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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

BOARD MEETINGS

MEETING

City Planning Commission

Meets in Spector Hall, 22 Reade Street, New York, NY 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.

City Council

Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, NY 10007, at 1:30 P.M.

Contract Awards Public Hearing

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

Civilian Complaint Review Board

Generally meets at 10:00 A.M. on the second Wednesday of each month at 40 Rector Street, 2nd Floor, New York, NY 10006. Visit <http://www.nyc.gov/html/ccrb/html/meeting.html> for additional information and scheduling changes.

Design Commission

Meets at City Hall, Third Floor, New York, NY 10007. For meeting schedule, please visit nyc.gov/designcommission or call (212) 788-3071.

Department of Education

Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

Board of Elections

32 Broadway, 7th Floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner.

Environmental Control Board

Meets at 100 Church Street, 12th Floor, Training Room #143, New York, NY 10007 at 9:15 A.M. once a month at the call of the Chairman.

Board of Health

Meets at Gotham Center, 42-09 28th Street, Long Island City, NY 11101, at 10:00 A.M., quarterly or at the call of the Chairman.

Health Insurance Board

Meets in Room 530, Municipal Building, Manhattan, NY 10007, at the call of the Chairman.

Board of Higher Education

Meets at 535 East 80th Street, Manhattan, NY 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

Citywide Administrative Services

Division of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, NY 10004.

Commission on Human Rights

Meets on 10th Floor in the Commission's Central Office, 40 Rector Street, New York, NY 10006, on the fourth Wednesday of each month, at 8:00 A.M.

In Rem Foreclosure Release Board

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Franchise and Concession Review Committee

Meets in Spector Hall, 22 Reade Street, Main Floor, and other days, times and location as warranted.

Real Property Acquisition and Disposition

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Landmarks Preservation Commission

Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise noticed by the Commission. For current meeting dates, times and agendas, please visit our website at www.nyc.gov/landmarks.

Employees' Retirement System

Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, NY 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

Housing Authority

Board Meetings of the New York City Housing Authority are scheduled for the last Wednesday of each month (except August) at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, NY 10007 (unless otherwise noted). Any changes to the schedule will be posted here and on NYCHA's website at http://www.nyc.gov/html/nycha/html/about/boardmeeting_schedule.shtml to the extent practicable at a reasonable time before the meeting. For additional information, please visit NYCHA's website or contact (212) 306-6088.

Parole Commission

Meets at its office, 100 Centre Street, Manhattan, NY 10013, on Thursday, at 10:30 A.M.

Board of Revision of Awards

Meets in Room 603, Municipal Building, Manhattan, NY 10007, at the call of the Chairman.

Board of Standards and Appeals

Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

Tax Commission

Meets in Room 936, Municipal Building, Manhattan, NY 10007, each month at the call of the President. Manhattan, monthly on Wednesdays, commencing 2:30 P.M.

BOROUGH PRESIDENT - QUEENS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing, will be held by the Borough President of Queens, Melinda Katz, on **Thursday, April 27, 2017**, at 10:30 A.M., in the Borough President's Conference Room, located at 120-55 Queens Boulevard, Kew Gardens, NY 11424, on the following items:

CD Q10 - ULURP #170255 ZMQ

IN THE MATTER OF an application filed by the NYC Department of City Planning, pursuant to Sections 197-c and 201 of the NYC Charter for the amendment of the Zoning Map, Section No. 18b:

- eliminating from an existing R3-1 District, a C1-2 District, bounded by 159th Avenue, Coleman Square, 159th Road, a line 150 feet easterly of 102nd Street, 160th Avenue, a line midway between 101st Street and 102nd Street, a line 338 feet easterly of 160th Avenue, and 102nd Street;
- changing from an R3-1 District, to an R3A district, bounded by a line 120 feet northerly of 160th Avenue, the westerly boundary line of the NYCA Railroad Right-of-Way (Rockaway Beach Division), 160th Avenue and its easterly centerline

prolongation, 104th Street, the westerly street line of 104th Street and its southerly prolongation, the easterly centerline prolongation of 104th Street cul-de-sac, the westerly boundary line of the NYCTA Railroad Right-Of-Way (Rockaway Beach Division), the northerly boundary line of a park, the U.S. Pierhead and Bulkhead Line (easterly portion), the easterly prolongation of the U.S. Pierhead and Bulkhead Line (northerly portion), and 102nd Street;

- establishing within an existing R3-1 District, a C1-3 District, bounded by 159th Avenue, Coleman Square, 159th Road and its easterly centerline prolongation, the westerly boundary line of the NYCTA Railroad Right-Of-Way (Rockaway Beach Division), a line 100 feet southerly of 159th Road, line 150 feet easterly of 102nd Street, a line 120 feet northerly of 160th Avenue 102nd Street, 160th Avenue, a line midway between 101st Street and 102nd Street, a line 370 feet northerly of 160th Avenue, and 102nd Street;
- establishing within a proposed R3A District, a C1-3 District, bounded by a line 120 feet northerly of 160th Avenue, a line 150 feet easterly of 102nd Street; and
- establishing a Special Coastal Risk District, bounded by a line 120 feet northerly of 160th Avenue, the westerly boundary line of the NYCTA Railroad Right-Of-Way (Rockaway Beach Division), 160th Avenue and its easterly centerline prolongation, 104th Street, the westerly street line of 104th Street and its southerly prolongation, the easterly centerline prolongation of 104th Street cul-de-sac, the westerly boundary line of the NYCTA Railroad Right-Of-Way (Rockaway Beach Division), the northerly prolongation of the U.S. Pierhead and Bulkhead line (northerly portion), and 102nd Street;

Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only), dated February 21, 2017. (Related application: ULURP #170267 ZRQ)

CD Q10 - ULURP #170267 ZRQ

IN THE MATTER OF an application filed by the NYC Department of City Planning, pursuant to Section 200 of the NYC Charter, for a zoning text amendment, establishing Special Coastal Risk Districts and designation of Special Coastal Risk District #1 in Hamilton Beach, Community District 10, to promote and protect public health, safety and general welfare in coastal areas that are currently at exceptional risk from flooding and may face greater risk in the future. (Related application: ULURP #170255 ZMQ)

CD Q14 - ULURP #170256 ZMQ

IN THE MATTER OF an application filed by the NYC Department of City Planning, pursuant to Sections 197-c and 201 of the NYC Charter, for an amendment of the Zoning Map, Section Nos. 24b, 24d, 30a and 30c:

- eliminating from within an existing R3-2 District, a C1-2 District bounded by:
 - 196th Avenue, Cross Bay Boulevard, 197th Avenue, and 99th Street; and
 - 195th Avenue, a line 150 feet easterly of Cross Bay Boulevard, 197th Avenue, Cross Bay Boulevard, the southerly and easterly boundary line of a playground and its westerly and northerly prolongation, 196th Street, and Cross Bay Boulevard;
- changing from an R3-2 District to an R3A District, property bounded by a southerly boundary line of a park and its easterly prolongation, a southerly and westerly boundary line of a park, 195th Avenue and its easterly centerline prolongation, 102nd Street, 196th Avenue, 101st Street, 197th Avenue, and a line midway between Cross Bay Boulevard and 100th Place, 207th Avenue, Cross Bay Boulevard and its southerly centerline prolongation, Cross Bay Parkway, and a northerly boundary line, easterly boundary line, southeasterly boundary line, and easterly boundary line of a park and its northeasterly prolongation;
- changing from an R3-2 District to a C3A District, property bounded by 195th Avenue and its easterly centerline prolongation, a westerly boundary line of a park, a westerly boundary line of a park and its northerly prolongation, a northwesterly boundary line of a park and its prolongation, Cross Bay Parkway, Cross Bay Boulevard and its southerly centerline prolongation, 207th Avenue, a line midway between Cross Bay Boulevard, and 100th Place, 197th Avenue, 101st Street, 196th Avenue and 102nd Street;
- establishing within a proposed R3A District, a C1-3 District bounded by:
 - 196th Avenue, Cross Bay Boulevard, 197th Avenue and 99th Street; and
 - 195th Avenue, a line 150 feet easterly of Cross Bay Boulevard, 197th Avenue, cross Bay Boulevard, the

southerly and easterly boundary lines of a playground and its westerly and northerly prolongation, 196th Avenue, and Cross Bay Boulevard; and

- 5. establishing a Special Coastal Risk District, bounded by a southerly boundary line of a park and its easterly prolongation, a southerly boundary line and a westerly boundary line of a park, a westerly boundary line of a park and its northerly prolongation, a northwesterly boundary line, a northerly boundary line, an easterly boundary line, and an easterly boundary line of a park and its northeasterly prolongation:

Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated February 21, 2017, and subject to the conditions of CEQR Declaration E-417. (Related application: ULURP #170257 ZRQ)

CD Q14 – ULURP #170257 ZRQ

IN THE MATTER OF an application filed by the NYC Department of City Planning, pursuant to Section 200 of the NYC Charter, for a zoning text amendment establishing Special Coastal Risk Districts and designation of Special Coastal Risk District #1 in Broad Channel, Community District 14 to promote and protect public health, safety and general welfare in coastal areas that are currently at exceptional risk from flooding and may face greater risk in the future. (Related application: ULURP #170256 ZMQ)

CD Q14 – ULURP #170243 ZMQ

IN THE MATTER OF an application filed by the NYC Economic Development Corporation, pursuant to Sections 197-c and 201-c of the NYC Charter, to rezone an approximately 22-block of the Far Rockaway area generally bounded by Cornaga Avenue, Beach Channel Drive, Central Avenue, and Nameoke Avenue from existing R5, R5/C1-2, R5/C2-2, C4-2, C8-1 and M1-1 Districts to R5, R5/C2-4, R6, R6/C2-4, AND R7-1/C2-4 Districts and establish the Special Downtown Far Rockaway District, Zoning Map Nos. 25b and 31a, Far Rockaway, Borough of Queens (Related applications ULURP #170244 ZRQ, #170245 HGQ, #170246 HUQ, #170247 HDQ, #170248 PPQ)

CD Q14 – ULURP #170244 ZRQ

IN THE MATTER OF an application filed by the NYC Economic Development Corporation and the Department of Housing Preservation and Development, pursuant to Section 200 of the NYC Charter, for a zoning text amendment establishing the Special Downtown Far Rockaway District, Community District 14 to promote and protect the public health, safety and general welfare of the Downtown Far Rockaway community and establishing a Mandatory Inclusionary Housing Area 2 in portions of the Special Downtown Far Rockaway District. (Related applications ULURP #170243 ZMQ, #170245 HGQ, #170246 HUQ, #170247 HDQ, #170248 PPQ)

CD Q14 – ULURP #170245 HGQ

IN THE MATTER OF an application filed by the Department of Housing Preservation and Development, pursuant to Section 504 of Article 15 of the General Municipal (Urban Renewal) Law of New York State, to designate the Downtown Far Rockaway Urban Renewal Area and the Downtown Far Rockaway Urban Renewal Plan. Borough of Queens, Community District 14. (Related applications ULURP #170243 ZMQ, #170244 ZRQ, #170246 HUQ, #170247 HDQ, #170248 PPQ)

CD Q14 – ULURP #170246 HUQ

IN THE MATTER OF an application filed by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the NYC Charter, for the Downtown Far Rockaway Urban Renewal Plan, for the Downtown Far Rockaway Urban Renewal Area, Borough of Queens, Community District 14. (Related applications ULURP #170243 ZMQ, #170244 ZRQ, #170245 HGQ, #170247 HDQ, #170248 PPQ)

CD Q14 – ULURP #170247 HDQ

IN THE MATTER OF an application filed by the Department of Housing Preservation and Development, pursuant to Section 197-c of the NYC Charter, for the disposition of City-Owned property (Block 15529, Lots 9 and 10; Block 15537, p/o 1, 5, p/o 40, 46, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 71, 79, 89, 92, 94, 99, 100, 112, 128, and 130), within the Downtown Far Rockaway Urban Renewal Area, Borough of Queens, Community District 14. (Related applications ULURP #170243 ZMQ, #170244 ZRQ, #170245 HGQ, #170246 HUQ, #170248 PPQ)

CD Q14 – ULURP #170248 PPQ

IN THE MATTER OF an application filed by the Department of Citywide Administrative Services, pursuant to Section 197-c of the NYC Charter, for the disposition of two City-Owned properties, located on Beach 21st Street, south of Mott Avenue (Block 15705, Lots 59 and 69) and on the northwest corner of Augustina and Nameoke Avenues (Block 15534, Lot 70), pursuant to zoning. Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated January 30, 2017, and subject to the conditions of CEQR Declaration E-415. (Related applications ULURP #170243 ZMQ, #170244 ZRQ, #170245 HGQ, #170246 HUQ, #170247 HDQ)

NOTE: Individuals requesting Sign Language Interpreters should

contact the Borough President's Office, (718) 286-2860, or email planning@queensbp.org no later than **FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.**

Accessibility questions: Jeong-ah Choi, (718) 286-2860, jchoi@queensbp.org, by: Tuesday, April 25, 2017, at 1:00 P.M.



a21-27

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, April 26, 2017, at 10:00 A.M.

