Local Law No. 189, this requirement no longer applies to transfers from committees filing timely contemporaneous disclosures with the Board.

##### **Chapter 2**

##### **2-01(f): Rescission**

This rule is amended to conform to Local Law No. 193 for the year 2016, which extended the time for candidates to rescind the certification filed to commence participation in the Campaign Finance Program ("Program"). Previously, candidates could rescind their certification no later than the deadline to file a certification. Pursuant to Local Law No. 193, candidates may rescind their certification by the ninth Monday preceding the primary election or prior to the receipt of public funds, whichever occurs first.

##### **2-11: Non-Participation**

Subdivision (a) of this rule is amended to conform to Local Law No. 193 for the year 2016.

Subdivision (b) of this rule is amended to conform to Local Law No. 185 for the year 2016, which removed the requirement that candidates inquire whether a contributor is doing business with the City.

##### **Chapter 3**

##### **3-03(c): Contributions and other receipts**

Paragraph (1) of this rule is amended to conform to Local Law No. 185 for the year 2016.

Paragraph (2) of this rule is amended to conform to Local Law No. 189 for the year 2016.

##### **Chapter 4**

##### **Rule 4-01(b): Receipts**

Candidates must maintain records of contributions, including contribution cards, which are filled out and signed by the contributor and contain contributor information. Contribution cards are a crucial component of the CFB's audit process and in the review of contributions submitted for public funds matching claims. In order to determine whether a contribution is eligible to be matched with public funds, the CFB requires candidates to provide documentation verifying the information reported, including the contributor's name and address, the amount and date of the contribution, and the instrument (*i.e.*, cash, check, etc.) used to make the contribution.

This rule is amended to conform to the documentation requirements in Local Law No. 188 for the year 2016. Specifically, contribution cards are no longer required to be filled out by the contributor. A candidate or a member of his or her campaign committee may fill out a contribution card prior to its being signed and dated by the contributor.

Additionally, contribution cards are no longer required for money order contributions, unless the contributor's name and residential address are not printed on the money order by the issuer. Contribution cards are required for check contributions only if the check is not signed by the contributor, and are no longer required merely because the check is missing an address or contains a professional designation.

Finally, Paragraph (4) of this rule is amended to conform to Local Law No. 189 for the year 2016. Previously, candidates who transferred funds from a non-participating committee were required to exclude from such transfers contributions that violated source restrictions and spending limits, and to obtain evidence of the contributors' intent to have their contributions used for a different election. Pursuant to Local Law No. 189, these requirements no longer apply to transfers from committees that filed timely contemporaneous disclosures with the Board.

##### **Rule 4-01(n): Business dealings with the City**

This rule is amended to conform to Local Law No. 185 for the year 2016, which removed the requirement that candidates inquire whether a contributor is doing business with the City.

##### **Chapter 5**

##### **5-01(b): Preliminary review of disclosure statements**

This rule is amended to conform to Local Law No. 173 for the year 2016, which removed the requirement that the COIB provide candidates with a receipt confirming compliance with Section 12-110 of the Code.

##### **Rule 5-01(d): Validity of matchable contribution claims**

Paragraph (3) of this rule is amended to conform to Local Law No. 192 for the year 2016, which raised the maximum amount of public funds per contributor in a special election from \$522 to \$1,050, the same amount as in a primary or general election.

A new Paragraph (29) is added to this rule to conform to Local Law No. 167 for the year 2016, which provided that contributions intermediated by individuals doing business with the City may not be matched with public funds.

##### **5-01(f)(6): Basis for ineligibility determination**

This rule is amended to conform to Local Law No. 173 for the year 2016.

The Board's authority for these rules is found in Sections 1043, 1052(a)(8), and 1052(a)(15) of the City Charter, Sections 3-701 *et seq.* of the City Administrative Code, and Local Laws No. 167, 173, 184, 185, 186, 188, 189, 192, and 193 for the year 2016.

##### **New material is underlined.**

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of the Board, unless otherwise specified or unless the context clearly indicates otherwise.

**Section 1. Subdivision b of Section 1-04 of Chapter 1 of Title 52 of the rules of the City of New York is amended to read as follows:**

(b) **Deposit.** All monetary contributions must be accepted and deposited, or rejected and returned to a contributor, within [10] 20 business days after receipt[; provided, however, that] except contributions made in the form of [checks received by an authorized committee of a candidate for the office of City Council more than one year before the first covered election for which such candidate is seeking nomination or election may be accepted and deposited, or rejected and returned to a contributor, within 20 business days after receipt] cash must be accepted and deposited, or rejected and returned to a contributor, within 10 business days after receipt. All contributions that are accepted and deposited are subject to the Act's contribution limits and prohibitions and must be reported to the Board. If a candidate returns a contribution after its deposit, the return must be reported to the Board.

**§ 2. Paragraph 2 of Subdivision c of Section 1-04 of Chapter 1 of Title 52 of the rules of the City of New York is amended to read as follows:**

(2) **Restrictions on return.** After receiving public funds for an election, a participant may not return a contribution, unless directed by the Board to do so, until any required repayments to the Fund have been made, except if the contribution: (i) exceeds the contribution limit, including the limit applicable to contributors having business dealings with the city, (ii) is otherwise illegal, (iii) is returned because of the particular source or intermediary involved, or (iv) was deposited in a separate account pursuant to Rule 2-06(c) for a runoff election that is not held.

**§ 3. The opening paragraph of Subdivision c of Section 1-07 of Chapter 1 of Title 52 of the rules of the City of New York is amended to read as follows:**

(c) **Contribution limit; prohibited contributions.** Candidates have the burden of demonstrating that surplus funds and transfers of funds from committees not otherwise involved in the covered election do not derive from: (1) contributions in excess of the Act's contribution limits, including contributions that would exceed the Act's contribution limits when aggregated with other contributions accepted from the same source; or (2) contributions from sources prohibited by the Act or the Charter. In addition, participants have the burden of demonstrating that funds transferred from a committee, other than another [principal] authorized committee of the same candidate that has filed contemporaneous disclosure statements with the board in a timely manner, derive solely from contributions for which records demonstrating the contributors' intent to designate the contributions for the covered election have been submitted and maintained as required pursuant to Rules 3-03(c)(2) and 4-01(b)(4), respectively.

**§ 4. Subdivision f of Section 2-01 of Chapter 2 of Title 52 of the rules of the city of New York is amended to read as follows:**

(f) **Rescission.** A participant or limited participant may rescind his or her certification [prior to] on or before the [certification deadline] ninth Monday preceding the primary election or prior to the receipt of public funds, whichever occurs first, by filing a certification rescission form.

**§ 5. Subdivision a of Section 2-11 of Chapter 2 of Title 52 of the rules of the City of New York is amended to read as follows:**

(a) **Generally.** A candidate who does not file a certification pursuant to either §3-703 or §3-718 of the Code, or who rescinds his or her certification prior to the [certification] rescission deadline by filing a certification rescission form, shall be deemed to be a non-participant pursuant to §3-719 of the Code. A non-participant shall not be eligible to receive public funds pursuant to §3-705 of the Code and shall not be subject to the expenditure limitations provided in §3-706 of the Code. A non-participant may accept contributions from political committees notwithstanding the restrictions on such contributions contained in §3-703(k) of the Code.

**§ 6. Paragraph 5 of Subdivision b of Section 2-11 of Chapter 2 of Title 52 of the rules of the City of New York is REPEALED.**

**§ 7. Paragraph 1 of Subdivision c of Section 3-03 of Chapter 3 of Title 52 of the rules of the City of New York is amended to read as follows:**

(1) **Basic contents.** Each disclosure statement shall include the following information about receipts accepted by the committee during the reporting period:  
 (i) for each contribution accepted, the contributor's and intermediary's (if any) full name, residential address, occupation, employer, and business address;  
 (ii) the date of receipt and amount of each contribution accepted or other receipt;  
 (iii) whether a contribution was made in cash;  
 (iv) the number of any check or money order used to make the contribution;  
 (v) the date and amount of each contribution returned to a contributor;  
 (vi) each previously reported contribution for which the check was returned unpaid;  
 (vii) in the case of [contributors] contributions claimed as matchable and/or in excess of the amounts set forth in §3-703(1-a) of the Code,

whether the contributor [indicated that the contributor] has business dealings with the City as defined in the Act[, and if so, the name of the agency or entity with which such business dealings are or were carried on and the appropriate type or category of such business dealings]; and (viii) such other information as the Board may require.

(2) **Transfers.** The candidate shall report contemporaneously the aggregate amount of each transfer and each contribution to which it is attributed. In addition, the participant shall report, in the case of a transfer from a committee not otherwise involved in the covered election, other than another [principal] authorized committee of the same candidate that has filed contemporaneous disclosure statements with the board in a timely manner: (i) all expenditures made by the transferor committee during the election cycle of the covered election; and (ii) all expenditures made by the transferor committee prior to the covered election cycle in connection with raising such contributions. Such reporting of expenditures shall be made in the same disclosure statement in which the transfer is reported, except that expenditures incurred during the covered election cycle for purposes other than raising or administering the transferred contributions need not be reported in disclosure statements to be filed with the Board but rather may be disclosed to the Board by providing copies of the transferor committee's New York City or New York State Boards of Elections or Federal disclosure statements. Further, the candidate shall submit contemporaneously the records required to be maintained pursuant to Rule 4-01(b)(4).

**§ 8. Subparagraph (i) of Paragraph 3 of Subdivision b of Section 4-01 of Chapter 4 of Title 52 of the rules of the City of New York is amended to read as follows:**

(i) For each contribution received, all candidates shall maintain records demonstrating the source and details of the contribution as described herein. All records required to be maintained must be provided to the Board upon request.

(A) **Cash [and money order] contributions.** For each contribution received from an individual contributor via cash [or money order], the record must be in the form of a contribution card.

(B) **Money order contributions.**

(1) For each contribution received via money order, the record must include a copy of the money order made out to the authorized committee.

(2) The candidate must also maintain a contribution card, if the contributor's name and residential address are not printed on the money order by the issuer.

(C) **Check contributions.**

(1) For each contribution received via check, the record must include a copy of the check made out to the authorized committee and signed by the contributor.

(2) For each contribution received from an individual contributor via check, the candidate must also maintain a contribution card, if the check used to make the contribution

[a) bears no address;

b) bears a professional designation, such as "M.D.," "Esq.," or "C.P.A.," and a non-residential address; or

c) is a bank-issued or electronic check that does not include an original contributor signature] is not signed by the contributor.

[(C)] **(D) Credit card contributions.**

(1) For each contribution received via credit card, including contributions received over the internet, the record must have been provided by the merchant or processor and must contain: the contributor's name, residential address, credit card account type, credit card account number, [and] credit card expiration date, the amount of the contribution, and an indicator showing that the contribution was charged to the contributor's account and processed. In the case of credit card contributions made over the internet, the contributor must actively agree online to an affirmation statement, as required by subparagraph (ii)(A) of this paragraph, and the candidate must maintain a copy of all website content concerning the solicitation and processing of credit card contributions. [In the case of credit card contributions not made over the Internet and made by individual contributors, the candidate must maintain a contribution card.]

(2) The candidate must also maintain copies of the merchant account or payment processor agreement, all merchant account statements, credit card processing company statements and correspondence, transaction reports, or other records demonstrating that the credit card used to process the transaction is that of the individual contributor (including proof of approval by the credit card processor for each contribution and proof of real time address verification), the account's fee schedule, and the opening and closing dates of the account. Merchant account statements must be provided in such form as may be required by the Board.