BOROUGH OF QUEENS

Nos. 1 & 2

74-04 NORTHERN BOULEVARD REZONING

No. 1

CD 3

C 170162 ZMQ

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

No. 2

CD 3

N 170163 ZRQ

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

Matter underlined is new, to be added;

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

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

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

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

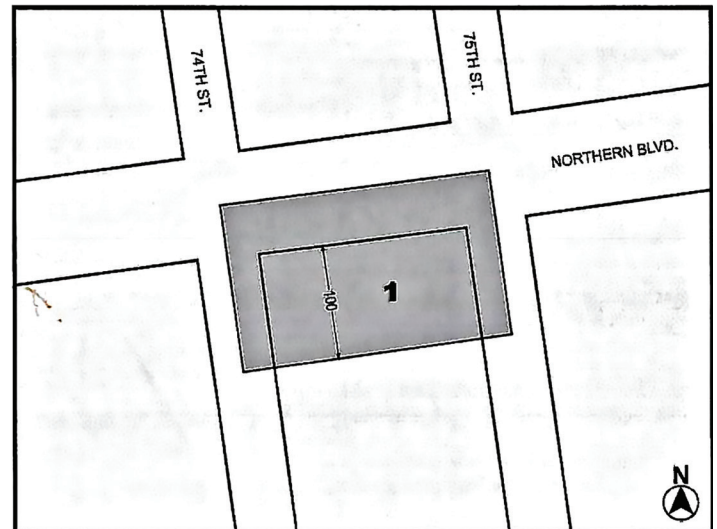
Queens

Queens Community District 3

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

Map 1. [date of adoption]

[PROPOSED MAP]



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

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

Portion of Community District 3, Queens

BOROUGH OF MANHATTAN

No. 3

242 WEST 53RD 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)(q) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the City;
- (s)(t) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (t)(s) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

**81-01
Definitions**

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 81-261, ~~or~~ 81-271 or Section 81-613 (Definitions).

* * *

**81-03
District Plan**

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

The District Plan includes the following four ~~three~~ maps:

- Map 1 Special Midtown District and Subdistricts
- Map 2 Retail and Street Wall Continuity
- Map 3 Subway Station and Rail Mass Transit Facility Improvement Areas
- Map 4 East Midtown Subdistrict and Subareas

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

**81-04
Subdistricts and Subareas**

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

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

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

The Subdistricts are also subject to all other regulations of the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District# and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves.

Within the East Midtown Subdistrict, certain special regulations apply to Subareas, which do not apply within the remainder of the Subdistrict. Such Subareas are established, as follows:

- Grand Central Transit Improvement Zone Subarea
- Park Avenue Subarea
- Other Transit Improvement Zone Subarea
- Southern Subarea
- Northern Subarea
- Vanderbilt Corridor Subarea

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

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

* * *

**81-067
Modification of provisions for minimum base height and street wall location in Historic Districts**

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-671 (Special street wall requirements) 81-621 (Special street wall requirements) pertaining to the East Midtown Grand Central Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts).

* * *

**81-10
USE REGULATIONS**

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

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

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

* * *

**81-20
BULK REGULATIONS**

**81-21
Floor Area Ratio Regulations**

The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of this Section or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of this Section, inclusive, shall not apply to #non-residential buildings# or #mixed buildings# in the East Midtown Subdistrict, where the special #floor area# provisions of Sections 81-62, 81-63, or 81-64 shall apply.

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

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

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

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

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)						
	Outside the Grand Central Subdistrict					Grand Central Subdistrict	
	C5P	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7	C5-2.5	C5-3 C6-6
A. Basic Maximum FAR							
	8.0	10.0	12.0	14.0	15.0	12.0	15.0
Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Public plazas# (Section 81-23)							
	---	1.0 ^{1,2}	1.0 ^{1,3}	---	1.0 ²	---	---
Maximum Total FAR with As-of-Right Incentives							
	8.0	11.0 ^{1,2,6}	13.0 ^{1,3}	14.0	16.0	12.0	15.0
Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvements (Section 74-634)							
	---	2.0 ^{1,6,7}	2.4 ¹	---	3.0	2.4	3.0
Maximum Total FAR with District-wide and As-of-Right Incentives							
	8.0	12.0	14.4	14.0	18.0	14.4	18.0
F. Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)							
	---	2.0	---	---	3.0	---	---
G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:							
	---	12.0	---	---	18.0	---	---
H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:							
Development rights (FAR) of a "granting site" (Section 81-744)							
	---	10.0	12.0	14.0	15.0	---	---

Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))							
	---	2.0	2.4	2.8	3.0	---	---
Inclusionary Housing (Sections 23-90 and 81-22)							
	---	2.0 ⁴	---	---	---	---	---
I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict							
	---	12.0	14.4	16.8	18.0	---	---
J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))							
	---	2.4	---	---	---	---	---
K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations							
	---	14.4	14.4	16.8	18.0	---	---
L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:							
Rehabilitation of "listed theaters" (Section 81-745)							
	---	4.4	2.4	2.8	3.0	---	---
M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives							
	8.0	14.4	14.4	16.8	18.0	---	---
N. Maximum FAR of Lots Involving Landmarks:							
Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)							
	8.0	10.0	12.0	14.0	15.0	12.0	15.0
Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)							
	8.0	10.0	13.0 ⁵	14.0	16.0	12.0	15.0
Maximum amount of transferable development rights (FAR) from landmark #zoning lot# that may be utilized on:							
(a) — an "adjacent lot" (Section 74-79)							
	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 ⁶ -Limit

1 Not available for #zoning lots# located wholly within Theater Subdistrict Core
 2 Not available within the Eighth Avenue Corridor
 3 Not available within 100 feet of a #wide street# in C5-2.5 Districts
 4 Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#
 5 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
 6 Not available within the Theater Subdistrict Core

- 6. Limited to 21.6 FAR on a “receiving lot” pursuant to Section 81-635 in the Grand Central Subdistrict, and limited to 30.0 FAR on a #zoning lot# located within the Vanderbilt Corridor, pursuant to Sections 81-635 or 81-64 in the Grand Central Subdistrict
- 6.7 Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
- 7. 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities)

**81-212
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 37-715.

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

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

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

**81-253
Special provisions for 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):

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

**81-271
Definitions**

Daylight Evaluation Chart (DEC)

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

**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).

**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:

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

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

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

81-612

Applicability along district boundaries

In addition to the requirements set forth in Sections 81-25 (General Provisions Relating to Height and Setback of Buildings) and 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of Section 81-60, inclusive, shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the East Midtown Subdistrict. For the purposes of Section 81-60, inclusive, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 81-25, 81-40 and 81-60, inclusive, are in conflict, the regulations of Section 81-60, inclusive, shall govern.

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

81-613

Definitions

Adjacent lot

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

- (a) a #zoning lot# that is contiguous to the lot occupied by the designated #landmark building or other structure# or one that is across a #street# and opposite to the lot occupied by such designated #landmark building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by such #landmark building or other structure#; and
- (b) in C5-3 or C6-6 Districts, a lot contiguous to, or across a #street#

and opposite to another lot or series of lots that, except for the intervention of #streets# or #street# intersections, extend to the lot occupied by such designated #landmark building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS)).

Granting lot

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

Landmark #building or other structure#

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

Non-qualifying site

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

Qualifying Site

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

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

Public Realm Improvement Fund

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

Public Realm Improvement Fund Floor Price

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

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

An applicant, upon written request to the City Planning Commission, may request a transferrable development rights valuation study

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

Public Realm Improvement Fund Governing Group

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

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

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

Receiving lot

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

81-62

Special Use Provisions Bulk and Urban Design Requirements

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

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

81-621

Special provisions for transient hotels Special street wall requirements

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

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

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

- be appropriate to the needs of businesses in the vicinity of the East Midtown area; and
- 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:

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

81-623

Building lobby entrance requirements

[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:

	Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#	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:	
	(a) an #adjacent lot# (Section 74-79)	No Limit
	(b) a #receiving lot# (Section 81-632)	15.0
E	Maximum #Floor Area# Allowances by Special Permit for Grand Central public realm improvements (Section 81-633)	15.0
F	Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot# and District-wide Incentives	No Limit

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

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

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

For the purposes of the Grand Central Subdistrict:

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

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

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

**81-631
Special provisions for transfers of development rights
Requirements for application**

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

- (a) Requirements for applications

In addition to the land use review application requirements, an application filed with the City Planning Commission for certification pursuant to Section 81-634 (Transfer of development

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

- (a)(1) site plan and zoning calculations for the #granting lot# and #receiving lot# "granting lot" and "receiving lot";
- (b)(2) a program for the continuing maintenance of the landmark;
- (c)(3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the landmark and, for those "receiving" sites in the immediate vicinity of the landmark, a report concerning the harmonious relationship of the #development# or #enlargement# to the landmark;
- (d)(4) for #developments# or #enlargements# pursuant to Section 81-635, a plan of any required pedestrian network improvement; and
- (e)(5) any such other information as may be required by the Commission.

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# "receiving lot" pursuant to Section 81-632 81-63 (Special Permit for transfer of development rights from landmarks Transfer of Development Rights from Landmark Sites).

(b) Conditions and limitations

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

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

- (a)(1) the maximum amount of #floor area# that may be transferred from a #granting lot# "granting lot" shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on such landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
- (b)(2) for each #receiving lot#, "receiving lot," the #floor area# allowed by the transfer of development rights under Section 81-632 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the #receiving lot#, "receiving lot," as shown in the table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) Section 81-211; and
- (c)(3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# "granting lot" by the amount of #floor area# transferred. If the landmark designation is removed, the #landmark #building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or other structure# "landmark lot" is redeveloped, the #granting lot# "granting lot" may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(c) Transfer instruments and notice of restrictions

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

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

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

81-632
Special Permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea
Conditions and limitations

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-635]

Within the Vanderbilt Corridor Subarea Grand Central Subdistrict Core, as shown on Map 4 (East Midtown Subdistrict and Subareas)

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

(a) The Commission may permit:

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

(b) Conditions

As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the above- or below-grade, pedestrian or mass transit circulation network in the Grand Central Core Area Subdistrict. However, in the case of #developments# or

~~#enlargements# on #zoning lots# located within the Vanderbilt Corridor~~; this condition may be waived by the Commission, where appropriate, or may be deemed to have been met by utilization of the provisions of Section ~~81-634 81-64~~ (Special Permit for Grand Central Public Realm Improvement Bonus). The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the ~~#development# or #enlargement#~~ and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

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

(c) Findings

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

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

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

- (iii) for ~~#developments# or #enlargements# on #zoning lots#~~ of more than 40,000 square feet of ~~#lot area#~~ that occupy an entire ~~#block#~~, any proposed modifications of ~~#bulk#~~ regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed; or
- (6) for ~~#developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor~~; any proposed modifications to ~~#street walls#~~, height and setback regulations and mandatory plan elements meet the applicable application requirements and findings set forth in Section ~~81-634 81-642~~ (Permitted modifications in conjunction with additional floor area).

(d) Additional requirements

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

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

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

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

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

81-633

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

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-641]

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

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

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

of Paragraph (b) and the additional requirements of Paragraph (c) of this Section.

(a) Conditions and application requirements

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

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

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

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

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

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

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

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

Where the Metropolitan Transportation Authority or any other City or State agency has control and responsibility for the area of a proposed improvement, the applicant shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement.

(2) Ground floor level

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

proposed under the provisions of this Section shall provide enhancements to the ground floor level of the #building#, including, but not limited to, sidewalk widenings, streetscape amenities or enhancements to required pedestrian circulation spaces.