[(D)] **(E) Text message contributions.** For each contribution received via text message, the record must have been provided by the mobile fundraising vendor and must contain: the contributor's name, residential address, and phone number; the amount of the contribution; and the name, residential address, and phone number of the registered user of the specific mobile device used to initiate the contribution, to the extent that such information may be reasonably obtained under

law. The candidate must also maintain the following records for each text message contribution received:

- (1) copies of all relevant third-party vendor agreements between the candidate and mobile fundraising vendor, copies of records maintained by a mobile fundraising vendor listing contributors and amounts pledged and paid, receipts indicating fees paid by the candidate to a mobile fundraising vendor and fees deducted by such vendor, and similar records relating to the solicitation or receipt of text message contributions;
- (2) copies of any content used by the candidate to solicit text message contributions; and
- (3) copies of any templates or scripts used by a mobile fundraising vendor to communicate with a contributor in facilitating and processing a text message contribution.

**(E)** **(F)** Segregated account documentation.

- (1) Segregated account contribution cards. For each contribution from an individual contributor that the participant deposits into a segregated bank account pursuant to Rule 5-01(n)(2), the record must be in the form of a contribution card.
- (2) Segregated account bank statements, contribution cards, and checks. Participants seeking to comply with the exception contained in Rule 5-01(n)(2) must submit segregated account contribution cards and copies of segregated account bank statements and checks to the Board in the manner and to the extent provided by Rule 5-01(n) with each disclosure statement filing.

**(F)** **(G)** Intermediaries. For each contribution accepted from an intermediary, including any contributions delivered to a fundraising agent, or solicited by an intermediary where such solicitation is known to the candidate, the candidate must maintain a separate record in the form of an intermediary statement. The intermediary statement must contain: the intermediary's name, residential address, employer and business address; the names of the contributors; and the amounts contributed. This record must be signed by the intermediary, or if the intermediary is unable to sign his or her name, marked with an "X" by the intermediary and signed by a witness. Adjacent to the signature or mark, the intermediary must write the date on which he or she signed or marked the form.

**§ 9. Clause B of Subparagraph ii of Paragraph 3 of Subdivision b of Section 4-01 of Chapter 4 of Title 52 of the rules of the City of New York is amended to read as follows:**

**(B)** [Contribution cards must be filled out by the contributor or, if the contributor is unable to fill out the card, by another individual present at the time the contribution is made.] Contribution cards must be signed by the contributor or, if the contributor is unable to sign his or her name, marked with an "X" by the contributor and signed by a witness to the contribution. Adjacent to the signature or mark, the contributor must write the date on which he or she signed or marked the contribution card. After a contribution card has been signed, it may not be corrected, modified, or altered by anyone other than the contributor. The Board shall provide a template of all contribution cards required to be maintained pursuant to this section.

**§ 10. Paragraph 4 of Subdivision b of Section 4-01 of Chapter 4 of Title 52 of the rules of the City of New York is amended to read as follows:**

**(4)** Transfers. Candidates shall obtain and maintain all records specified by the Board regarding transfers, including, but not limited to, in the case of transfers from a committee not otherwise involved in the covered election, other than another [principal] authorized committee of the same candidate that has filed contemporaneous disclosure statements with the board in a timely manner, a record, obtained prior to receipt of the transfer, demonstrating, for each contribution to be transferred to a participant's authorized committee, the contributor's intent to designate the contribution for the covered election. This record shall contain the statements: "I understand that this contribution will be used by the candidate for an election other than that for which the contribution was originally made. I further understand that the law requires that a contribution be in my name and be from my own funds. I hereby affirm that this contribution was made from my personal funds, is not being reimbursed in any manner, and is not being made as a loan." This record must be signed by the contributor, or, if the contributor is unable to sign his or her name, marked with an "X" by the contributor and signed by a witness to the contribution. Adjacent to the signature or mark, the contributor must write the date on which he or she signed or marked the record.

**§ 11. Subdivision n of Section 4-01 of Chapter 4 of Title 52 of the rules of the City of New York is amended to read as follows:**

**(n) Business dealings with the City.** For each individual or entity making a contribution, loan, guarantee or other security for such loan in excess of the amounts set forth in §3-703(1-a) of the Code, candidates shall [obtain and] maintain all records specified by the Board [regarding any response, or any failure to respond,] concerning whether such individual or entity has business dealings with the City. [Such record, at a minimum, shall request that the contributor provide the name of the agency or entity with which such business dealings are or were carried on and the appropriate type or category of such business dealings.]

**§ 12. Paragraph (i) of Subdivision b of Section 5-01 of Chapter 5 of Title 52 of the rules of the City of New York is amended to read as follows:**

**(i)** In order to make possible payment within four business days after receipt of disclosure statements, or as soon thereafter as is practicable, pursuant to §3-705(4) of the Code, the Board shall conduct a preliminary review of all disclosure statements filed [ and all receipts filed indicating proof of compliance with §12-110 of the Code]. This preliminary review may be delayed if the participant fails to submit a disclosure statement[, a receipt indicating compliance with §12-110 of the Code or information requested by the Board, or fails to submit a disclosure statement, a receipt indicating compliance with §12-110 of the Code] or information requested by the Board by the date required by the Board, or submits a disclosure statement that fails to comply substantially with the requirements of the Act or these rules. A preliminary review may also be delayed for other reasons, including, but not limited to, consideration of whether a basis exists for an ineligibility determination, as described in Subdivision (f). A delayed preliminary review may result in a delay in a payment determination, until such time as it is practicable and the Board is considering making payments based on matchable contributions claimed in disclosure statements actually received on or before a subsequent applicable due date.

**§ 13. Subdivision d of Section 5-01 of Chapter 5 of Title 52 of the rules of the City of New York is amended to read as follows:**

**(d) Validity of matchable contribution claims and projected rate of invalid claims.** The Board shall not make payment for any matchable contribution claim it determines or projects to be invalid. The Board shall consider the following factors in determining that matchable contribution claims are invalid and in projecting a rate of invalid matchable contribution claims:

- (1) cash contributions from any one contributor that are greater than \$100 in the aggregate, in violation of New York Election Law §14-118(2), or money order contributions from any one contributor that are greater than \$100 in the aggregate;
- (2) contributors who are individuals under the age of eighteen years or that are entities other than individuals;
- (3) matchable contribution claims that would yield more than \$1,050 in public funds per contributor[(or \$522 in the case of a special election)];
- (4) contributions that exceed the contribution limit applicable under the Act;
- (5) contributor addresses that are not residential addresses within New York City;
- (6) contributions for which information is omitted from or illegible in a disclosure statement;
- (7) contributions made later than December 31 of the election year;
- (8) contributions originally received for elections other than the election in which the candidate is currently a participant, as described in Rule 1-07;
- (9) matchable contribution claims that exceed the gross amount of the contribution;
- (10) contributions that were not received within the reporting period or that were made by post-dated check;
- (11) (i) contributions totaling more than \$99 for which a participant has not reported the contributor's occupation, employer, and business address; (ii) contributions totaling less than \$99 for which a participant is required to report the contributor's occupation, employer, and business address, pursuant to Rule 3-03(c)(6)(ii), but has failed to do so;
- (12) contributions that were returned to or not paid by the contributor;
- (13) checks drawn by a person other than the contributor except checks signed by a contributor's authorized agent where the documentation required under Rule 4-01(b)(2) has been maintained and provided;
- (14) contributions that are otherwise not matchable contributions within the meaning of the Act;
- (15) any information that suggests that a contribution has not been processed or reported in accordance with Program requirements;
- (16) any other information that suggests that matchable contribution claims may be invalid;
- (17) contributions for which a record required under Chapter 4 was not kept or provided upon request;
- (18) contributions for which complete supporting documentation required by Rule 3-04(a) has not been submitted;
- (19) check or money order contributions made payable to entities other than the committee that has reported receiving the contribution;
- (20) contributions that were made or accepted in violation of any federal, state, or local law;
- (21) contributions that were not contemporaneously reported as matchable in disclosure statements or were reported in such statements that were not filed in a complete and timely manner;
- (22) contribution checks drawn on business accounts, or accounts that bear indicia of being business accounts, such as the contributor's professional title, ;
- (23) contributions purportedly from different contributors that were made by money orders bearing consecutive serial numbers or other markings indicating that they were purchased simultaneously;
- (24) arithmetical errors in totals reported;
- (25) contributions that were not itemized in a disclosure statement;
- (26) contributions required to be deposited into an account established for a runoff election, as provided in Rule 2-06(c);



(27) contributions from individuals, other than employees of the candidate's principal committee, who are vendors to the participant or individuals who have an interest in a vendor to the participant, unless the expenditure to the vendor is reimbursement for an advance. For the purposes of this rule, "individuals who have an interest in a vendor" shall mean individuals having an ownership interest of ten percent or more in a vendor or control over the vendor. An individual shall be deemed to have control over the vendor firm if the individual holds a management position, such as the position of officer, director or trustee; [and]

(28) contributions from individuals having business dealings with the City, as defined in §3-702(18) of the Code, and contributions from lobbyists, as defined in §3-211 of the Code; and

(29) contributions for which any person subject to the limitations of §3-703(1-a) of the Code acted as an intermediary.

**§ 14. Paragraph 6 of Subdivision f of Section 5-01 of Chapter 5 of Title 52 of the rules of the City of New York is amended to read as follows:**

(6) the participant fails to [file the receipt indicating] demonstrate compliance with §12-110 of the Code, as required pursuant to §3-703(1)(m) of the Code and Rule 3-11;

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
(212) 356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Miscellaneous Campaign Finance Amendments

**REFERENCE NUMBER:** 2017 RG 011

**RULEMAKING AGENCY:** Campaign Finance Board

I certify that this office has reviewed the above-referenced proposed rule as required by Section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: April 6, 2017

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
(212) 788-1400**

**CERTIFICATION/ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Altering CFB Cash Donations and Campaign Fund Disclosures

**REFERENCE NUMBER:** CFB-7

**RULEMAKING AGENCY:** Campaign Finance Board

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) The rules in general provide cure periods/mechanisms where appropriate, depending in many cases on temporal proximity to the election or other relevant dates; the nature of the violation or defect; and other pertinent factors.

/s/ *Hannah Smith*  
Mayor's Office of Operations

*April 12, 2017*  
Date

Accessibility questions: Hillary Weisman, (212) 409-1800, or by mail at 100 Church Street, 12th Floor, New York, NY 10007, by: Tuesday, May 23, 2017, 5:00 P.M.



## PARKS AND RECREATION

### ■ NOTICE

#### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Department of Parks and Recreation ("Parks Department") is amending its rules to incorporate amendments made by the New York City Council in the Criminal Justice Reform Act, specifically, in Local Law Number 70 of 2016.

**When and where is the hearing?** The Parks Department will hold a public hearing on the proposed rules. The public hearing will take place at 10:00 A.M., on May 22, 2017. The hearing will be in the Parks Department's Hearing Room in the Chelsea Recreation Center, at 430 West 25th Street, New York, NY 10001.

This location has the following accessibility option(s) available: wheelchair accessible, blind or low vision accessible.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department of Parks and Recreation through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [rules@parks.nyc.gov](mailto:rules@parks.nyc.gov).
- **Mail.** You can mail written comments to:  
Darci Frinquelli, Assistant Counsel  
The New York City Department of Parks & Recreation  
The Arsenal, Central Park  
830 Fifth Avenue  
New York, NY 10065
- **Fax.** You can fax written comments to Darci Frinquelli, Assistant Counsel, at (917) 849-6742.
- **By Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Darci Frinquelli (212) 360-1383. You can also sign up in the hearing room before the hearing begins on May 22, 2017. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** You must submit written comments by May 22, 2017.

**Do you need assistance to participate in the hearing?** You must tell the Office of General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 360-1383. You must tell us by May 12, 2017.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a recording of the hearing and copies of the written comments will be available to the public at the Office of the General Counsel. Please call (212) 360-1383 for more information.

**What authorizes the Parks Department to make this rule?** Sections 389, 533(a)(9), and 1043 of the City Charter authorize the Parks Department to make this proposed rule. This proposed rule was not included in the Parks Department's regulatory agenda for this Fiscal Year because it was not contemplated when agencies needed to submit an agenda.

**Where can I find the Parks Department's rules?** The Parks Department's rules are in Title 56 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Parks Department must meet the requirements of Section 1043 of the New York City Charter when creating, or changing rules. This notice is made according to the requirements of Section 1043 of the Charter.

#### **Statement of Basis and Purpose**

The Parks Department proposes to amend Sections 1-02, 1-03, 1-04, 1-05, and 1-07 of Chapter 1 of Title 56 of the Rules of the City of New York. The amended rules will reflect changes made by Local Law Number 70 to the New York City Charter and the Administrative Code. Local Law Number 70 was enacted as part of the Criminal Justice Reform Act on June 13, 2016.

Currently, pursuant to New York City Charter § 533(a)(9), the violation of a Parks rule constitutes a misdemeanor. As of June 13, 2017, Local Law Number 70 will provide that, with some exceptions, a violation of a Parks rule will constitute an offense, which is classified as a violation under the Penal Law. These violations will be punishable by up to one day in jail or a fine of up to \$200. The local law also provides that

people who commit these violations will be subject to civil penalties of up to \$300 for each violation. However, Local Law Number 70 also classified particular violations as misdemeanors in the Administrative Code and provided that the civil penalties for those misdemeanors could be higher than \$300.

The proposed amendments strive to simplify Parks rules and bring them into compliance with Local Law Number 70 by making the following changes:

- Revise Parks' list of prohibited and regulated activities to comply with the descriptions and definitions set forth in Local Law Number 70.
- Add the Parks penalty schedule to Parks' rules. The penalty schedule is currently found in the rules of the Office of Administrative Trials and Hearings.
- Reduce the Parks' penalties that are currently out of compliance with the maximum penalties established by Local Law Number 70.
- Adjust the Parks default penalties so they are no more than 150% of the penalty for a first violation.

The Parks Department's authority for these rules is found in Sections 389, 533(a)(9), and 1043 of the New York City Charter.

New material is underlined.  
[Deleted material is in brackets.]

"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.

### Section 1. Section 1-02 of Title 56 of the Rules of the City of New York shall be amended to read as follows:

#### § 1-02 Definitions.

**Authorized bathing beaches.** "Authorized bathing beaches" are those beaches designated as such by the Department after approval by the New York State Department of Health [authorities] or the New York City Department of Health and Mental Hygiene.

**Bathing area.** "Bathing area" means any area maintained for the use of bathers, including the water area and lands under water adjacent to and within one thousand feet of the authorized bathing beaches on the ocean, bays or rivers along the shores of New York City under the jurisdiction of the Commissioner.

**Bicycle.** "Bicycle" means every two- or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

**Boardwalk.** "Boardwalk" means any waterfront promenade maintained for pedestrians.

**Body board.** "Body board" means (1) a semi-curved rectangular object made of closed-cell foam designed to be used lying down on the stomach (not for standing on); (2) that is no longer than 46" in length and 24" in width; and (3) that does not have rigid or semi-rigid attachments or protrusions that serve as rudders and are used to aid in steering. Such rudders may be commonly referred to as "skegs."

**City.** "City" means the City of New York.

**Commissioner.** "Commissioner" means the Commissioner of the Department of Parks and Recreation or the chief executive officer of any successor agency.

**Demonstration.** "Demonstration" means a group activity including but not limited to, a meeting, assembly, protest, rally, march or vigil which involves the expression of views or grievances, involving more than 20 people or a group activity involving less than 20 people for which specific space is requested to be reserved.

**Department.** "Department" refers to the Department of Parks and Recreation of the City of New York or all successor agencies.

**Dumping.** "Dumping" refers to the unauthorized disposal of refuse in an amount totaling one cubic yard or more.]

**Event.** "Event" refers to both Demonstrations and Special Events.

**Expressive Matter.** "Expressive matter" means materials or objects with expressive content, such as newspapers, books, or writings, or visual art such as paintings, prints, photography, sculpture, or entertainment.

**Littering.** "Littering" refers to the unauthorized disposal of refuse in an amount totaling less than one cubic yard.

**Motor vehicle.** "Motor vehicle" refers to any automobile, motorcycle, moped, or other vehicle propelled by a motor.

**Owner.** "Owner" refers to any person owning, operating, or having the use or control of an animal, a vehicle, or any other personal property.

**Park.** "Park" signifies public parks, beaches, waters and land under water, pools, boardwalks, playgrounds, recreation centers and all other property, equipment, buildings and facilities now or hereafter under the jurisdiction, charge, or control of the Department.

**Park path.** "Park path" means any road, path or trail through or within a park that is not used for vehicular traffic, except for possible use by emergency motor vehicles or Department motor vehicles, provided that it shall not include a path designated by the Commissioner as a bikepath.

**Park road.** "Park road" means any road through or within a park, and is used for vehicular traffic.

**Park sign.** "Park sign" means any placard, notice or sign duly posted or authorized by the Department.

**Park-Street.** "Park-street" means the full width of all streets abutting any park.

**Parks waters.** "Parks waters" means waters in any park, pool, bathing area, tributary, brook, stream, ocean, or sewer or drain flowing into said waters that is under the Department's jurisdiction.

**Pedicab.** "Pedicab" means a bicycle as defined in this section or other device designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.

**Permit.** "Permit" unless otherwise specified, means any written authorization issued by or under the authority of the Commissioner for a specified privilege, permitting the performance of a specified act or acts in any park or on any park-street.

**Person.** "Person" means any natural person, corporation, society, organization, company, association, firm, partnership, or other entity.

**Police officer.** "Police officer" refers to any member of the Police Department of the City of New York and any other city employee who is a Special Patrolman appointed and sworn in by the Police Commissioner and assigned to the Commissioner.

**Rules.** "Rules" unless otherwise specified, refers to any Rule established pursuant to § 533(a) of Chapter 21 of the New York City Charter and promulgated in compliance with the notice, publication and filing requirements of Chapter 45 of the New York City Charter.

**Sexual activity.** "Sexual activity" means any activity by a person that reasonably appears to be intended to sexually arouse that person or another person, and in which such person exposes his or her buttock or genitalia, or the area of the female breast below the top of the areola.

**Sound reproduction device.** "Sound reproduction device" includes, but is not limited to, any radio receiver, phonograph, television receiver, amplified musical instrument, portable speaker, tape recorder, cassette or disc player, speaker device or system, and any sound amplifier.

**Special Event.** "Special Event" means a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more than 20 people or a group activity involving less than 20 people for which specific space is requested to be reserved. [Special Event shall not include casual park use by visitors or tourists.]

**Unlawful dumping.** "Unlawful dumping" means suffering or permitting any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle or conveyance to be dumped, deposited or otherwise disposed of.

### Section 2. Section 1-03 of Title 56 of the Rules of the City of New York shall be amended to read as follows:

#### § 1-03 General Provisions.

##### (a) Hours of operation.

(1) Persons may enter and use the parks from 6:00 A.M. until 1:00 A.M. unless other open hours are posted at any park.

(2) Whenever a threat to public health or safety exists in any park resulting from any natural cause, explosion, accident or any other cause, or by riot or unlawful assembly or activity, the Commissioner may close the park or any part thereof to the public for such duration as he deems necessary to ensure the safety and well-being of the public.

(3) No person shall enter or remain in any park without the permission of the Commissioner when such park is closed to the public.

##### (b) Permits.

(1) When any provision of these [Rules] rules requires a permit as a condition to the performance of an act or activity, no such act or activity shall be implemented or commenced prior to the receipt of written authorization from the Commissioner or from his authorized representative.

(2) A permit may be granted upon such terms and conditions as the Commissioner shall reasonably impose, and shall authorize the permitted acts or activities only insofar as they are performed in strict accordance with the terms and conditions thereof.

(3) Permits shall be applied for on forms prepared and provided by the Department, which forms shall require such information as the Department may deem appropriate for the review and evaluation of the permit application. Procedures for issuance of special event and demonstration permits are governed by § 2-08 of the Department's rules. The Commissioner may require a fee for the issuance of a permit.

(4) The Commissioner may require the permittee to post a bond in an amount sufficient to ensure full compliance with the terms and conditions of the permit. The decision of whether to require a bond will be based on the following factors: (a) The location of the event and such location's vulnerability to damage; (b) Whether the event or any activities associated with the event present a high risk of property damage; (c) The number of people expected to be in attendance; (d) The type of equipment to be brought onto the site; (e) The number of days the permittee will occupy the site; (f) The season in which the event will take place.

(5) The Commissioner may require the permittee to obtain personal liability insurance for the event, naming [the Department and ]the City of New York as an additional [insureds] insured. The decision on whether to require insurance will be based on the following factors: (a) Whether the special event or any activities included as part of the special event present a risk of personal injury or property damage.; (b) Whether the special event involves the sale of food.; (c) Whether the special event involves over 2,000 participants, or a large number of participants relative to the size of the site.; (d) Whether the special event involves transportation and installation of heavy equipment, or the installation of a stage or other temporary structure.

(6) No person shall conduct any activity for which a permit is required unless [(a)](a) such permit has been issued; [(b)](b) all terms and conditions of such permit have been or are being complied with; and [(c)](c) the permit is kept on hand at the event, so as to be available for inspection by Police or Department employees.

(7) Failure to comply with the terms and conditions of any permit shall be a violation of these rules. If, upon expiration or termination of the permit, it is determined that a permittee has not complied with the terms and conditions of the permit, or has violated any law, ordinance, statute or rule, then the following rules shall apply:

(i) any bond provided as security for a permittee's performance with the Department shall be forfeited and retained by the City to the extent necessary to remedy, or compensate the City for, the damages caused by such acts, omissions, or violations;

(ii) the permittee, together with his or her agents and employees who violated such terms and conditions or provisions of law, ordinance, statute or rule, shall be jointly and severally liable for any additional sum necessary to correct or compensate the City for such damages; and

(iii) neither forfeiture of any security nor payment nor recovery for such damages shall in any way relieve the permittee of civil or criminal liability arising from the violation of any law, ordinance or rule.

(c) *Failure to Comply with Directions of Police Officers, Urban Park Rangers, Parks Enforcement Patrol Officers, or Other Department Employees, or Park Signs.*

Violation of any paragraph of this subdivision shall subject the violator to a civil penalty, as specified in the Department's penalty schedule. See 56 RCNY §1-07. In addition, except as otherwise provided below, such violation shall also constitute an offense (classified as a "violation" under the Penal Law), which can be punished by imprisonment of up to one day or a fine of not more than \$200. As specified in this subdivision, certain violations of specified paragraphs of this subdivision are classified by the Administrative Code as misdemeanors. Except as otherwise provided in this subdivision, a misdemeanor can be punished by imprisonment of up to 20 days or a fine of not more than \$1,000. Note that other laws, including but not limited to the Penal Law, may also apply to the conduct described below.

(1) No person shall fail, neglect or refuse to comply with the lawful direction or command of any [Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee, indicated verbally, by gesture or otherwise]member of the Police Department, peace officer, park supervisor or such person's superior, lifeguard, or Department employee under the command of the Parks Enforcement Patrol Division. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall fail, neglect or refuse to comply with the lawful direction or command of any Department employee other than those listed in Paragraph 1 of this subdivision.

(3) No person shall fail to comply with or obey any instruction, direction, regulation, warning, or prohibition, written or printed, displayed or appearing on any park sign, except such sign may be disregarded upon order by a Police Officer or designated Department employee.