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

(i) where a #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue, to the extent necessary, so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;

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

(iii) where a #development# or #enlargement# with frontage on a #narrow street# between East 43rd Street and East 47th Street is on a #zoning lot# with a #lot width# of 100 feet or more, as measured along the #narrow street line#, a sidewalk widening shall be provided along such #narrow street#, to the extent necessary, so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

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

(3) Building design

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

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

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

(4) Sustainable design measures

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

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

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

(b) Findings

The Commission shall find that:

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

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

(c) Additional requirements

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

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

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

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

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

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

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

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

81-634

Permitted modifications in conjunction with additional floor area

Transfer of development rights by certification

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-642]

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

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

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

or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

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

The Commission shall find that such proposed modifications:

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

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

[EXISTING TEXT DELETED]

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

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

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

81-635

Transfer of development rights by special permit

[EXISTING TEXT MOVED TO SECTION 81-632]

81-64

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

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

MAXIMUM FLOOR AREA RATIOS AND ALLOWANCES FOR QUALIFYING SITES

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

[EXISTING TEXT DELETED]

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

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

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

All #developments# on #qualifying sites# located within the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown

Subdistrict and Subareas) in Appendix A of this Chapter, that exceed the basic #floor area ratio# set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) shall comply with the provisions of this Section.

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

- (a) The following requirements shall be completed prior to application for certification by the Chairperson:
 - (1) The applicant shall select a public realm transit improvement project that has been identified on the Priority Improvement List in Section 81-682 (Priority Improvement List for Qualifying Sites) and is commensurate with the minimum #floor area# required, and results in a #floor area ratio# increase not exceeding the maximum #floor area ratio# permitted to be achieved through the provisions of this Section. The process for such selection is also set forth in Section 81-682;
 - (2) The applicant shall submit concept plans for the proposed transit improvement to the Chairperson and any applicable City or State agencies with jurisdiction over and control of

the proposed improvement;

- (3) The applicant shall obtain and provide to the Chairperson a conceptual approval of the improvement from any applicable City or State agencies with jurisdiction over and control of the proposed improvement in letter form, wherein such agencies state that such improvements meet the technical requirements set forth in Section 81-682; and
- (4) the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to design and construct the improvement in accordance with the requirements of the applicable City or State agencies with jurisdiction over and control of the proposed improvement. A certified copy of such legal instruments shall be sent to the Chairperson.
- (b) The following items shall be submitted to the Chairperson as part of an application for certification:

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

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

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

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

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

[EXISTING TEXT MOVED TO 81-633]

81-642

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

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# within the East Midtown Subdistrict to a #qualifying site#, provided that the provisions of this Section are met.

- (a) The transfer of development rights shall be subject to the following conditions:
- (1) For #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas), the applicant shall comply with the provisions of Section 81-641 (Additional floor area for Transit Improvements) prior to, or in conjunction with, meeting the requirements of this Section.

- (2) The maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations.
- (3) For each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row D of the table in Section 81-64.
- (4) Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed from the #landmark building or other structure#, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.
- (5) The owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York), a certified copy of which shall be submitted to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting lot# and the #receiving lot# that are a party to such transfer.

- (6) A contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be equal to the greater of:
- (i) 20 percent of the sales price of the transferred #floor area#; or
- (ii) an amount equal to 20 percent of the #Public Realm Improvement Fund Floor Price# multiplied by the amount of transferred #floor area#.
- (b) An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and #receiving lot#. The following items shall be submitted to the Chairperson as part of an application for certification:
- (1) For #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, materials that are sufficient to demonstrate compliance with the provisions of Section 81-641 (Additional floor area for transit improvements on qualifying sites);
- (2) site plans and zoning calculations for the #granting lot# and #receiving lot#;
- (3) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#;
- (4) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#; and
- (5) for those #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# to Grand Central Terminal.
- When an applicant has submitted materials to the Chairperson that satisfy the requirements of paragraphs (a) and (b) of this Section, the Chairperson shall certify to the Department of Buildings that a #development# on a #qualifying site# is in compliance with the provisions of this Section.
- The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic

maximum #floor area ratio# for such #development# on a #qualifying site#.

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

[EXISTING TEXT MOVED TO SECTION 81-634]

81-643

Special provisions for retaining non-complying floor area

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

- (a) A #non-complying commercial building# may be demolished to reconstruct pre-existing #non-complying floor area# pursuant to the provisions of Paragraph (b) of this Section, provided that calculations of the amount of #non-complying floor area# in such existing #non-complying commercial building# to be replaced in such reconstructed #building# shall be submitted to the Chairperson. Such calculations shall be shown on either the #building's# construction documents previously submitted for approval to the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or on an as-built drawing set completed by a licensed architect prior to such #building's# demolition.

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

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

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

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

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

81-644

Special Permit for Transit Improvements

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

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

81-645

Special Permit for a Public Concourse

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

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

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

- (a) Applications shall include information and justification sufficient to provide the Commission with the basis for: evaluating the benefits to the general public; determining the appropriate amount of increased #floor area# to grant; and determining whether the applicable findings set forth in Paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.
- (b) The Commission shall find that:
 - (1) to the extent practicable, the open or enclosed public concourse will: consist of a prominent space of generous proportions and quality design that is inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of, and accessible from, an adjoining sidewalk; provide or be surrounded by active #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; and
 - (2) the public benefit derived from the proposed public concourse merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this special permit;
- (c) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, and, where applicable, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

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

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

81-65

Special Floor Area Provisions for All Other Sites Special Permit for Transient Hotels

For #non-residential buildings# or #mixed buildings# on #non-qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only

in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

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

[EXISTING TEXT REPLACED BY TEXT IN SECTION 81-621

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

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

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

81-651

Floor area bonus for public plazas

For #non-qualifying sites# in Subareas outside the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratio# permitted on such #zoning lots# shall be increased, up to the amount specified in Row B of the table in Section 81-65 (Special Floor Area Provisions for All Other Sites), where a #public plaza# is provided in accordance with the provisions of Section 81-23 (Floor Area Bonus for Public Plazas).

81-652

Floor area bonus for subway station improvements

For #non-qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row D of the table in Section 81-65 (Special Floor Area Provisions for All Other Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station

improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

81-653

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

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

- (a) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-65 (Special Floor Area Provisions for All Other Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations;
- (b) for each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row F of the table in Section 81-65; and
- (c) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

81-66

Special Height and Setback Requirements

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

81-661

Height and setback modifications for buildings in the Grand Central Core Area

[RELOCATED TEXT FROM SECTION 81-622]

Within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, the provisions of Sections 81-26 (Height and Setback Regulations–Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations–Daylight Evaluation) shall apply to all #buildings# on a #zoning lot#, except that:

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

81-662

Daylight Compensation modifications for qualifying sites

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

- (a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):
 - (1) no #compensating recess# shall be required where #encroachments#, or portions thereof, are provided on the portion of the #building# below a height of 150 feet, as measured from #curb level#;
 - (2) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not comply with the provisions of Paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of #encroachment# provided at such level. The remaining provisions of Paragraph (c) of Section 81-264 shall continue to apply to such #compensating recess#; and
 - (3) For #buildings# on #qualifying sites# with frontage along Vanderbilt Avenue, a portion of Vanderbilt Avenue may be

considered part of the #zoning lot# for the purposes of determining permitted #encroachments# and #compensating recesses#. Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #narrow street lines# to such new westerly boundary. The Vanderbilt Avenue portion of such modified #zoning lot# may be considered a #compensating recess# for encroachments along such #building's narrow street frontage zone#, provided that any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, and further provided that the #street frontage zone# calculation along Park Avenue shall not include Vanderbilt Avenue;

- (b) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-265 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in Paragraph (c) shall be modified to 20 percent of the length of the #front lot line#; and
- (c) for #buildings# on #qualifying sites# with frontage along Park Avenue, as an alternative to the setback requirements of Table A, B, or C in Paragraph (b) of Section 81-263 (Standard setback requirements), the Park Avenue wall of such #building# shall be set back behind the applicable #setback line# to the depth of the #setback line# required at that particular height, in accordance with the applicable requirements of Table D of this Section.

Table D

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

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

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

81-663

Daylight Evaluation modifications for qualifying sites

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

- (a) for the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):
 - (1) the computation of daylight evaluation shall not include any daylight blockage or profile daylight blockage for that portion of the #building# above the curved line representing 70 degrees in the applicable Daylight Evaluation Charts, and below a height of 150 feet above #curb level#;
 - (2) the computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to Paragraph (c) of Section 81-274, may apply along designated #streets# where #street wall# continuity is required;
 - (3) the profile penalty for #profile encroachment#, set forth in Paragraph (a) of Section 81-274, shall not apply; and
 - (4) the provisions of Paragraph (i) of Section 81-274 shall be modified to require an overall passing score of 66 percent. However for #qualifying sites# with existing #buildings# with #non-complying floor area# to be reconstructed pursuant to the provisions of Section 81-643 (Special provisions for retaining non-complying floor area), the overall passing score of the #zoning lot#, as existing on [date of enactment], may be utilized as the passing score for the proposed #development# on the #qualifying site#;
- (b) for #buildings# on #qualifying sites# with frontage along Vanderbilt Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart). Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #narrow street lines# to such new westerly boundary. Such modified #zoning lot# may be utilized to create a modified pedestrian view along Vanderbilt Avenue and intersecting #narrow streets# provided that:
 - (1) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#;
 - (2) #vantage points# along Vanderbilt Avenue are taken 30 feet west of the westerly #street line# instead of the #center line of the street#; and
 - (3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#; and
- (c) for #buildings# with frontage along Park Avenue:
 - (1) for the purposes of establishing #vantage points# along Park Avenue to construct a #daylight evaluation chart# pursuant to the provisions of Section 81-272 (Features of the Daylight Evaluation Chart), the definition of #centerline of the street#, as set forth in Section 81-271 (Definitions), shall be modified along Park Avenue to be a line 70 feet from, and parallel to, the Park Avenue #street line# of the #zoning lot#; and
 - (2) for the purpose of plotting #buildings# on the #daylight evaluation chart# pursuant to Section 81-273 (Rules for plotting buildings on the daylight evaluation chart), Chart 4 (Daylight Evaluation Diagram – Park Avenue) in Appendix B of this Chapter, shall be utilized in lieu of the chart for #streets# 100 feet or more in width.

81-67

Special Mandatory District Plan Element Requirements

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

81-671

Special street wall requirements

[RELOCATED TEXT FROM SECTION 81-621]

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

#Buildings# with frontage on Park, Lexington, Madison and Vanderbilt Avenues, or Dewey 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

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

<u>Bryant Park station</u>	Provide ADA access between Sixth Avenue southbound platform and mezzanine level	<u>Flushing Line/Sixth Avenue Line</u>
<u>59th Street station</u>	Provide new street entrance from north side of 60th Street	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>59th Street station</u>	Provide ADA access between local southbound platform and street level	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>59th Street station</u>	Provide ADA access between 60th Street line platform and mezzanine level	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>59th Street station</u>	Provide new platform stair and widen existing stairs between 60th Street line platform and mezzanine level	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>5th and 53rd Street station</u>	Provide new street entrance on west side of Madison Avenue	<u>53rd Street Line</u>
<u>Grand Central/42nd Street</u>	Widen platform stairs at east end of Flushing platform	<u>Flushing Line</u>
<u>Grand Central/42nd Street</u>	Widen stairs between Flushing and Lexington platforms	<u>Flushing Line</u>

TYPE 2 IMPROVEMENTS

Location	Type of Improvement	Transit Line
<u>Lexington/53rd Street station</u>	Provide widened escalator between 53rd street platform and mezzanine	<u>Lexington Avenue Line/53rd Street Line</u>
<u>59th Street station</u>	Provide ADA access between northbound platforms and 60th Street line mezzanine	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>59th Street station</u>	Provide ADA access between southbound platforms and 60th Street line mezzanine	<u>Lexington Avenue Line/Broadway-60th Street Line</u>
<u>47th/50th Street station</u>	Provide two platform stairs and widen remaining platform stairs	<u>Sixth Avenue Line</u>
<u>Fifth and 53rd Street station</u>	Provide new stairs to multiple levels of station	<u>53rd Street Line</u>
<u>Fifth and 53rd Street station</u>	Provide ADA access to multiple levels of station	<u>53rd Street Line</u>
<u>Fifth and 53rd Street station</u>	Provide escalators to multiple levels of station	<u>53rd Street Line</u>
<u>Fifth and 53rd Street station</u>	Provide new mezzanine area	<u>53rd Street Line</u>
<u>Fifth and 53rd Street station</u>	Provide new access core between platforms and street level	<u>53rd Street Line</u>
<u>Grand Central/42nd Street station</u>	Expand paid area and add new platform stair between Flushing platform and upper mezzanine	<u>Flushing Line</u>