**Section 3. Section 1-04 of Title 56 of the Rules of the City of New York shall be amended to read as follows:**

**§ 1-04 Prohibited Uses.**

Violation of any paragraph or subparagraph of this section shall subject the violator to a civil penalty, as specified in the Department's penalty schedule. See 56 RCNY §1-07. In addition, except as otherwise provided below, such violation shall also constitute an offense (classified as a "violation" under the Penal Law), which can be punished by imprisonment of up to one day or a fine of not more than \$200. As specified in this section, certain violations of specified paragraphs or subparagraphs of this section are classified by the Administrative Code as misdemeanors. Except as otherwise provided in this section, a misdemeanor can be punished by imprisonment of up to 20 days or a fine of not more than \$1,000. Note that other laws, including but not limited to the Penal Law, may also apply to the conduct described below.

(a) *Destruction or abuse of property and equipment.*

(1) No person shall destroy or abuse any public property under the charge and control of the Department in a manner that causes significant damage or expense. Significant damage or expense includes, but is not limited to, damage that will require the replacement of a Department, attachment, fixture, piece of equipment, or structure; major landscaping or planting; construction; or excavation. Violation

of this paragraph constitutes a misdemeanor punishable by not more than six months imprisonment or by a fine of not more than \$15,000, or by both.

(2) No person shall injure, deface, alter, write upon, destroy, remove or tamper with in any way, any real or personal property or equipment owned by or under the jurisdiction or control of the Department.

(b) *Destruction or abuse of trees, plants, flowers, shrubs and grass.*

(1) (i) No person shall [deface, write upon, injure, sever, mutilate, kill or remove from the ground] cut, remove, or destroy any trees under the jurisdiction of the Department without permission of the Commissioner. Violation of this subparagraph constitutes a misdemeanor punishable by not more than six months imprisonment or by a fine of not more than \$15,000, or by both. For purposes of this subparagraph, "destroy" shall include, but not be limited to, kill, carve, prune, and inflict other physical damage to the tree.

(ii) No person shall deface or write upon any trees under the jurisdiction of the Department.

(iii) No person shall deface, write upon, sever, mutilate, kill or remove from the ground any plants, flowers, shrubs or other vegetation under the jurisdiction of the Department without permission of the Commissioner.

(2) No person shall go upon or allow any animal or child in his custody to go upon any newly-seeded lawn or grass plot.

(3) No person shall go upon or allow any animal or child in his custody to go upon any area enclosed by fencing, temporary or permanent, where such fencing or signs posted thereon reasonably indicate that entry into such area is forbidden.

(4) No person shall possess any tools commonly used for gardening, or any plant, tree, shrub or other vegetation, in any park except where such possession is specifically designated to be permissible by the Commissioner.

(5) No person shall use a metal detector in any park, except in unvegetated beach areas. Use of metal detectors in other park areas will be permitted if the prior written consent of the Commissioner is obtained.

(c) *Littering, polluting, dumping, and unattended property.*

(1) No person shall litter in any park. All persons shall use receptacles provided for the disposal of refuse. No person shall deposit household or commercial refuse in any park receptacle.

(2) No person shall throw, drop, allow to fall, [or] discharge into or leave in [the waters within any park (including pools and bathing areas), or any tributary, brook, stream, sewer or drain flowing into said waters], or otherwise introduce into Parks waters any substance, liquid or solid, gas, or other item which may or will result in the pollution of said waters. Violation of this paragraph constitutes a misdemeanor.

(3) No person shall engage in unlawful dumping in any park. Violation of this paragraph constitutes a misdemeanor.

(4) No person shall, within or adjacent to any park, store or leave unattended personal belongings.

(d) *[Restrictions] Prohibition on glass.* Glass bottles or other glass containers are prohibited in parks. The Commissioner may, in his discretion, designate certain parks, or portions thereof, as [restricted] areas wherein [no] glass bottles or other glass containers will be permitted. Failure to comply with such [restrictions] prohibition on glass bottles or containers shall constitute a violation of these rules. This subdivision (d) shall not apply to glass bottles or containers used in the care and feeding of infant children.

(e) *Aviation.*

(1) No person shall voluntarily bring, land or cause to alight within or upon any park, any airplane, hot air balloon, parachute, hang glider, or other aerial craft or device that endangers any person or property, except that certain areas may be designated appropriate landing places for medical evacuation helicopters. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall voluntarily bring, land or cause to alight within or upon any park, any airplane, hot air balloon, parachute, hang glider, or other aerial craft or device, except that certain areas may be designated appropriate landing places for medical evacuation helicopters.

(3) For the purposes of this Subdivision (e), voluntarily shall mean anything other than a forced landing caused by mechanical or structural failure of the aircraft or other aerial device.

(f) *Explosives, firearms, and weapons.*

(1) No person[, except a police officer or peace officer while on duty,] shall bring into or have in his or her possession in any park, any firearms, slingshots, firecrackers, missile propelling instruments or explosives, including any substance, compound, or mixture having properties of such a character that alone or in combination with other substances, compounds or mixtures, propel missiles, explode or decompose to produce flames, combustion, noise, or noxious or dangerous odors. Violation of this paragraph constitutes a misdemeanor.

(2) Paragraph (1) of this subdivision shall not apply to: a sworn member of the uniformed force of the Police Department, whether on or off-duty; persons in the military or other service of the United States who are in pursuit of official duty or duly authorized by federal

law, regulation, or order to possess the relevant firearm or other item; persons in the military service of the state of New York when on duty and duly authorized by applicable regulations to possess the relevant firearm or other item; police officers as defined by Subdivision 34 of Section 1.20 of the criminal procedure law, if not otherwise specified by this subdivision, when on duty; or peace officers as defined by Section 2.10 of the criminal procedure law, when on duty. [Nothing in this Subdivision (f)](3) Paragraph (1) of this subdivision shall not be construed to prohibit the proper use of cigarette lighters, matches or of charcoal lighter fluid in proper containers in picnic grills where permissible pursuant to the provisions of these [Rules] rules.

(g) *Abuse of park animals.*

(1) [No] Except pursuant to a permit for trapping issued by the Department, no person shall [within any park (including any zoo area)] molest, chase, harass, injure, wound, trap, hunt, shoot, throw missiles at, kill or remove any animal, any nest, or the eggs of any amphibian, reptile or bird[;], or otherwise harm or intentionally take actions that could reasonably harm any animal, nest, or such eggs. Further, no person shall knowingly buy, receive, have in his or her possession, sell or give away any such animal or egg taken from or killed within [any park (including any zoo area)] the jurisdiction of the Department, including any zoo area. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall feed animals in any park (including any zoo area) except unconfined squirrels and birds, and where specifically authorized by the Commissioner. The Commissioner may also designate certain areas where all feeding of animals is prohibited. It shall be a violation of these rules to feed animals in any area where such feeding is prohibited.

(h) [*Marijuana; controlled substances.* No person shall bring, possess, distribute, sell, solicit or consume marijuana or any controlled substance, as defined in § 220.00 of the New York State Penal Law, in any park, playground, beach, swimming pool, or other park property or facility.] Reserved.

(i) *Failure to control animals.*

(1) Except as specified in § 1-05(s)(3) or in Paragraph [two] three of this subdivision, no person owning, possessing or controlling any animal shall cause or allow such animal to be unleashed or unrestrained in any park unless permitted by the Commissioner [in accordance with these rules] or authorized by law. No person owning, possessing or controlling any animal shall cause or allow such animal to be out of control in any park under any circumstances. Animals that are [unleashed or unrestrained, except as permitted by these rules, or] out of control may be seized and impounded. Violation of this paragraph constitutes a misdemeanor.

(2) Properly licensed dogs, wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and City of New York and restrained by a leash or other restraint not exceeding six feet in length, may be brought into a park, except in no event shall dogs or other animals be allowed to enter any playground, zoo, swimming pool and swimming pool facility, bathing area and adjacent bathing beach (unless otherwise permitted by the Commissioner) and not during the designated bathing season), bridle path (unless [leashed dogs are ] permitted therein by the Commissioner), fountain, ballfield, basketball court, handball court, tennis court, or other area prohibited by the Commissioner. Nothing in this [Subdivision (i)] paragraph shall be construed to prohibit persons with disabilities from bringing [seeing eye dogs, or other service dogs trained to assist such persons] service animals into [these] areas under the Department's jurisdiction as authorized by Federal, State, or City law. Nothing herein shall prohibit horses from entering or being within a park as provided in § 1-05(q).

[(2)](3) Unless specifically prohibited herein or by the Department of Health and Mental Hygiene ("DOHMH"), properly licensed dogs wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and City of New York may be unleashed within a designated park or designated portions of a park [between the hours of 9:00 P.M. and 9:00 A.M.] from the park's opening until 9:00 A.M. and from 9:00 P.M. until the park closes under the following conditions: (i) such dogs shall, except for being unleashed, be kept under the control of their owner and shall not at any time harass or injure any park patron and/or, harass, injure, damage, sever, mutilate, or kill any animal, tree, planting, flower, shrub or other vegetation; (ii) such dogs shall not at any time enter any playground, zoo, swimming pool and swimming pool facility, bathing area and adjacent bathing beach (unless otherwise permitted by the Commissioner) [and not during the designated bathing season)], bridle path (unless [leashed dogs are ] permitted therein by the Commissioner), fountain, ballfield, basketball court, handball court, tennis court, or other area prohibited by the Commissioner; (iii) such dogs shall be immediately leashed by their owners upon any direction or command of any Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee or employee of the DOHMH, the refusal of which direction or command shall constitute a violation of § 1-03(c); and (iv) owners of such dogs shall provide proof of current vaccination against rabies and proof of current licensing upon the request of any Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee or employee of the DOHMH, the refusal of which shall constitute a violation of § 1-03(c), § 1-05(s)(3) and of this subdivision.

(j) *Control and removal of animal waste.*

(1) No person shall allow any dog in his custody or control to discharge any fecal matter in any park unless he promptly removes and disposes of same. [This provision shall not apply to a guide dog accompanying a person with a disability.]

(2) Anyone who drives a horse-drawn carriage into or within a park is required to equip it with horse hampers, horse diapers or some other similar manure catching device which is effective in preventing manure from being deposited on any park street, road or way.

(k) *Urination and defecation in parks.* No person shall urinate or defecate in any Park, or in or upon any park building, monument or structure, except in a facility which is specifically designed for such purpose.

(l) *Disorderly behavior.* [It shall be a violation of these rules to engage in disorderly behavior in a park. A person in any park shall be guilty of disorderly behavior who] No person shall engage in disorderly behavior in a park. Disorderly behavior includes violating the following rules:

(1) [enters or leaves any park except by designated entrance ways or exits, or enters or attempts to enter any facility, area or building sealed, locked or otherwise restricted from public access; or] No person, unless authorized to do so, shall knowingly enter or remain in a building or other structure, or upon real property, which is fenced, barricaded or otherwise enclosed in a manner designed to exclude or otherwise discourage entrance by any unauthorized individual, or shall enter or leave the jurisdiction of the Department except by designated entrance ways or exits. Violation of this paragraph constitutes a misdemeanor.

(2) [climbs] (i) No person shall climb upon any wall, fence, shelter, tree, shrub, fountain or other vegetation, or any structure or statue not specifically intended for climbing purposes; or].

(ii) No person shall climb upon any statue or artwork not specifically intended for climbing purposes in a manner that damages or could reasonably damage such statue or artwork. Violation of this subparagraph constitutes a misdemeanor.

(3) [gains or attempts to] No person shall gain admittance to [the] Department facilities or structures [in any park] for the use of which charge is made without paying such charge; or]. Violation of this paragraph constitutes a misdemeanor.