TYPE 3 IMPROVEMENTS

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

81-683

Criteria for Improvements in the Public Realm Improvement Concept Plan

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

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

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

81-684

Authorization to allow enlargements on qualifying sites

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

81-685

Special Permit to modify qualifying site provisions

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

- (a) The Commission may modify the following, whether singly or in any combination:
 - (1) the following #qualifying site# criteria:
 - (i) the requirement for #wide street# frontage, including the requirement that no existing #buildings# will remain on such #wide street# frontage, set forth in paragraphs (b) and (c) of the definition of a #qualifying site# in Section 81-613;
 - (ii) the #building# performance requirements in the Paragraph (f) of the definition of a #qualifying site# and Section 81-681 (Building Performance Requirements for Qualifying Sites); or
 - (iii) the requirement that the additional #floor area# permitted through the provisions of Section 81-64 be achieved exclusively through a #development#;
 - (2) the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 Zoning Lots no Existing Prior to Effective Date of Amendment of Resolution, 77-21 (General Provisions) or 77-22 (Floor Area Ratio);
 - (3) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 (Special street wall requirements), inclusive;
 - (4) the height and setback regulations of Sections 81-26 (Height

and Setback Regulations-Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation), inclusive, or 81-66 (Special height and setback requirements); or

- (5) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.
- (b) Application requirements

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

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

The Commission shall find that such proposed modifications:

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

#development# or #enlargement# and conditions imposed by the configuration of the site;

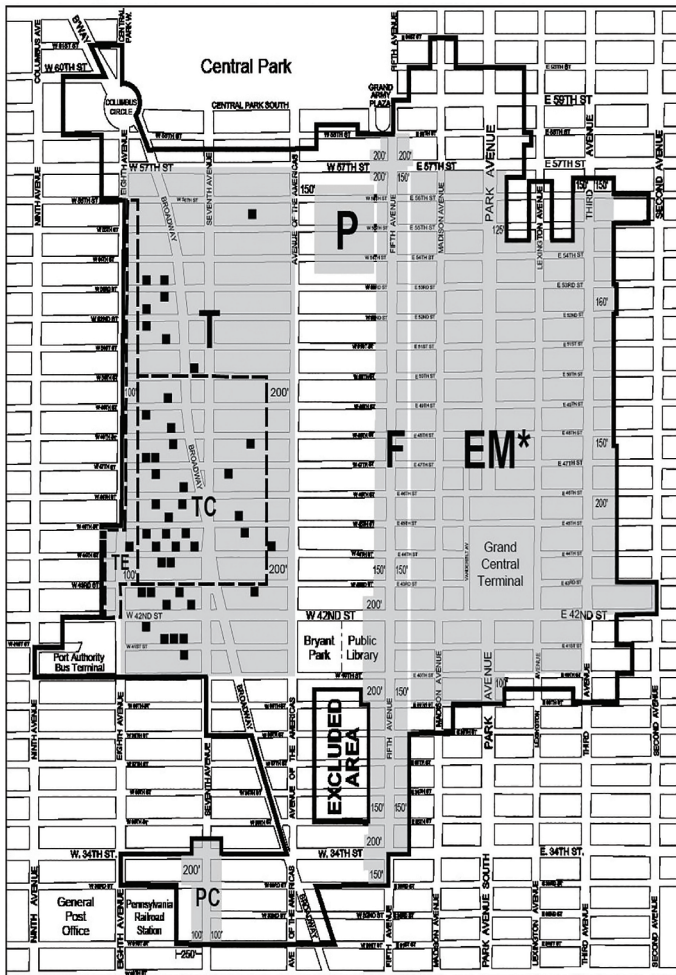
- (ii) will not unduly obstruct the access of light and air to surrounding properties; and
- (iii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations); and
- (iv) the overall design of the #building# demonstrates an integrated and well-considered façade, taking into account factors such as #street wall# articulation, and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area; and constitutes a distinctive addition to the Midtown Manhattan skyline.

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

Appendix A
Midtown District Plan Maps

Map 1: Special Midtown District and Subdistricts

[REPLACE EXISTING MAP WITH THIS]

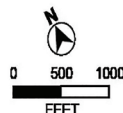


MIDTOWN DISTRICT PLAN

MAP 1 - Special Midtown District and Subdistricts

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

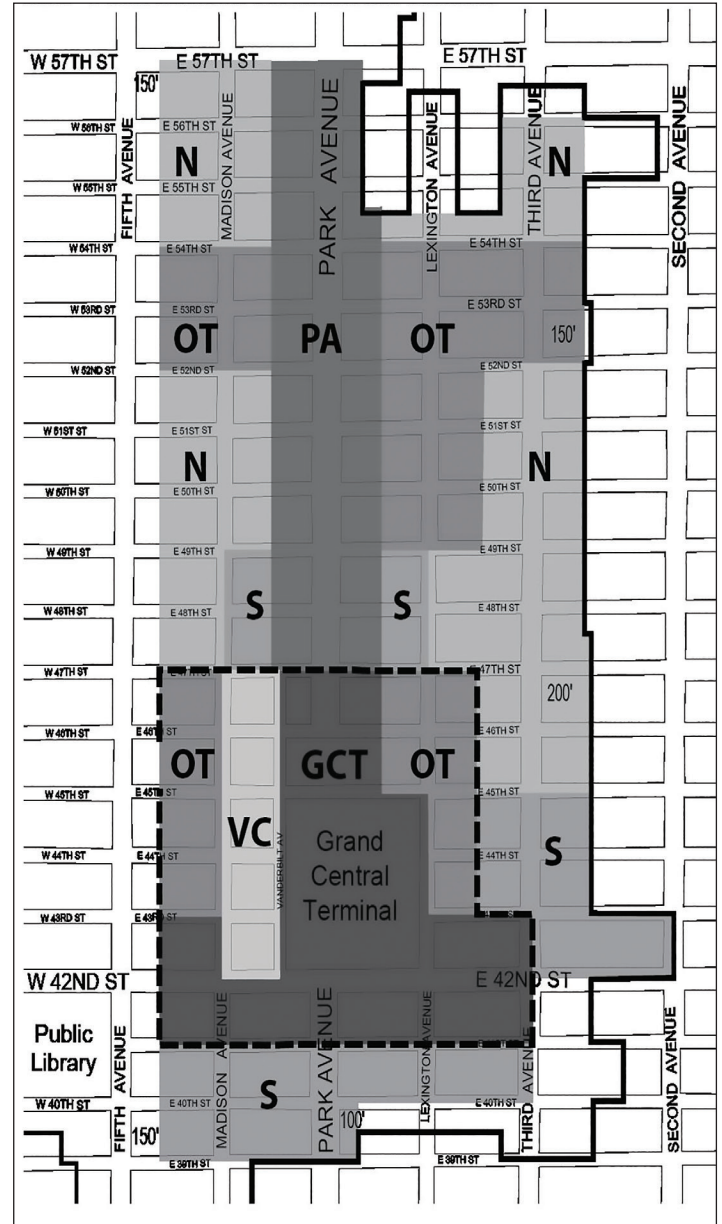
* East Midtown Subareas are shown on Map 4



* * *

Map 4: East Midtown Subdistrict and Subareas

[NEW MAP TO BE ADDED]



MIDTOWN DISTRICT PLAN

MAP 4 - East Midtown Subdistrict and Subareas

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

* * *

Appendix B
Daylight Evaluation Diagrams

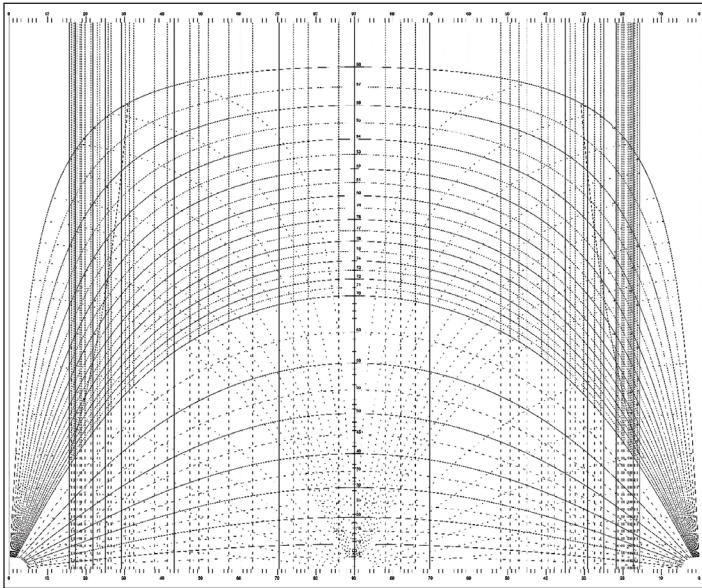
[MOVE EXISTING DAYLIGHT EVALUATION CHARTS INTO APPENDIX B]

* * *

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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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)(r) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- (r)(q) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (s)(t) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (t)(s) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

81-01
Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 81-261, or 81-271 or Section 81-613 (Definitions).

81-02
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 (c) designated on the #zoning map# by the letters "MiD - TA", the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply.

- (a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:
 - (1) the developer has agreed in a writing recorded against the property to implement a plan approved by the City Planning Commission and New York City Transit for off-street relocation of a subway stair entrance, in accordance with the requirements of Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair); or
 - (2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for the provision of a subway station improvement in accordance with the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).
- (b) Where the requirements of Article IX, Chapter 5, are not waived, modifications of the underlying district #bulk# regulations as set forth in this Chapter shall prevail over any inconsistent #bulk# regulations in Article IX, Chapter 5.
- (c) In the East Midtown Subdistrict, the provisions of Paragraph (c) of Section 81-673 (Mass transit access) shall supersede the provisions of Section 95-031 (Selection of transit easement) and 95-052 (Special access facilities for persons with disabilities).
- (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 Grand Central Subdistrict	81-60
Theater Subdistrict	81-70
Fifth Avenue Subdistrict	81-80
Preservation Subdistrict	81-90

The Subdistricts are also subject to all other regulations of the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District# and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves.

Within the East Midtown Subdistrict, certain special regulations apply to Subareas, which do not apply within the remainder of the Subdistrict. Such Subareas are established, as follows:

- Grand Central 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 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), 81-62 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 ^{1,2}	1.0 ^{1,3}	---	1.0 ²	---	---
B. Maximum Total FAR with As-of-Right Incentives	8.0	11.0 ^{1,2,7 6}	13.0 ^{1,3}	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 ^{1,6 7}	2.4 ¹	---	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 ⁴	---	---	---	---	---
I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict	---	12.0	14.4	16.8	18.0	---	---
J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))	---	2.4	---	---	---	---	---
K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations	---	14.4	14.4	16.8	18.0	---	---
L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:	Rehabilitation of "listed theaters" (Section 81-745)						
	---	4.4	2.4	2.8	3.0	---	---
M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives	8.0	14.4	14.4	16.8	18.0	---	---
N. Maximum FAR of Lots Involving Landmarks:							

Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)							
	8.0	10.0	12.0	14.0	15.0	-12.0	-15.0
Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)							
	8.0	10.0	13.0 ⁵	14.0	16.0	-12.0	-15.0
Maximum amount of transferable development rights (FAR) from 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 ⁶ -Limit

- 1 Not available for #zoning lots# located wholly within Theater Subdistrict Core
- 2 Not available within the Eighth Avenue Corridor
- 3 Not available within 100 feet of a #wide street# in C5-2.5 Districts
- 4 Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#
- 5 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
- 6 Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict, and limited to 30.0 FAR on a #zoning lot# located within the Vanderbilt Corridor, pursuant to Sections 81-635 or 81-64 in the Grand Central Subdistrict
- 6⁷ Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
- 6⁸ 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities spaces)

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

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

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

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

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

[EXISTING PROVISION MOVED TO SECTION 81-63]

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

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

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

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

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

* * *

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

[EXISTING PROVISION MOVED TO SECTION 81-63]

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

* * *

**81-23
Floor Area Bonus for Public Plazas**

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

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

- (a) on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43

(Street Wall Continuity Along Designated Streets);

- (c) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and
- (d) on #zoning lots#, any portion of which is in the Grand Central Subdistrict Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, or on #qualifying sites#, as defined in Section 81-613, in any other subarea of the East Midtown Subdistrict.

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

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

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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**

* * *

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

* * *

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

The provisions of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation) are supplemented and modified by special provisions applying in the Fifth Avenue Subdistrict, as set forth in Sections 81-81 (General Provisions) and 81-83 (Special Street Wall Requirements) or in the Theater Subdistrict as set forth in Sections 81-71 (General Provisions) and 81-75 (Special Street Wall and Setback Requirements) or in the Grand Central East Midtown Subdistrict as set forth in Sections 81-61 (General Provisions), 81-621 (Special street wall requirements) and 81-622 (Special height and setback requirements) 81-66 (Special Height and Setback Regulations), inclusive, or Section 81-671 (Special street wall requirements).

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

**81-254
Special permit for height and setback modifications**

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

- Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)
- Section 74-79 (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277
- Section 81-066 (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)
- Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt

Corridor Subarea)

- Section 81-64 81-633 (Special Permit permit for Grand Central public realm improvements Public Realm Improvement Bonus)
- Section 81-685 (Special permit to modify qualifying site provisions)
- Section 81-635- (Transfer of development rights by special permit):

* * *

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

**81-271
Definitions**

* * *

Daylight Evaluation Chart (DEC)

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

* * *

**81-40
MANDATORY DISTRICT PLAN ELEMENTS**

**81-41
General Provisions**

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

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

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

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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 EAST MIDTOWN GRAND CENTRAL SUBDISTRICT), inclusive, governing urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the pedestrian and mass transit circulation network.

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

The regulations of Sections 81-60 (SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT), inclusive, are applicable only in the Grand Central East Midtown Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) and Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

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

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

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

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

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

(c) Except as provided in Paragraph (b) of this Section, within the Vanderbilt Corridor, as shown in on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission, pursuant to Section 81-65.

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

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

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

81-612

Applicability along district boundaries

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

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

81-613

Definitions

Adjacent lot

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

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

Granting lot

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

of development rights from landmarks to qualifying sites), or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites).

Landmark #building or other structure#

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

Non-qualifying site

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

Public Realm Improvement Fund

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

Public Realm Improvement Fund Development Rights Valuation

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

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

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

Public Realm Improvement Fund Governing Group

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

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

The Governing Group shall adopt procedures for the conduct of its

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

Qualifying site

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

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

Receiving lot

For the purposes of Section 81-60, inclusive, a "receiving lot" shall mean a #zoning lot# to which development rights of a #granting lot# are transferred. Such #receiving lot# may receive a transfer of development rights pursuant to Sections 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites).

81-62

Special Bulk and Urban Design Requirements Use Provisions

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

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

81-621

Special provisions for transient hotels Special street wall requirements

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

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

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

On 42nd Street, the #street wall# shall be at the #street line#. The width of the required #street wall# shall be at least 80 percent of the length of the #front lot line#. The minimum height of such #street walls# without any setback shall be 120 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet above #curb level#. Where a #zoning lot# is bounded by the intersection of Park, Lexington, Madison and Vanderbilt Avenues, 42nd Street or Depew Place and any other #street#, these #street wall# height regulations shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.

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

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

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

However, in the event a casualty damages or destroys a #building# within the East Midtown Subdistrict that was used as a #transient hotel# as of May 27, 2015 in the Vanderbilt Corridor Subarea or

on [date of enactment] in other Subareas, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the applicable basic maximum #floor area ratio# set forth in Section 81-60, inclusive.

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

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

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

81-622

Location of uses in mixed buildings Special height and setback requirements

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

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

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

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

- open or enclosed observation decks;
- open or enclosed publicly-accessible spaces;
- eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;
- bowling alleys, as listed in Use Group 8A and 12A;
- theaters, as listed in Use Group 8A;
- commercial art galleries, as listed in Use Group 6C;
- gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis, as listed in Use Group 9A;
- wedding chapels and banquet halls, as listed in Use Group 9A;
- enclosed skating rinks, as listed in Use Group 12A;
- swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#; and
- #physical culture or health establishments# permitted pursuant to Section 73-36.

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

81-623

Building lobby entrance requirements

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

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

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

nearest north/south #wide street#.

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

81-624

Curb cut restrictions and loading berth requirements

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

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

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

81-625

Pedestrian circulation space requirements

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

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

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

81-626

Retail continuity requirements

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

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

81-63

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

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

For the purposes of the Grand Central Subdistrict:

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

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

A "receiving lot" shall mean a #zoning lot# to which development rights of a "granting lot" are transferred. Such "receiving lot" may receive a

transfer of development rights pursuant to Sections 81-634 or 81-635 provided that 50 percent or more of the "receiving lot" is within the boundaries of the Grand Central Subdistrict and provided that the "receiving lot" occupies frontage on Madison or Lexington Avenues or 42nd Street, if such "receiving lot" is west of Madison Avenue or east of Lexington Avenue.

For #non-residential buildings# or #mixed buildings# in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratios# of the underlying-districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

	Means for Achieving Permitted FAR Levels on a #Zoning Lot# in the Vanderbilt Corridor Subarea	Maximum #Floor Area Ratio# (FAR)
A	Basic Maximum FAR	15
B	Maximum Special Permit #Floor Area# Allowances: (District-wide Incentives), Subway station improvements (Section 74-634)	3.0
C	Maximum FAR of Lots Involving Landmarks:	
	Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)	15.0
	Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)	15.0
	Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on:	
	(c) an #adjacent lot# (Section 74-79)	No Limit
	(d) a #receiving lot# (Section 81-632)	15.0
D	Maximum #Floor Area# Allowances by Special Permit for Grand Central public realm improvements (Section 81-633)	15.0
E	Maximum Total FAR of a Lot with Transferred Development Rights on #receiving lots# (Section 81-632) or District-wide Incentives (including Section 81-633)	30.0
F	Maximum Total FAR of a Lot with Transferred Development Rights on an #adjacent lot#(Section 74-79) or District-wide Incentives (other than Section 81-633)	No Limit

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

81-631

Requirements for application

Special provisions for transfers of development rights

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

(d) Requirements for applications

In addition to the land use review application requirements, an application filed with the City Planning Commission for certification pursuant to Section 81-634 (Transfer of development rights by certification) or special permit pursuant to Section 81-635 (Transfer of development rights by special permit) Section 81-632 shall be made jointly by the owners of the "granting lot" and "receiving lot" #granting lot# and #receiving lot# and shall include:

- (a)(1) site plan and zoning calculations for the "granting lot" and

“receiving lot” #granting lot# and #receiving lot#;

- (b) (2) a program for the continuing maintenance of the landmark;
- (c) (3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the landmark and, for those “receiving” sites in the immediate vicinity of the landmark, a report concerning the harmonious relationship of the #development# or #enlargement# to the landmark;
- (d) (4) for #developments# or #enlargements# pursuant to Section 81-635, a plan of any required pedestrian network improvement; and
- (e) (5) any such other information as may be required by the Commission.

A separate application shall be filed for each transfer of development rights to an independent “receiving lot” #receiving lot# pursuant to Section 81-63 Transfer of Development Rights from Landmark Sites) 81-632.

(e) Conditions and limitations

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

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

- (a) (1) the maximum amount of #floor area# that may be transferred from a “granting lot” #granting lot# shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on such landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
- (b) (2) for each “receiving lot,” #receiving lot#, the #floor area# allowed by the transfer of development rights under Section 81-632 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the “receiving lot.” #receiving lot#, as shown in Section 81-211 the table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea); and
- (c) (3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the “granting lot” #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed, the #landmark #building or other structure# is destroyed or #enlarged#, or the “landmark lot” #zoning lot# with the #landmark building or other structure# is redeveloped, the “granting lot” #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(f) Transfer instruments and notice of restrictions

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

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

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

81-632

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

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-635]

Within the Grand Central Subdistrict Core Vanderbilt Corridor Subarea, as shown on Map 1 (Special Midtown District and Subdistricts) Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit the transfer of development rights from a “granting lot” to a “receiving lot” #granting lot# in the Grand Central Core Area, as shown on Map 4, to a #receiving lot#, and, in conjunction with such transfer, the Commission may permit modifications to #bulk# regulations, mandatory plan elements, and provisions regarding #zoning lots# divided by district boundaries, as set forth in Paragraph

(a) of this Section, provided that the Commission determines that the #development# or #enlargement# complies with the conditions of Paragraph (b), the findings of Paragraph (c) and the additional requirements of Paragraph (d) of this Section.

(a) The Commission may permit:

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

(b) Conditions

As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the above- or below-grade, pedestrian or mass transit circulation network in the Subdistrict Grand Central Core Area. However, in the case of #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, this condition may be waived by the Commission, where appropriate, or may be deemed to have been met by utilization of the provisions of Section 81-633 81-64 (Special Permit permit for Grand Central Public Realm Improvement Bonus public realm improvements). The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network

environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

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

(c) Findings

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

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

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

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

(d) Additional requirements

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

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

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

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

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

81-633

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

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-641]

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

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

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

(a) Conditions and application requirements

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

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

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

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

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

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

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

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

Where the Metropolitan Transportation Authority or any other City or State agency has control and responsibility for the area of a proposed improvement, the applicant shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement.

- (2) Ground floor level

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

Where a #development# or #enlargement# includes #street# frontage along Madison Avenue or a #narrow street# between

East 43rd Street and East 47th Street, sidewalk widenings shall be provided as follows:

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

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

- (3) Building design

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

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

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

- (4) Sustainable design measures

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

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

(b) Findings

The Commission shall find that:

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

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

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

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

Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to

construct, and, where applicable, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

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

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

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

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

**81-634
Transfer of development rights by certification
Permitted modifications in conjunction with additional floor area**

[EXISTING TEXT DELETED]

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

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

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

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-642]

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

- (a) The Commission may modify the following, whether singly or in any combination:
 - (1) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-621 81-671 (Special street wall requirements), inclusive;
 - (2) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (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

Table with 12 columns: Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#, Grand Central Transit Improvement Zone Subarea (C5-2.5, C5-3), Park Avenue Subarea (C5-2.5, C5-3), Other Transit Improvement Zone Subarea (C5-2.5, C6-4.5, C5-3, C6-6), Southern Subarea (C5-2.5, C6-4.5, C5-3, C6-6), Northern Subarea (C5-2.5, C6-4.5, C5-3, C6-6). Rows A-H describe various FAR and development rights allowances.

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

[EXISTING TEXT MOVED TO 81-633]

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

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

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

- (5) the applicant shall select a public realm transit improvement

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

- (6) the applicant shall submit concept plans for the proposed transit improvement to the Chairperson and any applicable City or State agencies with jurisdiction over and control of the proposed improvement;
 - (7) the applicant shall obtain and provide to the Chairperson a conceptual approval of the improvement from any applicable City or State agencies with jurisdiction over and control of the proposed improvement in letter form, wherein such agencies state that such improvements meet the technical requirements set forth in Section 81-682; and
 - (8) the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to design and construct the improvement in accordance with the requirements of the applicable City or State agencies with jurisdiction over and control of the proposed improvement. A certified copy of such legal instruments shall be sent to the Chairperson.
- (d) The following items shall be submitted to the Chairperson as part of an application for certification:
- (3) zoning calculations for the proposed #development# on the #qualifying site# showing the additional #floor area# associated with the completion of such transit improvement; and
 - (4) drawings, including but not limited to plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairperson for the transit improvement.

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

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

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

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

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

[EXISTING TEXT MOVED TO SECTION 81-634]

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# within the East Midtown Subdistrict to a #qualifying site#, provided that the provisions of this Section are met.