(4) [engages] No person shall engage in any form of gambling or game of chance for money[, or tells fortunes for money; or].

(5) [interferes with, encumbers, obstructs or renders] (i) No person shall render dangerous any part of a [park or] park road; [obstructs]. Violation of this paragraph constitutes a misdemeanor.

(ii) No person shall render dangerous any part of a park,

(iii) No person shall obstruct vehicular or pedestrian traffic; or].

(6) [engages] No person shall engage in fighting or [assaults] shall assault any person; or].

(7) [engages in a course of conduct or commits acts that unreasonably alarm or seriously annoy another person; or] (8) engages] No person shall engage in any form [or] of sexual activity; or].

(9) engages] (8) No person shall engage in a course of conduct or [commits] commit acts that endanger the safety of others.

(9) No person shall operate a bicycle, motor vehicle, or similar vehicle in a manner that endangers any other person or property. Violation of this paragraph constitutes a misdemeanor.

(m) *Loitering for illegal purposes.* It shall be a violation of these rules to engage in loitering for illegal purposes in a park. Any person in any park shall be guilty of loitering for illegal purposes who:

(1) loiters or remains in a park for the purpose of engaging, or soliciting another person to engage, in sexual activity for money; or

(2) loiters or remains in any park with one or more persons for the purpose of unlawfully using, possessing, purchasing, distributing, selling or soliciting marijuana, alcohol or any controlled substance, as defined in § 220.00 of the New York State Penal Law.] Reserved.

(n) *Unlawful exposure.* [It shall be a violation of these rules to appear in public on property under the jurisdiction of the Department] No person shall appear in public in such a manner that one's genitalia are unclothed or exposed. Violation of this subdivision constitutes a misdemeanor.

(o) *Obstruction of sitting areas.* No person shall use a bench or other sitting area so as to interfere with its use by other persons, including storing any materials thereon.

(p) *Unlawful camping.* No person shall engage in camping, or erect or maintain a tent, shelter, or camp in any park without a permit.

(q) *Unlawful spitting.* It shall be unlawful for any person to spit or excrete in or upon any park building, monument or structure.

(r) *Unhygienic use of fountains, pools, and water.* No person shall use, or permit any animal under his or her control to use, any [water] fountain, drinking fountain, pool, sprinklers, reservoir, lake or any other water contained in the park for the purpose of washing or cleaning himself or herself, his or her clothing or other personal belongings. This subdivision shall not apply to those areas within the parks which are specifically designated for personal hygiene purposes (i.e., bathroom, shower room, etc.), provided, however, that no person shall wash his or her clothes or personal belongings in such areas.

(s) *Unlawful solicitation.*

(1) No person shall engage in any commercial activity or commercial speech in any park, except pursuant to a permit issued under § 1-03(b) and/or § 2-08 of these [Rules] rules. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall solicit money or other property from persons not known to such person in any park, unless such person possesses a permit for noncommercial solicitation issued by the Commissioner.

**Section 4. Section 1-05 of Title 56 of the Rules of the City of New York shall be amended to read as follows:****§ 1-05 Regulated Uses.**

Violation of any paragraph or subparagraph of this section shall subject the violator to a civil penalty, as specified in the Department's penalty schedule. See 56 RCNY § 1-07. In addition, except as otherwise provided below, such violation shall also constitute an offense (classified as a "violation" under the Penal Law), which can be punished by imprisonment of up to one day or a fine of not more than \$200. As specified in this section, certain violations of specified paragraphs or subparagraphs of this section are classified by the Administrative Code as misdemeanors. Except as otherwise provided in this section, a misdemeanor can be punished by imprisonment of up to 20 days or a fine of not more than \$1,000. Note that other laws, including but not limited to the Penal Law, may also apply to the conduct described below.

(a) *Assemblies, meetings, exhibitions.*

(1) No person shall hold or sponsor any [special event or demonstration] event that significantly interferes with ordinary park use without a permit issued by the Department. Significant interference with ordinary park use includes but is not limited to: harming landscaping, planting, or structures in the park; preventing operations in a specialized area such as a zoo, swimming pool, or skating rink; precluding other events that have a valid permit; unreasonably interfering with enjoyment of the park by other uses. Violation of this paragraph constitutes a misdemeanor.

(2) [Reserved.] No person shall hold or sponsor any special event or demonstration without a permit issued by the Department.

(3) No person shall erect any structure, stand, booth, platform, or exhibit in connection with any [assembly, meeting, exhibition or other] event without [approval of the Commissioner or his designated representative] a permit issued by the Department. Violation of this paragraph constitutes a misdemeanor.

(b) *Unlawful vending.*

(1) No person in or on any property under the jurisdiction of the Department shall sell, offer for sale, hire, lease, or let anything whatsoever, including, but not limited to goods, services, or entertainment, or provide or offer to provide services, [or] items, or entertainment in exchange for a donation (hereinafter "vend"), except under and within the terms of a permit, or except as otherwise provided by law. For the purposes of this entire section, persons who vend as defined herein may be referred to as "vendor" or "vendors."

(2) Persons may vend expressive matter, as defined in Section 1-02 of this title, on property under jurisdiction of the Department without a permit, but must comply with all applicable provisions of these rules. However, in the specific locations enumerated in Paragraph (3) expressive matter vendors may only vend expressive matter at the specifically designated spots identified by the Commissioner in the accompanying maps and as marked by a Department decal, medallion, or other form of marking, on the specific location of the approved vending spot, unless they are only vending expressive matter without using a cart, display stand, or other device and without occupying a specific location for longer than necessary to conduct a transaction and are otherwise in compliance with Department rules. These spots shall be allocated upon a first come, first [serve] served basis except as otherwise provided by law and any expressive matter vendor may only vend expressive matter centered directly behind the Department decal, medallion, or other form of marking. Only one expressive matter vendor is authorized to vend directly behind the Department decal, medallion, or other form of marking [as indicated by the Department decal, medallion, or other form of marking and if]. If multiple expressive matter vendors attempt to vend expressive matter at any one Department decal, medallion, or other form of marking and [if] it cannot be [otherwise] determined which expressive matter vendor arrived first, then all such expressive matter vendors at such spot will be in violation of this section and may be directed to leave the area of that Department decal, medallion, or other form of marking immediately. Any such expressive matter vendor failing to leave the area of the Department decal, medallion, or other form of marking immediately upon direction [as required under the preceding sentence] will be in violation of these rules. Expressive matter vendors can only occupy the designated spots for the purpose of vending expressive matter and only during posted times, which will be consistent with the hours of operation for the park where such designated spots are located in or adjacent to. The designated spots may deviate from the restrictions enumerated in [Subsection 5] Subparagraphs (i), (iv), (v), or (vi) of Paragraph 5, if such spots are determined to be appropriate by the Commissioner given the specific features of the park.

(3) Expressive matter vendors may not vend in the following general

areas unless they vend at the specifically designated spots for such vending on the accompanying maps and in compliance with all other applicable Department rules:

- (i) Central Park at the following locations: (A) the perimeter of the park between East 85th Street and East 60th Street, including all sidewalks and plazas (B) the perimeter of the park between West 86th Street and West 60th Street, including all sidewalks and plazas (C) all of Central Park South, including all sidewalks and plazas (D) Wien Walk and Wallach Walk, (E) pedestrian pathways parallel to East Drive between Grand Army Plaza and the Center Drive, (F) Grand Army Plaza, (G) Pulitzer Plaza, and (H) Columbus Circle.
- (ii) Battery Park, including all perimeter sidewalks.
- (iii) Union Square Park, including all perimeter sidewalks.
- (iv) Elevated portions of High Line Park.
- (4) (i) No vendor in or on any property under the jurisdiction of the Department shall allow any item or items used or offered in conjunction with vending to touch, lean against, or be affixed permanently or temporarily to any street or park furniture installed on public property or any rock formation, tree, shrub or other planting.
- (ii) No vendor shall block any person from using any street or park furniture installed on public property by way of the vending activity.
- (iii) No vendor shall vend anything in such a manner that would damage or otherwise injure Department property, including, but not limited to lawns, plants, animals or buildings.
- (iv) No vendor shall vend anything that is placed immediately on a sidewalk or park path, or on a blanket or board placed immediately upon such surface or on the top of a trash receptacle or cardboard box.
- (v) No vendor shall vend anything over any ventilation grill, cellar door, manhole, transformer vault or subway access grating.
- (vi) No vendor shall vend anything directly from any parked or double parked motor vehicle except for food vendors with appropriate Department and New York City Department of Health and Mental Hygiene permits.
- (vii) No vendor shall vend anything in an unsuitable location because the location is a specialized area including, but not limited to, a zoo, swimming pool, playground, athletic field or court, or skating rink;
- (5) (i) No vendor shall vend anything whatsoever using a display stand that:
  - (i) provides less than a twelve (12) foot wide clear pedestrian path measured from the display on the sidewalk or park path to the opposite edge of the sidewalk or park path, except that when there is street or park furniture on the pedestrian path the measurement must be taken from the display to two feet from the street or park furniture in order to determine whether there is less [than] than a twelve (12) foot wide clear pedestrian path;
  - (ii) is placed on any other part of a sidewalk under the Department's jurisdiction other than that which abuts the curb, unless otherwise authorized;
  - (iii) is within any bus stop, carriage horse stand, pedicab stand, or taxi stand, or is within ten (10) feet of any subway entrance or exit;
  - (iv) is within five (5) feet from any street or park furniture, public telephone, disabled access ramp, tree, or from individuals or entities authorized by permit or license by the Commissioner to operate at a specific location;
  - (v) is within ten (10) feet from any crosswalk on any path or on any sidewalk under the jurisdiction of the Department;
  - (vi) is placed within fifty (50) feet from any monument or other public art installation, including, but not limited to ornamental fountains;
  - (vii) occupies more than eight (8) linear feet of public space parallel to the curb or park path;
  - (viii) occupies more than three (3) linear feet in depth;
  - (ix) is more than five (5) feet high or less than twenty-four (24) inches above the sidewalk or park path where the display surface is parallel to the sidewalk or park path, and may not be less than twelve (12) inches above the sidewalk or park path where the display surface is vertical;
  - (x) where a rack or other display structure is placed on the top or above a table or other base, the size of the base is not less than the size of any rack or display structure placed thereon. Nothing shall be placed on the base so as to exceed the size limitations contained in this section;
  - (xi) uses any areas other than that area immediately beneath the surface of the display stand for the storage of items for sale, unless permitted by Department license or permit for the use of a fixed location to store items for sale; or
  - (xii) fails to use an opaque covering to shield any items stored beneath the surface of the display stand.
- (6) For the purposes of this section a display stand shall mean a movable, portable or collapsible structure, framework, device, container or other contrivance used by a vendor in any property under the jurisdiction of the Department for the purpose of displaying, keeping or storing any goods, wares, merchandise, foodstuffs or expressive matter.
- (7) For the purposes of this section, street or park furniture shall mean any City-Installed, maintained or approved structure, including but not limited to, benches, newspaper boxes, tree guards, fire hydrants, trash receptacles, telephone kiosks, newsstands, bus shelters, barricades, bollards, traffic signs, traffic lights, walls, water fountains, or fences located in any property under the jurisdiction of the Department.
- (8) Where exigent circumstances exist and a Department employee or police officer gives notice to a vendor to move temporarily from

any location such vendor shall not vend from such location. For the purposes of this section, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, the existence of any obstruction in the park, an accident, fire, or other emergency situation, a parade, special event, demonstration, construction project, maintenance operations, or other such event at or near such location, including periods of set up and take down for such exigent circumstances.

(9) Violation of any paragraph of this subdivision constitutes a misdemeanor.

(c) Unlawful posting of notices or signs.

(1) No person shall post, display, affix, construct or carry any placard, flag, banner, sign or model or display any such item by means of aircraft, kite, balloon or other aerial device, in, on, or above the surface of any park for any purpose whatsoever without a permit issued by the Commissioner. Each separate item placed in violation of this section shall constitute a separate violation.

(2) Notwithstanding Paragraph (1) of this Subdivision (c), any person may carry any item described in Paragraph (1) of this Subdivision (c), without the aid of any aircraft, kite, balloon or other aerial device, where the space on which the message of such item is contained has a height no greater than two feet and a length no longer than three feet, and that such item takes up a total area of no more than six square feet.

(3) Any person who posts or displays a sign upon park property, including the perimeters of any park, whether or not pursuant to a permit issued under this Subdivision (c), shall be responsible for removal of such sign pursuant to the conditions in such permit, or immediately if no such permit has been issued. Failure to remove any sign that is posted or displayed on such property, or that remains on such property, other than in compliance with such permit, shall constitute a violation of these [Rules] rules and [Regulations] regulations.

(4) In the event that a notice or sign is, in violation of this subdivision (c), posted or displayed on any property, including the perimeters of any park, there shall be a rebuttable presumption that any person whose name, telephone number, or other identifying information appears on such notice or sign has violated this subdivision by either (i) pasting, posting, painting, printing or nailing such notice or sign, or (ii) directing, suffering or permitting a servant, agent, employee or other individual under such person's control to engage in such activity; provided, however, that such rebuttable presumption shall not apply with respect to criminal prosecutions brought pursuant to this Paragraph (4).

(d) Noise; [musical instruments;] sound reproduction devices; musical instruments.

(1) No person shall make, or cause or allow to be made, unreasonable noise in any park so as to cause public inconvenience, annoyance or harm. Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivity or injures or endangers the health or safety of a reasonable person of normal sensitivity, or which causes injury to plant or animal life, or damage to property or business.

(2) No person shall play or operate any sound reproduction device, as defined in § 1-02 of these [Rules] rules, in any park without a permit from the Department [of Parks and Recreation] and any other City agency or agencies with pertinent jurisdiction. This Paragraph (2) shall not apply to the regular and customary use of portable [radios, record players, compact disc players, or television receivers, or tape recorders played or] sound reproduction devices operated in full accordance with these [Rules] rules so as not unreasonably to disturb other persons in their permitted uses of the park[, except that in]. In areas designated by the Commissioner as "quiet zones," such regular and customary use of sound reproduction devices shall be prohibited. Signs shall be posted in all quiet zones advising the public of such prohibition. Use of radios and other sound reproduction devices listened to solely by headphones or earphones, and inaudible to others, is permitted in all areas of the parks. Violation of this paragraph constitutes a misdemeanor.

(3) No person shall play or operate any musical instrument or drum, radio, tape recorder or other device for producing sound in any park between the hours of 10:00 P.M. and 8:00 A.M. except under the express terms of a permit issued by the Department. [The Commissioner may, in his or her discretion, further restrict such hours in specific parks where such operation would disturb or damage the comfort, peace, health or safety of persons or businesses.] The Department may vary the hours specified in this paragraph in a particular park or area by posting signs advising the public of the restricted hours applicable to such park or area. Violation of this paragraph constitutes a misdemeanor.

(4) No person shall play or operate any musical instrument or drum or cause any noise for advertising or commercial purposes except as authorized by Paragraph 1-05(b)(2) or under the express terms of a permit issued by the Department. Violation of this paragraph constitutes a misdemeanor.

(e) (1) [Filming or photography requiring a permit.] Unauthorized commercial cinematic production. [Any person or entity engaged in filming or photography in a park, where such activity is subject to the permit requirements of the Mayor's Office of Film, Theatre &

Broadcasting ("MOFTB") (Chapter 9 of Title 43 of the Rules of the City of New York) may engage in such activity only upon obtaining such a permit from that Office. Such permittee shall comply with the requirements of § 9-02(c) of such rules ("Responsibility of Holders of Required and Optional permits") including, but not limited to, the obligation to clean and restore any Department property altered in connection with the exercise of such permit.] No person shall engage in filming or photography subject to the permit requirements of the Mayor's Office of Media and Entertainment ("MOME") or any successor agency except under the express terms of a permit issued by that office. Violation of this paragraph constitutes a misdemeanor.

(2) Filming or photography not requiring a permit. Any person or entity engaging in filming or photography in a park, where such activity does not require a permit under the permit requirement rules of [MOFTB] MOME, may engage in such activity without obtaining a permit from [that Office] MOME. In addition, any person or entity engaging in filming or photography involving only the use of handheld devices (as defined in Paragraph (3) of Subdivision (a) of § 9-02 of [the MOFTB permit rules] Title 43 of the Rules of the City of New York) that takes place in an area under the Department's jurisdiction that is not a sidewalk, pathway, street, or walkway of a bridge need not obtain a [MOFTB] MOME permit. Nothing herein shall be deemed to relieve such person or entity of the obligation to obtain a permit from the Department if such activity involves conduct otherwise requiring a permit pursuant to any other rule of the Department.

(f) Alcoholic beverages.

(1) Except where specifically permitted by the Commissioner, no person shall consume any alcoholic beverage in any park, playground, beach, swimming pool or other park property or facility, nor shall any person possess any alcoholic beverage with intent to consume or facilitate consumption by others of same in any park, playground, beach, swimming pool, or other park property or facility.

(2) It shall be a violation of these rules for any person to appear in any park under the influence of alcohol, to the degree that he may endanger himself or herself, other persons or property, or unreasonably annoy persons in his or her vicinity.

(g) Beaches, boardwalks and pools.

(1) Bathing in waters adjacent to property under the jurisdiction of the Department shall be permitted only at authorized bathing beaches and only during the bathing season designated by the Commissioner. The Commissioner may limit or expand the extent of bathing beaches or shorten or extend the bathing season with due regard for weather conditions and the safety of the public. It shall be a violation of these rules to bathe at any time in unauthorized areas.

(2) Except where permitted by the Commissioner, no person shall bring into or use in any pool under the jurisdiction of the Department, artificial floats, masks, spears, fins, snorkels, air or gas tanks, or other apparatus used for skin or scuba diving. No person shall bring into or use in any other [water under the jurisdiction of the Department] Parks waters, artificial floats, spears, fins, snorkels, air or gas tanks, or other apparatus used for scuba diving. [However, body] Body boards, as defined in Section 1-02 of this title, are permitted at authorized bathing beaches at times when bathing is permitted. However, Department personnel may restrict the use of body boards based on site conditions, including but not limited to, rough water, overcrowding, and the nature of the location.

(3) Except in locations designated for such purpose, no person shall engage in any athletic game or conduct himself in such a way upon a bathing beach or in the water as to jeopardize the safety of himself or others. Surfboards are allowed only at areas expressly designated for such use.

(4) No person having, or apparently having any infectious disease shall be admitted to a bathing beach or bath house, or shall be permitted in the water.

(5) No person shall change clothes except in bath houses or other authorized places. No person shall be nude at any bathing area, beach or pool under the jurisdiction of the Department.

(6) No person shall disobey the reasonable direction of a lifeguard, nor shall any person carry on unnecessary conversation with a lifeguard, or falsely call for help or assistance, or stand, sit upon, or cling to lifeguard perches, or cling to or go into a lifeguard boat except in an emergency.

(7) Persons using swimming pools under the jurisdiction of the Department may only do so if dressed in bathing suits, and only after showering at the park immediately prior to entering such pools.

(8) Bathing and swimming in park swimming pools shall be allowed only when a lifeguard is on duty and on such days and at such times as are designated by the Commissioner and posted at each facility.

(9) No person shall dive into water under the jurisdiction of the Department except where specifically authorized by posted signs.

(h) Fishing.

(1) Fishing shall be permitted from locations under the jurisdiction of the Department, except in open swimming areas or where specifically prohibited. Any person who engages in fishing shall obey all posted guidelines, and comply with all applicable City, State and Federal laws and regulations, including Title 6 of the New York State Environmental Conservation Law.

(2) The use of lead fishing weights in waters under the jurisdiction of

the Department shall be a violation of these rules.

(3) Failure to remove fishing line fragments and hooks from land and waters under the jurisdiction of the Department shall be a violation of these rules.

(4) All fish caught in fresh water areas shall be immediately released. The use of barbed hooks in such areas shall be a violation of these rules.

(5) The use of traps to catch fish and/or crustaceans in areas under the jurisdiction of the Department shall be prohibited.

(i) *Bicycling and operating [Pedicabs] pedicabs.*

(1) Any person bringing a bicycle or a pedicab into any park shall obey all park signs pertaining to the use of such bicycles or pedicabs. Only pedicabs that carry a registration plate as required by § 20-255 of the New York City Administrative Code and are operated by, or are authorized to be operated by, a pedicab business that possesses a valid pedicab business license, as defined by § 20-249 of the New York City Administrative Code, may be operated within property under the jurisdiction of the Department. Only a pedicab driver as defined by § 20-249 of the New York City Administrative Code who has a valid pedicab driver's license as defined by § 20-249 of the New York City Administrative Code may operate a pedicab within property under the jurisdiction of the Department.

(2) No bicycle or pedicab shall be ridden or otherwise operated in vegetated areas or on any bridle path, pedestrian way, park path, sitting or play area, playground, or in any other area so designated. Bicycles may be ridden and operated on park roads, bikepaths, and other areas specifically designated by the Commissioner. Pedicabs may only be operated on park roads designated by the Commissioner and may not be operated or stopped in (i) any recreation lane designated by the Commissioner for use by pedestrians or bicyclists; or (ii) any bikepath designated by the Commissioner.

(3) No person shall operate a bicycle or a pedicab in a reckless manner. Any person operating a bicycle or pedicab shall [ride]operate it in the direction of traffic and obey all traffic lights and road signs. Persons operating pedicabs may not ride adjacent to another pedicab, bicycle or vehicle, except when using the left lane to pass another pedicab, bicycle or motor vehicle.

(4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except children may be carried in seats securely attached to a bicycle. No person riding a bicycle shall attach himself or herself or his/her bicycle to the outside of any vehicle being operated upon a roadway.

(5) Any person operating a bicycle shall yield the right of way to pedestrians, in-line skaters, and horse drawn carriages. Any person operating a pedicab shall yield the right of way to pedestrians, bicyclists, in-line skaters, and horse drawn carriages.

(6) On the park roads in Central Park, all pedicabs shall remain in the far right lane, except when passing another pedicab, bicycle, or vehicle, in which case the pedicab may use the next lane to the left to pass.

(7) No person shall operate a pedicab adorned with commercial advertising in any park, or at any other location under the jurisdiction of the Department, unless the pedicab is on a park road during a time when private motor vehicles are allowed to operate on such park road.

(8) No person operating a pedicab in any park, or at any other location under the jurisdiction of the Department, shall solicit, pick up or release passengers except at areas specifically designated by the Commissioner, subject to any limitation imposed by the Commissioner as to the number of pedicabs that may solicit, pick up or release passengers in such designated areas at any given time. Signs shall be posted informing the public of the designation of such areas for solicitation, pick up or release of pedicab passengers.

(9) No person operating a pedicab shall occupy an area reserved solely for buses, taxicabs, horse drawn carriages or other vehicles or motor vehicles.

(10) In addition to complying with the provisions of this subdivision (i) of § 1-05, pedicab drivers shall operate pedicabs in compliance with the provisions of § 20-259 of the New York City Administrative Code.