- (a) The transfer of development rights shall be subject to the following conditions:
- (6) For #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas), the applicant shall comply with the provisions of Section 81-641 (Additional floor area for transit improvements) prior to, or in conjunction with, meeting the requirements of this Section.
 - (7) The maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations.
 - (8) For each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row D of the table in Section 81-64.
 - (9) Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed from the #landmark building or other structure#, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.
 - (10) The owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York), a certified copy of which shall be submitted to the Chairperson.
- Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting lot# and the #receiving lot# that are a party to such transfer.
- (7) A contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be equal to the greater of:
 - (iii) 20 percent of the sales price of the transferred #floor area#; or
 - (iv) an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of transferred #floor area#.
- (c) An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and the #receiving lot#. The following items shall be submitted to the Chairperson as part of an application for certification:
- (6) for #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, materials that are sufficient to demonstrate compliance with the provisions of Section 81-641 (Additional floor area for transit improvements on qualifying sites);
 - (7) site plans and zoning calculations for the #granting lot# and #receiving lot#;
 - (8) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#;
 - (9) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#; and
 - (10) for those #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, a report from the Landmarks Preservation Commission

concerning the harmonious relationship of the #development# to Grand Central Terminal.

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

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

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

81-643

Special provisions for retaining non-complying floor area

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

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

The Chairperson shall certify the amount of #non-complying floor area# existing within a #non-complying building# that may be reconstructed pursuant to the provisions of Paragraph (b) of this Section, based on calculations submitted to the Chairperson. Such calculations shall be based on either the #building's# construction documents previously submitted for approval to the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or on an as-built drawing set completed by a licensed architect.

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

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

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

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

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

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

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

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

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

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

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

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

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

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

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

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

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

(e) The Commission shall find that:

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

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

declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

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

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

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

[EXISTING TEXT REPLACED BY TEXT IN SECTION 81-621

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

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

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

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

Row	Means for achieving permitted FAR on a #zoning lot# for all other sites	Grand Central Core Area		Any other Areas	
		C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5
A	Basic Maximum FAR	15	12	15	12
B	Additional FAR for provision of a #public plaza# (Section 81-651)	-	-	1	1
C	Total as-of-right FAR	15	12	16	13
D	Additional FAR for subway station improvements through special permit (Section 81-652)	3	2.4	3	2.4
E	Maximum FAR of a #landmark or other structure# for transfer purposes (Section 74-79)	15	12	16	13

F	Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Sections 74-79)	No limit	2.4	No limit	2.4
G	Maximum FAR permitted on an #adjacent lot#	No limit	14.4	No limit	14.4

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

For #non-qualifying sites# in subareas outside the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratio# permitted on such #zoning lots# shall be increased, up to the amount specified in Row B of the table in Section 81-65 (Special Floor Area Provisions for All Other Sites), where a #public plaza# is provided in accordance with the provisions of Section 81-23 (Floor Area Bonus for Public Plazas).

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

For #non-qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row D of the table in Section 81-65 (Special Floor Area Provisions for All Other Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

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

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

- (d) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-65 (Special Floor Area Provisions for All Other Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations;
- (e) for each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row F of the table in Section 81-65; and
- (f) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

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

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

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

[RELOCATED TEXT FROM SECTION 81-622]

For #buildings# on #non-qualifying sites# within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, the provisions of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, are modified as follows:

- (c) where such #buildings# are governed by Section 81-26, no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below a height of 150 feet, as measured from #curb level#; or

- (d) where such #buildings# are governed by Section 81-27, the computation of daylight evaluation shall not include any daylight blockage, daylight credit, profile daylight blockage or available daylight for that portion of the #building# below 150 feet above #curb level#. However, the passing score required pursuant to Paragraph (i) of Section 81-274 shall apply.

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

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

- (d) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):
 - (4) no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below a height of 150 feet, as measured from #curb level#;
 - (5) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not comply with the provisions of Paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of #encroachment# provided at such level. The remaining provisions of Paragraph (c) of Section 81-264 shall continue to apply to such #compensating recess#; and
 - (6) for #buildings# on #qualifying sites# with frontage along Vanderbilt Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of determining permitted #encroachments# and #compensating recesses#. Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #narrow street lines# to such new westerly boundary. The Vanderbilt Avenue portion of such modified #zoning lot# may be considered a #compensating recess# for encroachments along such #building's narrow street frontage zone#, provided that any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, and further provided that the #street frontage zone# calculation along Park Avenue shall not include Vanderbilt Avenue;
- (e) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-265 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in Paragraph (c) shall be modified to 20 percent of the length of the #front lot line#; and
- (f) for #buildings# on #qualifying sites# with frontage along Park Avenue, as an alternative to the setback requirements of Table A, B, or C in Paragraph (b) of Section 81-263 (Standard setback requirements), the Park Avenue wall of such #building# shall be set back behind the applicable #setback line# to the depth of the #setback line# required at that particular height, in accordance with the applicable requirements of Table D of this Section.

Table D
SETBACK REQUIREMENTS ON #STREETS# AT LEAST 140 FEET WIDE

Depth of #Setback Line# from #Street Line# at Stated Heights above #Curb Level#.

Height	Depth of #Setback Line#	Height	Depth of #Setback Line#
210	0.00	470	29.75
220	1.00	480	30.50
230	2.50	490	31.50
240	4.25	500	32.00
250	5.50	510	33.00
260	7.00	520	33.50
270	8.75	530	34.50
280	10.00	540	35.00
290	11.25	550	35.50

300	12.75	560	36.00
310	14.25	570	37.00
320	15.25	580	37.50
330	16.25	590	38.00
340	17.50	600	38.50
350	18.75	610	39.00
360	19.75	620	39.75
370	21.00	630	40.25
380	21.75	640	41.00
390	23.00	650	41.50
400	23.75	660	41.75
410	25.00	670	42.25
420	25.75	680	43.00
430	26.75	690	43.50
440	27.50	700	43.75
450	28.50	710	44.25
460	29.25	Above 710	*

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

81-663 Daylight evaluation modifications for qualifying sites

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

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

Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum of 15 feet from the Vanderbilt Avenue #street line#;

- (2) #vantage points# along Vanderbilt Avenue are taken 30 feet west of the westerly #street line# instead of the #center line of the street#; and
 - (3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#; and
- (d) for #buildings# with frontage along Park Avenue:
- (3) for the purposes of establishing #vantage points# along Park Avenue to construct a #daylight evaluation chart# pursuant to the provisions of Section 81-272, the definition of #centerline of the street#, as set forth in Section 81-271 (Definitions), shall be modified along Park Avenue to be a line 70 feet from, and parallel to, the Park Avenue #street line# of the #zoning lot#; and
 - (4) for the purpose of plotting #buildings# on the #daylight evaluation chart# pursuant to Section 81-273 (Rules for plotting buildings on the daylight evaluation chart), Chart 4 (Daylight Evaluation Diagram – Park Avenue) in Appendix B of this Chapter, shall be utilized in lieu of the chart for #streets# 100 feet or more in width.

81-67 Special Mandatory District Plan Element Requirements

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

81-671 Special street wall requirements

[RELOCATED TEXT FROM SECTION 81-621]

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

#Buildings# with frontage on Park, Lexington, Madison and Vanderbilt Avenues, or Depew Place in the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, shall have a #street wall# within 10 feet of the #street line# of such #streets#.

On 42nd Street, the #street wall# shall be at the #street line#. The width of the required #street wall# shall be at least 80 percent of the length of the #front lot line#. The minimum height of such #street walls# without any setback shall be 120 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet above #curb level#. Where a #zoning lot# is bounded by the intersection of Park Avenue, Lexington Avenue, Madison Avenue, Vanderbilt Avenue, 42nd Street or Depew Place and any other #street#, these #street wall# height regulations shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.

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

However, the ten-foot setback requirement of Paragraph (a) of Section 81-263 shall apply only to those portions of the #building# above 120 feet.

81-672 Sidewalk widenings

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

- (b) Mandatory sidewalk widenings along Madison and Lexington Avenues

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

- (3) where such #zoning lot# occupies the entire #block# frontage, a sidewalk widening shall be provided to the extent necessary so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed ten feet, as

measured perpendicular to the #street line#;

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

(d) Permitted sidewalk widenings

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

- (1) along #narrow streets# in the Grand Central Subarea, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, for #developments# or #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along such #narrow street line#; and
- (2) where a #street wall#, or portions thereof, is permitted to be located beyond the #street line# pursuant to the applicable provisions of Section 81-671 (Special street wall requirements).

(e) Permitted obstructions

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

81-673

Mass transit access

(a) On #qualifying sites#

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

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

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

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

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

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

Within 60 days of receipt of such application, the MTA and

the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

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

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

If a transit easement volume is required on the #zoning lot#, pursuant to the provisions of this Section, an off-street subway or rail mass transit access improvement may be constructed and maintained by either the owner of the #development# or #enlargement#, or the MTA, as follows:

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

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

- (i) where the #building's# lobby abuts such mass transit access, in addition to mass transit access to the #street#, such mass transit access shall provide a direct connection to the #building's# lobby which is open during normal business hours; and
- (ii) such mass transit access shall provide directional #signs# in accordance with the provisions of Section 81-412 (Directional signs). Such #signs# shall be exempt from the maximum #surface area# of non-illuminated signs permitted by Section 32-642 (Non-illuminated signs); and

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

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

- (1) where construction of the transit easement volume by the MTA is not contemporaneous with the construction of the #development#:
- (i) any underground walls constructed along the #front lot line# of a #zoning lot# shall contain a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA; and
- (ii) temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume; and
- (2) in the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.

(c) In other locations

For portions of the #Special Midtown District# within the #Special Transit Land Use District#, where, as part of a #development# or #enlargement# involving ground floor level construction, a transit easement volume is required by the MTA to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or

ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the MTA shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

The floor space occupied by any transit easement volume required pursuant to this Section shall not count as #floor area#. Where access improvements are constructed by the owner of the #zoning lot#, each square foot of mass transit access may constitute three square feet of pedestrian circulation space required pursuant to Section 81-45 (Pedestrian Circulation Space), not to exceed 3,000 square feet.

81-674

Ground floor use provisions

- (a) Within the Vanderbilt Corridor Subarea

[RELOCATED TEXT FROM SECTION 81-626]

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

- (b) Within the Grand Central Core Area

[RELOCATED TEXT FROM SECTION 81-623]

For #buildings developed# or #enlarged# on the ground floor after August 26, 1992 in the Grand Central Core Area, as shown on Map 4, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby. #Buildings developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).

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

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

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

For #buildings developed# or #enlarged# on the ground floor on #qualifying sites# in the Grand Central Core Area, as shown on Map 4, a minimum of 50 percent of a #building's# ground floor level #street wall# frontage along a #narrow street# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations, but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Such ground floor level retail, personal services or amusement #uses# shall comply with the transparency provisions of Section 81-42.