(11) If there are exceptional circumstances, the Commissioner, in consultation with the Commissioners of the Police, Transportation and Consumer Affairs Departments, shall be authorized, upon notice, to restrict or prohibit any pedicab driver, as defined by § 20-249 of the New York City Administrative Code, from operating his or her pedicab on any park road otherwise designated for pedicab use, for a consecutive period of time, not to exceed fourteen days, on one or more particular days. For purposes of this paragraph, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or bicycle traffic, existence of any obstructions on Department property, a parade, demonstration, special event, or other such similar event or occurrence at or near such location. Notwithstanding the preceding provisions of this paragraph, the Commissioner may restrict or prohibit the operation of pedicabs within property under the jurisdiction of the Department for periods of time in excess of fourteen days when such restrictions apply to bicycles or other types of vehicles.

(j) *Boating.*

(1) No owner or operator of a boat, vessel or dinghy shall violate rules of the Department regulating the operation, docking, storage, maintenance or removal of such boat, vessel or dinghy or the use or alteration of facilities connected with such activities, including, but not limited to, the provisions of Chapters 3 and 4 of these rules. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall land a boat of any kind other than a human-powered boat, such as a kayak, canoe, rowboat or pedal boat, on any park shore except at designated landing areas or in case of an emergency. No person shall operate a boat of any kind, including jet-skis, upon any Parks waters [under the jurisdiction of the Commissioner] in a reckless manner so as to endanger the life, limb or reasonable comfort of his or her passengers or other persons. Boating in any authorized bathing area is prohibited. Violation of this paragraph constitutes a misdemeanor.

(k) *Unlawful ice activity.*

(1) Ice skating is permitted at rinks maintained by the Department for such use, at such times, and subject to the [Rules] rules and [Regulations] regulations prescribed and posted at each facility.

(2) No person shall go upon the ice of any lake or pond in any park except at such places and at such times as may be designated by the Commissioner. Violation of this paragraph constitutes a misdemeanor.

(l) *Planting.* No tree, plant, flower, shrubbery or other vegetation shall be planted in any area under the jurisdiction of the Department without [a permit] the Department's written approval and any necessary approval from the Department of Transportation. [No such planting shall be undertaken on any street or avenue without a permit for the necessary excavation from the Department of Transportation.] Trees planted pursuant to [permits] the Department's approval shall become the property of the City after a guarantee period of one year has been satisfactorily completed.

(m) *Unlawful fires.*

(1) No person shall kindle, build, maintain, or use a fire in any place, portable receptacle, or grill except in places provided by the Department and so designated by sign or by special permit. In no event shall open or ground camp fires be allowed in any park. Any fire authorized by this subdivision (m) shall be contained in a portable receptacle grill or other similar device, and continuously under the care and direction of a competent person over 18 years of age, from the time it is kindled until it is extinguished. No fire shall be within ten feet of any building, tree, or underbrush or beneath the branches of any tree. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall leave, throw away, drop, or toss any lighted match, cigar, or cigarette, hot coals, or other flammable material within, on, near, or against any tree, building, structure, boat, vehicle or enclosure, or in any open area. This paragraph shall not apply to extinguishing a cigar or cigarette on a paved surface. Violation of this paragraph constitutes a misdemeanor.

(n) *Unlawful operation and parking of motor vehicles.*

(1) Motor vehicles may not be brought into or operated in any area of a park except on park roads or designated parking areas. Park roads may be closed to motor vehicles at such times and in such places designated by the Commissioner.

(2) A person shall not park any motor vehicle in any park except in areas designated by the Commissioner for parking, and only during the hours of operation of such park.

(3) No person shall use any area of a park, including designated parking areas, for the purpose of performing non-emergency automotive work, including, but not limited to, vehicle maintenance, repairs, or cleaning.

(o) *Unauthorized construction on park property.* No person shall perform or cause to be performed construction work of any kind or any work incidental thereto, including, [storage of materials, in any park] but not limited to, construction staging, except pursuant to a permit issued by the [Construction Division of the] Department. Violation of this subdivision constitutes a misdemeanor.

(p) *Unauthorized [dumping,] excavations.* No person shall perform, cause, suffer, or allow to be performed any excavations or similar activity that significantly disrupts park property within or adjacent to any park property without a permit issued by the Department. Violation of this subdivision constitutes a misdemeanor.

(q) *Horse riding.*

(1) No person may ride a horse in any park, except on bridle paths designated by the Department.

(2) It shall be a violation of these [Rules] rules to ride a horse into or within a park in a reckless manner; to allow the horse to be left unbridled or unattended; or to allow the horse to cause any damage to any tree, plant, flower, shrubbery or other vegetation under the jurisdiction of the Department.

(r) *[Failure to comply with area] Area use restrictions.*

(1) No person shall throw, catch, kick or strike any baseball, football, basketball, soccer, golf or tennis ball, or similar object, nor shall any person engage in any sport[, game] or other athletic competition except in areas designated and maintained therefore. No such use

will be allowed without a permit [at any time] if the desired area has [previously] been allotted by permit issued pursuant to the provisions of these [Rules] rules.

(2) No person shall engage in any toy or model aviation, [kite-flying,] model boating [or], model automobiling, or activity involving other similar devices except at such times and at such places designated or maintained [therefore] for such purposes. Violation of this paragraph constitutes a misdemeanor.

(3) (i) No person shall roller skate, ski, skateboard, sled or coast, or ride on any similar device outside areas designated and maintained for such use in a manner that endangers any other person or property. Violation of this subparagraph constitutes a misdemeanor.

(ii) No person shall roller skate, ski, skateboard, sled or coast [on any kind of vehicle except in] or ride on any similar device outside areas designated and maintained for such use.

(s) Exclusive areas. Areas within the parks designated by the Commissioner for exclusive use by means of posting signs shall include:

(1) Exclusive children playgrounds: Adults allowed in playground areas only when accompanied by a child under the age of twelve (12). Violation of this paragraph constitutes a misdemeanor.

(2) Exclusive senior citizens areas: Certain areas of any park may be set aside for citizens aged 65 and older, for their quiet enjoyment and safety.

(3) Dog Runs: Certain fenced park areas may be designated by the Commissioner as dog runs, and persons owning or possessing dogs that are wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and City of New York are permitted to allow such animals to remain unleashed in these areas. Users of dog runs shall obey posted rules. Users of such dog runs shall provide proof of current vaccination against rabies and proof of current licensing upon the request of any Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee or employee of the DOHMH, the refusal of which shall constitute a violation of § 1-03(c), § 1-04(i) and of this paragraph. [All exclusive areas will be specifically designated as such and signs will be posted informing the public of this designation.]

(t) Unlawful distribution of products and materials. No person shall engage in the non-commercial distribution of products and/or material (other than printed or similarly expressive material) without a permit issued by the Commissioner. A permit shall be issued only upon the Commissioner's determination that said distribution will be conducted in a manner consistent with the public's use and enjoyment of the park or facility in question. In making this determination, the Commissioner will consider the nature of the product or material, whether the product or material is compatible with customary park uses, whether the product or material is intended to be used in the park or facility, the age of the targeted audience for the product or material, and whether the area in the park or facility where the distribution will take place is appropriate for such distribution, considering, e.g., its proximity to areas designed for children, quiet zones or other areas designed for activities not compatible with such distribution. In connection with the foregoing, the Commissioner may consult with parental groups which are involved with the park or facility where a permit for distribution is requested. The Commissioner may also impose conditions upon the distribution of products and materials consistent with the concerns reflected by the factors listed above. Products and/or materials may be distributed only upon an indication of interest by the recipient, and only from a fixed location specified in the permit.

(u) [Rollerblades. Any person using rollerblades or roller skates in any park shall obey all park signs pertaining to the use of same.] In-line skates. No person shall use [rollerblades] in-line skates in any park except for park drives or areas designated for such use by the Department, and at times designated for such use. No person shall use [rollerblades] in-line skates in a reckless manner, or so as to endanger persons or property.

**Section 5. Section 1-07 of Title 56 of the Rules of the City of New York shall be repealed and a new Section 1-07 shall be added to read as follows:**

**§ 1-07 Civil Penalties.**

(a) Any violation of these rules shall subject the respondent to a civil penalty which may be recovered in a proceeding before the Office of Administrative Trials and Hearings pursuant to Section 1049-a of the Charter. Such proceedings will be commenced by the service of a civil summons returnable to the Office of Administrative Trials and Hearings in accordance with such section. The Office of Administrative Trials and Hearings may impose the penalties in the following table below for violations of the Department's rules.

(b) In addition, except as otherwise provided below, violation of the rules of this chapter shall also constitute an offense (classified as a "violation" under the Penal Law), which may be punished in a separate court proceeding by imprisonment of up to one day or a fine of not more than \$200. Violations marked with an asterisk are also misdemeanors prohibited by Section 18-146 or Section 18-147 of the New York City Administrative Code and are subject to additional penalties.

(c) "Default penalty" shall mean the penalty imposed by the Office of

Administrative Tribunals and Hearings acting pursuant to Section 1049-a of the Charter of the City of New York in accordance with Subparagraph (d) of Paragraph one of Subdivision d of Section 1049-1 of such Charter.

Section/Rule	Description	Penalty	Default Penalty
56 RCNY 1-03(a)(3)	Unauthorized presence in park when closed to public	\$50	\$75
56 RCNY 1-03(b)(6)	Failure to have/display/comply with required permit	\$50	\$75
56 RCNY 1-03(c)(1)*	Failure to comply with directives of police, park supervisor, lifeguard, peace officer	\$250	\$375
56 RCNY 1-03 (c)(2)	Failure to comply with directives of other Department employee	\$150	\$225
56 RCNY 1-03(c)(3)	Failure to comply with directions/prohibitions on signs	\$50	\$75
56 RCNY 1-04(a)(1)*	Destruction or abuse of Department property that causes significant damage or expense	\$1,000	\$1,500
56 RCNY 1-04(a)(2)	Injury, defacement, abuse, etc. of Department property	\$100	\$150
56 RCNY 1-04(b)(1)(i)*	Cutting, removal, or destruction of a tree	\$750	\$1,125
56 RCNY 1-04(b)(1)(ii)	Defacement or writing upon a tree	\$200	\$300
56 RCNY 1-04(b)(1)(iii)	Defacement, killing, etc. of vegetation	\$200	\$300
56 RCNY 1-04(b)(2)	Walking on/permitting animal or child to walk on newly seeded grass	\$50	\$75
56 RCNY 1-04(b)(3)	Walking/permitting animal or child to walk in fenced area	\$50	\$75
56 RCNY 1-04(b)(4)	Unauthorized possession of gardening tool/plant	\$50	\$75
56 RCNY 1-04(b)(5)	Unauthorized use of metal detector	\$50	\$75
56 RCNY 1-04(c)(1)	Littering or unlawful use of park waste receptacle	\$50	\$75
56 RCNY 1-04(c)(2)*	Polluting waters within park	\$250	\$375
56 RCNY 1-04(c)(3)*	Unlawful dumping	\$1,000	\$1,500
56 RCNY 1-04(c)(4)	Storing/leaving unattended personal belongings	\$50	\$75
56 RCNY 1-04(d)	Possession of glass container	\$50	\$75
56 RCNY 1-04(e)(1)*	Aviation—bringing/landing aerial device in park, endangering person or property	\$500	\$725
56 RCNY 1-04(f)(1)*	Possession of a firearm/propellant/explosive etc.	\$500	\$725
56 RCNY 1-04(g)(1)*	Harming animals, nests, or eggs; Possessing or distributing animals or eggs.	\$1,000	\$1,500



56 RCNY 1-04(g)(2)	<u>Unauthorized feeding of animals</u>	\$50	\$75
56 RCNY 1-04(i)*	<u>Unleashed/uncontrolled animals in park</u>	\$100	\$150
56 RCNY 1-04(i)*	<u>Unleashed/uncontrolled animals in park—second or subsequent violation within one year</u>	\$250	\$375
56 RCNY 1-04(j)(1), 3-18(b)	<u>Failure to remove canine waste</u>	\$100	\$200
56 RCNY 1-04(j)(2)	<u>Horse-carriage without horse hamper/control for horse waste</u>	\$100	\$150
56 RCNY 1-04(k)	<u>Unlawful urination/defecation in park</u>	\$50	\$75
56 RCNY 1-04(l)(1)*	<u>Disorderly behavior—unauthorized access/trespass</u>	\$50	\$75
56 RCNY 1-04(l)(2)(i)	<u>Disorderly behavior—climbing</u>	\$50	\$75
56 RCNY 1-04(l)(2)(ii)*	<u>Disorderly behavior—climbing statue or artwork in manner that could damage it</u>	\$200	\$300
56 RCNY 1-04(l)(3)*	<u>Disorderly behavior—fee evasion</u>	\$50	\$75
56 RCNY 1-04(l)(4)	<u>Disorderly behavior—gambling</u>	\$50	\$75
56 RCNY 1-04(l)(5)(i)*	<u>Disorderly behavior—render road dangerous</u>	\$100	\$150
56 RCNY 1-04(l)(5)(ii)	<u>Disorderly behavior—render park dangerous</u>	\$50	\$75
56 RCNY 1-04(l)(6)	<u>Disorderly behavior—fighting/assault</u>	\$150	\$225
56 RCNY 1-04(l)(7)	<u>Disorderly behavior—sexual activity</u>	\$100	\$150
56 RCNY 1-04(l)(8)	<u>Disorderly behavior—endanger safety of others</u>	\$250	\$375
56 RCNY 1-04(l)(9)*	<u>Disorderly behavior—operation of bike, motor vehicle, etc. that endangers safety of other person or property</u>	\$500	\$750
56 RCNY 1-04(n)*	<u>Unlawful exposure</u>	\$50	\$75
56 RCNY 1-04(o)	<u>Obstruction of benches, sitting areas</u>	\$50	\$75
56 RCNY 1-04(p)	<u>Unauthorized camping</u>	\$250	\$375
56 RCNY 1-04(q)	<u>Spitting on park building/monument/structure</u>	\$50	\$75
56 RCNY 1-04(r)	<u>Unauthorized use of fountain/pool/water for personal/animal hygiene</u>	\$50	\$75
56 RCNY 1-04(s)(1)*	<u>Unlawful commercial activity or speech</u>	\$100	\$150
56 RCNY 1-04(s)(2)	<u>Soliciting money or property without permit</u>	\$50	\$75
56 RCNY 1-05(a)(1)*	<u>Unpermitted event that significantly interferes with ordinary park use</u>	\$ 500	\$ 750
56 RCNY 1-05(a)(2)	<u>Unpermitted special event/demonstration</u>	\$250	\$375
56 RCNY 1-05(a)(3)*	<u>Structure/stand/booth etc. without permit</u>	\$250	\$375

56 RCNY 1-05(b)*	<u>Unlawful vending</u>	\$250	\$375
56 RCNY 1-05(b)(1)*	<u>Unlawful vending—second or subsequent violation within one year</u>	\$500	\$750
56 RCNY 1-05(b)(2)*	<u>Unlawful vending of expressive matter in violation of Department rules</u>	\$500	\$750
56 RCNY 1-05(c)	<u>Unlawful display of signs</u>	\$50	\$75
56 RCNY 1-05(d)(1)	<u>Unreasonable noise</u>	\$50	\$75
56 RCNY 1-05(d)(2)*	<u>Operating sound reproduction device without required permit</u>	\$140	\$210
56 RCNY 1-05(d)(3)*	<u>Playing instrument/radio etc. during unauthorized hours</u>	\$140	\$210
56 RCNY 1-05(d)(4)*	<u>Unauthorized music or noise for advertising/commercial purposes</u>	\$500	\$750
56 RCNY 1-05(e)(1)*	<u>Commercial cinematic production without required permit</u>	\$250	\$375
56 RCNY 1-05(f)(1)	<u>Unauthorized consumption/possession of alcoholic beverage</u>	\$25	\$25
56 RCNY 1-05(f)(2)	<u>Appearing in park under the influence of alcohol, endangering self or others</u>	\$50	\$75
56 RCNY 1-05(g)	<u>Failure to comply with beach/boardwalk/pool restrictions</u>	\$50	\$75
56 RCNY 1-05(h)	<u>Failure to comply with fishing restrictions</u>	\$50	\$75
56 RCNY 1-05(i)	<u>Failure to comply with bicycle riding and/or pedicab restrictions</u>	\$50	\$75
56 RCNY 1-05(i)(1)	<u>Failure of pedicab or bike operator to comply with sign</u>	\$150	\$225
56 RCNY 1-05(i)(1)	<u>Pedicabs operating without valid registration plate, valid pedicab business license, or valid pedicab driver's license</u>	\$250	\$375
56 RCNY 1-05(i)(8)	<u>Pedicab soliciting/picking up/releasing passenger outside designated areas</u>	\$150	\$225
56 RCNY 1-05(j)*	<u>Failure to comply with boating restrictions</u>	\$50	\$75
56 RCNY 1-05(k)(1)	<u>Failure to comply with ice skating restrictions</u>	\$50	\$75
56 RCNY 1-05(k)(2)*	<u>Going upon a frozen lake or pond without authorization</u>	\$50	\$75
56 RCNY 1-05(l)	<u>Planting tree/flower/shrubbery/other vegetation without written approval</u>	\$50	\$75
56 RCNY 1-05(m)(1)*	<u>Failure to comply with fire restrictions</u>	\$50	\$75
56 RCNY 1-05(m)(2)*	<u>Unlawful disposal of flammable materials</u>	\$50	\$75
56 RCNY 1-05(n)	<u>Unauthorized driving/parking/automotive work</u>	\$50	\$75

56 RCNY 1-05(o)*	Unauthorized construction/staging of materials	\$1,000	\$1,500
56 RCNY 1-05(p)*	Unauthorized excavation	\$1,000	\$1,500
56 RCNY 1-05(q)	Failure to comply with horse riding restrictions	\$50	\$75
56 RCNY 1-05(r)(1)	Area use restrictions—sports in unauthorized area	\$50	\$75
56 RCNY 1-05(r)(2)*	Area use restrictions—unauthorized toy or model aviation, boating, automobiling, etc.	\$50	\$75
56 RCNY 1-05(r)(3)(i)*	Area use restrictions—unauthorized skating/skiing/skateboarding/sledding, etc. endangering person or property	\$200	\$300
56 RCNY 1-05(r)(3)(ii)	Area use restrictions—unauthorized skating/skiing/skateboarding/sledding, etc.	\$50	\$75
56 RCNY 1-05(s)(1)*	Failure to comply with exclusive children playground restriction	\$50	\$75
56 RCNY 1-05(s)(2)	Failure to comply with exclusive senior citizen area restrictions	\$50	\$75
56 RCNY 1-05(s)(3)	Failure to comply with dog run restrictions	\$50	\$75
56 RCNY 1-05(t)	Unauthorized distribution/demonstration of products	\$100	\$150
56 RCNY 1-05(u)	Failure to comply with in-line skating restrictions	\$50	\$75
56 RCNY Chapter 3*	Miscellaneous violations of rules regarding 79th Street Boat Basin, Sheepshead Bay Piers, World's Fair Marina and any other Department marina not covered by a concession agreement	\$50	\$75
56 RCNY 3-05,4-03*	Interference with emergency vessel boarding	\$100	\$150
56 RCNY 3-06(a), 3-17, 4-04(a)*	Failure to have/display/comply with required vessel permit	\$50	\$75
56 RCNY 3-08(a), 4-06(a)*	Unlawful discharge onto docks/water/walkways etc.	\$250	\$375
56 RCNY 3-08(b), 4-06(b)*	Unlawful use of composting toilet systems	\$250	\$375
56 RCNY 3-08(f), 4-06(f)*	Unreasonable noise at boat basin, marina, piers, mooring fields	\$150	\$225
56 RCNY 3-10(a)*	Improper maintenance of vessel or equipment	\$50	\$75
56 RCNY 3-10(b)*	Unauthorized structural modification on vessel	\$500	\$750
56 RCNY 3-12, 4-10*	Failure to possess proper safety equipment on vessel	\$50	\$75

56 RCNY 3-13(a)*	Unauthorized interference with electrical supply at marina and boat basin	\$250	\$375
56 RCNY 3-15, 4-11*	Failure to remove sunken vessel	\$500	\$750
56 RCNY 3-16(b)*	Unauthorized storage of kayak or canoe	\$50	\$75
56 RCNY 3-20, 4-14*	Unlawful use of slip or vessel	\$500	\$750
56 RCNY Chapter 4*	Miscellaneous violations of rules regarding mooring fields under the Department's jurisdiction	\$50	\$75
56 RCNY 4-09*	Excessive speed in mooring fields	\$50	\$75
56 RCNY 4-07(a),(b)*	Mooring fails to meet requirements	\$50	\$75
Administrative Code 17-503(d)(3)	Smoking in a park or other property under the jurisdiction of the Department of Parks and Recreation	\$50	\$50
Administrative Code 18-146(i)(1)	Youth baseball league's second or subsequent failure to comply with automated external defibrillator requirements	\$500	\$500
Administrative Code 18-146(i)(2)	Youth baseball league's failure to return automated external defibrillator to the Department in satisfactory condition	\$2,500	\$2,500

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
(212) 356-4028  
CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Implementation of Criminal Justice Reform Act  
**REFERENCE NUMBER:** 2017 RG 019  
**RULEMAKING AGENCY:** The Department of Parks and Recreation

I certify that this office has reviewed the above-referenced proposed rule as required by Section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: April 14, 2017

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
(212) 788-1400**

**CERTIFICATION/ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Implementation of Criminal Justice Reform Act  
**REFERENCE NUMBER:** DPR 12  
**RULEMAKING AGENCY:** Department of Parks and Recreation

I certify that this office has analyzed the proposed rule referenced

above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) The proposed rules do not provide a cure period because the violations pose significant risks to public health and safety, environmental hazards, and/or arise from consequences of immediate events, which make a cure period impracticable under the circumstances.

/s/ Lauren M. Greenawalt  
Mayor's Office of Operations

April 14, 2017  
Date

Accessibility questions: Darci Frinquelli, (212) 360-1383, by: Friday, May 12, 2017, 5:00 P.M.



← a20



**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 7/11/2017 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
150	11519	125
125	11516	240
163	11529	14
166	11529	17
100	11515	49
80	11514	28
88	11514	20
238	11531	16

27	11513	49
7	11512	8

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

a14-27

**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 7/14/2017 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
124	11516	200
11	11512	12
28	11513	48
20	11512	22
368	11555	59
149	11519	126
170	11529	21
416	11561	18

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

a17-28

**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 7/16/2017 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
152	11519	123
176	11530	38
404	11559	15
288	11533	42
410	11559	25
91	11514	17
81	11514	27
237	11531	15
201	11530	14

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

a19-m2

**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 97TH 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:

Table with 3 columns: Damage Parcel No., Block, Lot. Lists parcels 18 through 16 with corresponding block and lot numbers.

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97TH 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 7/17/2017 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Lists parcels 43 through 378 with corresponding block and lot numbers.

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97TH 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  
a20-m3

**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:

Table with 3 columns: Damage Parcel No., Block, Lot. Lists parcels 84 through 183 with corresponding block and lot numbers.

87 11514 22  
10 11512 11

Acquired in the proceeding entitled: PITKIN AVENUE CROSS BAY BOULEVARD TO 97TH 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

CHANGES IN PERSONNEL

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 03/24/17. Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists various poll workers and their details.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 03/24/17. Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Continues the list of poll workers.