81-675

Curb cut restrictions and loading berth requirements

[RELOCATED AND MODIFIED TEXT FROM SECTION 81-624]

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

- (b) Loading berth provisions

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

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

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

- (c) Curb cut provisions

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

81-676

Pedestrian circulation space requirements

[EXISTING TEXT FROM SECTION 81-625]

Any #development# or #enlargement# within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, ~~Grand Central Subdistrict~~ shall be subject to the provisions of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) and 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), except that:

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

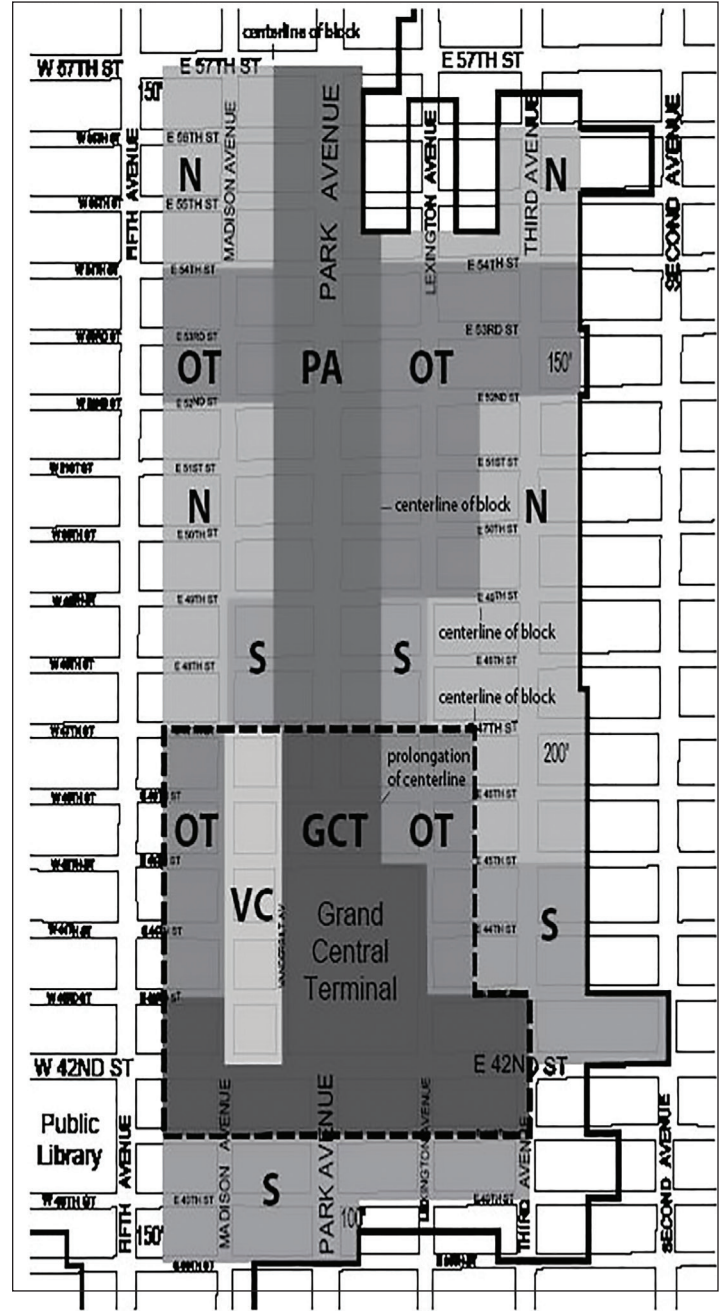
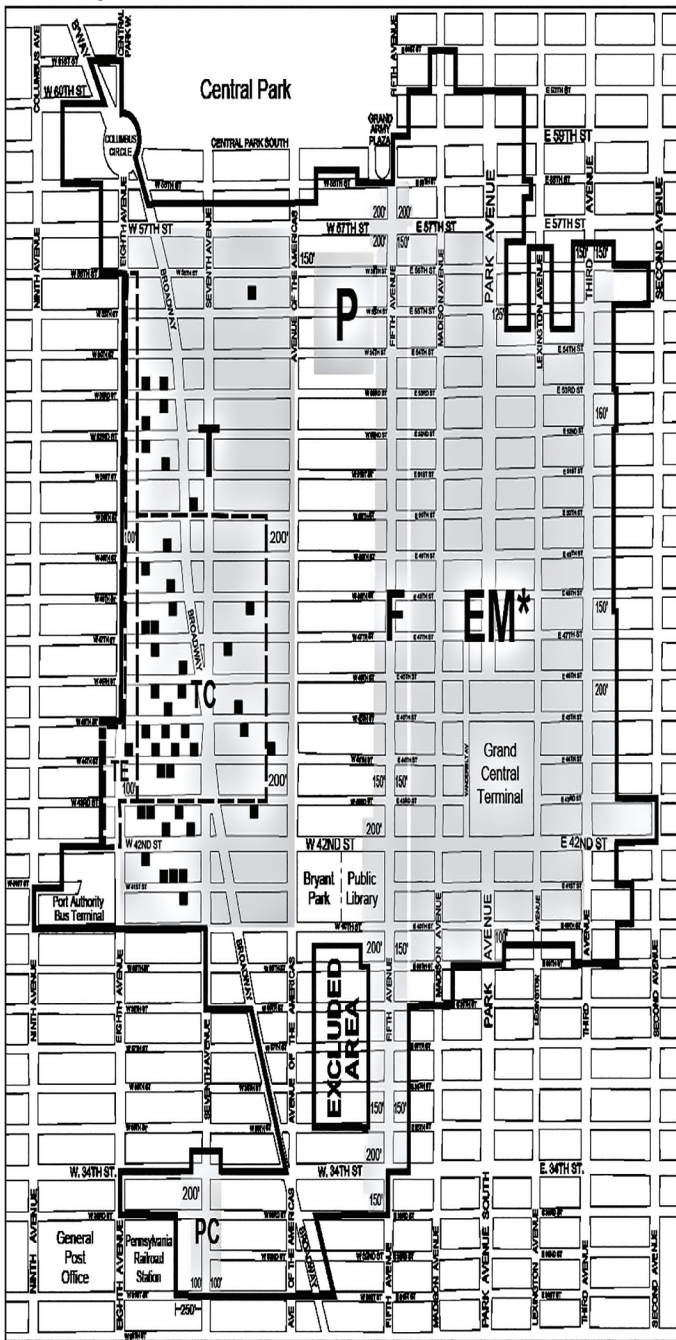
The execution and recording of legal instruments in accordance with Paragraph (a) of this Section shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# or #enlargement# on a #qualifying site# undertaking a contribution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

**Appendix A
Midtown District Plan Maps**

Map 1: Special Midtown District and Subdistricts

[REPLACE EXISTING MAP WITH THIS]

[NEW MAP TO BE ADDED]

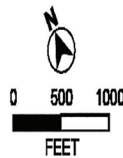


MIDTOWN DISTRICT PLAN

MAP 1 - Special Midtown District and Subdistricts

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

* East Midtown Subareas are shown on Map 4



Map 4: East Midtown Subdistrict and Subareas

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 Subareas (OT)
- Southern Subareas (S)
- Northern Subareas (N)
- Vanderbilt Corridor (VC)
- Grand Central Core Area
- Special Midtown District

* * *

**Appendix B
Daylight Evaluation Charts**

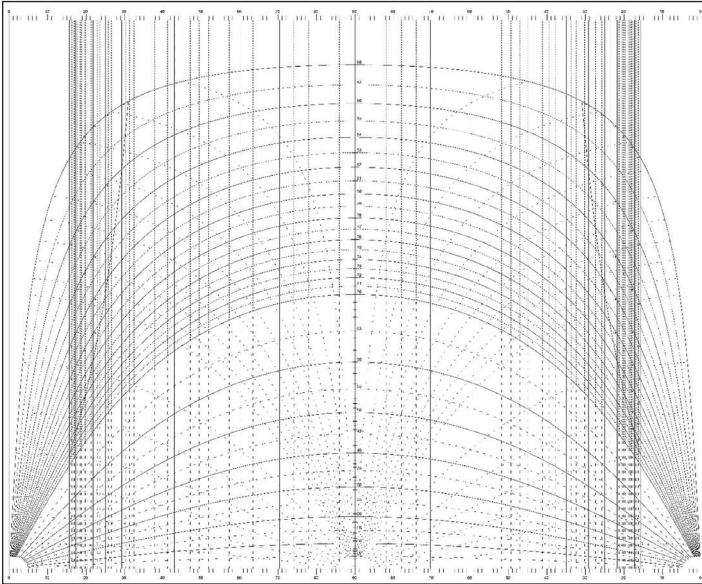
[MOVE EXISTING DAYLIGHT EVALUATION CHARTS INTO APPENDIX B]

* * *

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, 31st 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 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.

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 THE BRONX

COMMUNITY BOARD NO. 12 - Thursday, April 27, 2017, 7:00 P.M., Town Hall, 4101 White Plains Road, Bronx, NY.

BSA# 126-93-BZ

IN THE MATTER OF an application submitted by Tasheed Building Consultants LLC, pursuant to Section 11-411 of the Zoning Resolution for the extension of term of variance, and to obtain a new Certificate of Occupancy, both of which expired on January 18, 2015, for an existing gasoline service station and automobile repair facility.

a24-28

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. Copies of the Minutes are also available on NYCHA's website, or can be picked up at the Office of the Corporate Secretary, no earlier than 3:00 P.M., on the Thursday after the Board Meeting.

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

The meeting is open to the public. Pre-Registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard, or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary by phone at (212) 306-6088, or by email at corporate.secretary@nycha.nyc.gov, 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

INDUSTRIAL DEVELOPMENT AGENCY

PUBLIC HEARINGS

The New York City Industrial Development Agency (the "Agency") is empowered under the New York State Industrial Development Agency Act (constituting Title 1 of Article 18-A of the General Municipal Law), and Chapter 1082 of the 1974 Laws of New York, as amended, to enter into industrial and small industry incentive program transactions and other straight-lease transactions for the benefit of qualified projects, and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York (the "State") and to improve their prosperity and standard of living. The Agency has been requested to participate in industrial and small industry incentive program straight-lease transactions and other straight-lease transactions for the purposes and at the addresses also identified below. As used herein, the "City" shall mean The City of New York. All dollar amounts, square footage amounts and wage information shown below are approximate numbers.

Company Names: GV Art Conservation, LLC ("GV"), a Delaware limited liability company, authorized to transact business in the State of New York that conserves and restores fine art and Ludmer Properties LLC ("Ludmer"), a New York limited liability company and affiliated real estate holding company. **Project Description:** GV and Ludmer seek financial assistance in connection with the acquisition, renovation, furnishing or equipping of an existing 5,000 square foot industrial building, located on a 5,000 square foot parcel of land to be owned by Ludmer and used by GV for GV's main offices, and for art conservation. **Address:** 1637 George Street, Ridgewood, Queens, NY 11385. **Type of Benefits:** Payments in lieu of City real property taxes, deferral of City and State mortgage recording taxes, and exemption from City and State sales and use taxes. **Total Development Cost:** \$2,570,000. **Projected Jobs:** 7 full time equivalent jobs currently, 2 full time equivalent jobs projected. **Hourly Wage Average and Range:** \$35.00/hour, estimated range of \$25.00/hour to \$40.00/hour.

For any updates to project information after the date of this notice, please visit the website of New York City Economic Development Corporation ("NYCEDC") at www.nycedc.com/nycida-project-info.

The Agency is committed to ensuring meaningful access to its programs. If you require any accommodation for language access, including sign language, please contact NYCEDC's Equal Access Officer at (212) 312-3602 or at EqualAccess@edc.nyc.

Pursuant to Section 859a of the General Municipal Law of the State of New York, the Agency will hold a hearing on the proposed financings and transactions set forth above at the office of NYCEDC, 110 William Street, 4th Floor, New York, NY 10038, commencing at 10:00 A.M., on **Thursday, May 4th, 2017**. Interested members of the public are invited to attend. The Agency will present information at such hearing on the proposed financings and transactions set forth above. Pursuant to subdivision 3 of the above-referenced Section 859a, the Agency will, in addition, provide an opportunity for the public to review at such hearing the project application and the cost-benefit analysis for each of the proposed financings and transactions. For those members of the public desiring to review project applications and cost benefit analyses before the date of the hearing, copies of these materials will be made available, starting on or about NOON fourteen (14) days prior to the hearing. Persons desiring to obtain copies of these materials may visit the website of New York City Economic Development Corporation, at www.nycedc.com or may call (212) 312-3598. Persons desiring to make a brief statement regarding the proposed transactions should give prior notice to the Agency at the address or phone number shown below. Written comments may be submitted to the Agency to the attention of Ms. Frances Tufano at the address shown below. Please be advised that certain of the aforementioned proposed transactions may possibly be removed from the hearing agenda prior to the hearing date. Information regarding such removals will be available by contacting ftufano@nycedc.com on or about NOON on the Friday preceding the hearing.

New York City Industrial Development Agency
Attn: Ms. Frances Tufano
110 William Street, 5th Floor
New York, NY 10038
(212) 312-3598

Accessibility questions: NYCEDC's Equal Access Officer at (212) 312-3602 or at EqualAccess@edc.nyc, by: Thursday, May 4, 2017, 10:00 A.M.



• a24

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, April 25, 2017, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan, with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting, should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

120 Warwick Avenue - Douglaston Historic District

LPC-18-6649 - Block 8026 - Lot 25 - **Zoning:** R1-2

CERTIFICATE OF APPROPRIATENESS

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

230 Grosvenor Street - Douglaston Historic District

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

CERTIFICATE OF APPROPRIATENESS

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

141 Clinton Street - Brooklyn Heights Historic District

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

CERTIFICATE OF APPROPRIATENESS

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

276 Hicks Street - Brooklyn Heights Historic District

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

CERTIFICATE OF APPROPRIATENESS

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

435 Clinton Avenue - Clinton Hill Historic District

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

CERTIFICATE OF APPROPRIATENESS

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

281 Cumberland Street - Fort Greene Historic District

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

CERTIFICATE OF APPROPRIATENESS

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

116 Lafayette Avenue - Fort Greene Historic District

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

CERTIFICATE OF APPROPRIATENESS

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

4 Verandah Place - Cobble Hill Historic District

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

CERTIFICATE OF APPROPRIATENESS

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

235 Lincoln Place - Park Slope Historic District

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

CERTIFICATE OF APPROPRIATENESS

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

55 7th Avenue - Park Slope Historic District

LPC-18-1560 - Block 1059 - Lot 2 - **Zoning:** R6A

CERTIFICATE OF APPROPRIATENESS

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

92 Park Place - Park Slope Historic District

LPC-19-1484 - Block 942 - Lot 12 - **Zoning:** R6B

CERTIFICATE OF APPROPRIATENESS

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

119 Prospect Place - Prospect Heights Historic District

LPC-19-4580 - Block 1150 - Lot 61 - **Zoning:** R6B, R7A

CERTIFICATE OF APPROPRIATENESS

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

80 Maple Street - Prospect Lefferts Gardens Historic District

LPC-19-8602 - Block 5031 - Lot 40 - **Zoning:** R2

CERTIFICATE OF APPROPRIATENESS

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

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

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

CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style rowhouse with alterations designed by Thom & Wilson and built in 1892. Application is to modify the front 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 marquee and storefronts.

a12-25

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 façade 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

TRANSPORTATION**■ PUBLIC HEARINGS**

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

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

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

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

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

#3 IN THE MATTER OF a proposed revocable consent authorizing Intellifiber Networks LLC, to continue to maintain and use telecommunications fiber optic cables in the existing conduits of Consolidated Edison company of New York, Inc., in the Boroughs of the Bronx and Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 1870**

For the period July 1, 2016 to June 30, 2017 - \$354,730
 For the period July 1, 2017 to June 30, 2018 - \$362,676
 For the period July 1, 2018 to June 30, 2019 - \$370,622
 For the period July 1, 2019 to June 30, 2020 - \$378,568
 For the period July 1, 2020 to June 30, 2021 - \$386,514
 For the period July 1, 2021 to June 30, 2022 - \$394,460
 For the period July 1, 2022 to June 30, 2023 - \$402,406
 For the period July 1, 2023 to June 30, 2024 - \$410,352
 For the period July 1, 2024 to June 30, 2025 - \$418,298
 For the period July 1, 2025 to June 30, 2026 - \$426,244

the maintenance of a security deposit in the sum of \$50,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 IN THE MATTER OF a proposed revocable consent authorizing Sage 12 Holding Ltd., to construct, maintain and use a fenced-in areas and steps on the south sidewalk of East 68th 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 167th Street, west of Audubon Avenue, on the west sidewalk of Audubon Avenue, between West 167th and 168th Streets, and on the south sidewalk of West 168th 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 43rd Avenue, east of 222nd 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 33rd Street, east of Hudson Boulevard, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2388**

From the Approval Date by the Mayor to June 30, 2017 - \$2,768/annum

- For the period July 1, 2017 to June 30, 2018 - \$2,848
- For the period July 1, 2018 to June 30, 2019 - \$2,910
- For the period July 1, 2019 to June 30, 2020 - \$2,973
- For the period July 1, 2020 to June 30, 2021 - \$3,035
- For the period July 1, 2021 to June 30, 2022 - \$3,098
- For the period July 1, 2022 to June 30, 2023 - \$3,160
- For the period July 1, 2023 to June 30, 2024 - \$3,222
- For the period July 1, 2024 to June 30, 2025 - \$3,284
- For the period July 1, 2025 to June 30, 2026 - \$3,347
- For the period July 1, 2026 to June 30, 2027 - \$3,410

the maintenance of a security deposit in the sum of \$160,000 and the insurance shall be the amount of Five Million Dollars (\$5,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

a13-m3

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

“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

ADMINISTRATION FOR CHILDREN’S SERVICES

AWARD

Services (other than human services)

CLINICAL CONSULTATION SERVICES - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 06807P0003CNVN005 - AMT: \$1,156,887.00 - TO: Jewish Board of Family and Children’s Services Inc., 135 West 50th Street, New York, NY 10020.

● **JJI - INTENSIVE PREVENTIVE AFTERCARE** - Innovative Procurement - Judgment required in evaluating proposals - PIN# 06816I0005003 - AMT: \$1,948,599.00 - TO: SCO Family of Services, 1 Alexander Place, Glen Cove, NY 11542.

● **JJI - INTENSIVE PREVENTIVE AFTERCARE** - Innovative Procurement - Judgment required in evaluating proposals - PIN# 06816I0005001 - AMT: \$1,404,000.00 - TO: Jewish Board of Family and Children’s Services Inc., 135 West 50th Street, New York, NY 10020.

◀ a24

EDUCATION

BOARD OF EDUCATION RETIREMENT SYSTEM

SOLICITATION

Services (other than human services)

LEGAL SERVICES: TAX DEFERRED ANNUITY PROGRAM - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# BER01040 - Due 5-30-17 at 5:00 P.M.

The New York City Board of Education Retirement System (BERS) is issuing an RFP (PIN BER01040) soliciting proposals from law firms to assist the Executive Director of BERS in fulfilling his duties as administrator of the Board of Education of the City of New York Employees’ Tax-Deferred Annuity Program (The Chancellor’s Plan). Law firms with expertise in the areas of the Internal Revenue Code, other NY State tax laws and compliance and governance regarding 403(b) plans are encouraged to submit a proposal in response. Proposals must be submitted in the form specified by the RFP. Completed proposals are due no later than 5:00 P.M., on May 30, 2017. For additional information regarding the RFP, please contact Alexander Kazazis at (929) 305-3785 or akazazis@bers.nyc.gov.

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

Education, 65 Court Street, 16th Floor, Brooklyn, NY 11201. Alexander Kazazis (929) 305-3785; akazazis@bers.nyc.gov

◀ a24

ENVIRONMENTAL PROTECTION

WASTEWATER TREATMENT

SOLICITATION

Construction Related Services

FEMA RECONSTRUCTION AND ELECTRICAL EQUIPMENT REPLACEMENT PROJECT AT THE PENNSYLVANIA AVENUE AND FOUNTAIN AVENUE LANDFILLS - Competitive Sealed Bids - PIN# 82617B0029 - Due 5-16-17 at 11:30 A.M.

Contract Number: 1400-FLP, Document Fee: \$80, Project Manager: Rupak Raha, RupakR@dep.nyc.gov. Engineer’s Estimate: \$1,105,000 - \$1,300,000. There will be a Pre-Bid Meeting on 5/3/2017, located at Fountain Avenue Landfill, 950 Fountain Avenue, Brooklyn, NY 11208, at 10:00 A.M. Last day for questions 5/5/17, email Agency Contact. Site visit to follow.

IDENTIFICATION OF SUBCONTRACTORS MUST BE SUBMITTED IN A SEPARATE ENVELOPE WITH BID.

Bidders are hereby advised that this contract is subject to the Project Labor Agreement (“PLA”) entered into between the City and the

Building and Construction Trades Council of Greater New York ("BCTG") affiliated local unions. Please refer to the bid documents for further information.

The procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1. 20 percent M/WBE Subcontracting Goals.

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



☛ a24

FINANCE

■ INTENT TO AWARD

Goods and Services

Q-MATIC SOFTWARE AND HARDWARE MAINTENANCE - Sole Source - Available only from a single source - PIN# 83617S0005 - Due 5-8-17 at 10:00 A.M.

Contract is for a three-year term for Q-Matic Care and Care Plus license, software and hardware maintenance and support services.

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.

Finance, 1 Centre Street, 10th Floor, New York, NY 10007. Celloy Williams (212) 602-7006; Fax: (212) 669-4294; williamscelloy@finance.nyc.gov

☛ a24-28

HUMAN RESOURCES ADMINISTRATION

CONTRACTS

■ AWARD

Human Services/Client Services

PROVISION OF CAREER COMPASS SERVICES: COMPREHENSIVE EMPLOYMENT - Competitive Sealed Proposals - Available only from a single source - PIN# 09616I0007004 - AMT: \$11,217,066.00 - TO: Goodwill Industries of Greater NY and Northern New Jersey Inc., 4-21 27th Avenue, Astoria, NY 11102.

☛ a24

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

CONTRACTS AND PROCUREMENT

■ AWARD

Goods and Services

CITYWIDE ORACLE SW AND HW MAINTENANCE RENEWALS - Intergovernmental Purchase - Other - PIN# 85817O0037001 - AMT: \$77,500,000.00 - TO: Mythics Inc., 1439 North Great Neck Road, Virginia Beach, VA 23454.

Agreement for Oracle Software and Hardware Support Renewals. This Agreement is established for Citywide usage. The term of the Agreement is 3/1/17 - 2/28/22.

This procurement was competitively awarded to the reseller Mythics Inc., under Oracle's OGS Manufacturer Based Umbrella Contract.

☛ a24

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/nycvendronline/home.asap>; or <http://www.nycgovparks.org/opportunities/business>.

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

Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; dmwbe.capital@parks.nyc.gov

j3-d29

CAPITAL PROJECTS

■ INTENT TO AWARD

Construction Related Services

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 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

a18-24

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 of 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

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

a20-m3

PUBLIC LIBRARY - QUEENS

QUEENS/PURCHASING

SOLICITATION

Construction Related Services

AIR HANDLERS PROJECT-CENTRAL LIBRARY - Public Bid - PIN# 0417-1 - Due 5-11-17 at 2:00 P.M.

This is a Queens Library NYC Pass Through contract for construction services for Penthouse Air Handlers, for the Central Library.

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

a24

TRANSPORTATION

INTENT TO AWARD

Services (other than human services)

COMMVAULT MANAGED SERVICES AND COMMVAULT PREMIER MAINTENANCE SUPPORT SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 84117MBAD113 - Due 5-8-17 at 2:00 P.M.

The New York City Department of Transportation (NYCDOT) intends to enter into a negotiated acquisition agreement with CommVault Systems Inc., to procure CommVault Managed Services and CommVault Premier Maintenance Support Services.

The ACCO's office determined, in accordance with Section 3-04(d) of the Procurement Policy Board Rules, that it is not practicable and/or advantageous to award a contract by competitive sealed bidding or competitive sealed proposals, because there are a limited number of vendors available and able to provide the maintenance support and associated configuration and consulting services.

CommVault Premier Maintenance Support: - DOT utilizes CommVault Simpana as their system backup application. CommVault provides maintenance support for DOT's CommVault Simpana Backup Suite which includes covers upgrades, break/fix issues with the software, remote, phone, and onsite support services, if needed. CommVault Premier Maintenance Support (F43D9) will have a retroactive term of 11/28/2016 to 4/17/2018.

CommVault Managed Services: - DOT utilizes CommVault Managed Services to manage, monitor and report all aspects of the backup process and ensure that all backups are completing successfully and provide expert advice on changes needed to maintain our backup rotation running smoothly and efficiently. Licenses:-CAP-DPE-1T-X, Quantity 44TB; SB-C-DPA-1T, Quantity 26TB; SB-C-DAE-1T/SB-C-FAE-1T, Quantity 80TB; SB-SOC-1M, Quantity 60M; CN-ADR-OI-10, Quantity 1. CommVault Managed Services will have a retroactive term of 11/28/2016 to 4/17/2018.

Vendors may express interest in providing this service in the future by contacting Nicola Rahman, New York City Department of Transportation, ACCO's Office, 55 Water Street, 8th Floor, New York, NY 10041, nrahman@dot.nyc.gov or (212) 839-8167.

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.

Transportation, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041 . Bid Window (212) 839-9435;

a24-28

BRIDGES

■ SOLICITATION

Construction Related Services

DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE COMPONENT REHABILITATION OF 9 BRIDGES IN THE BOROUGH OF THE BRONX, BROOKLYN AND QUEENS
 - Request for Proposals - PIN# 84117MBBR106 - Due 5-22-17 at 2:00 P.M.

This Procurement is subject to participation goals for Minority-Owned Business Enterprises (MBEs) as required by Section 6-129 of the New York Administrative Code. The M/WBE goal for this project is 15 percent. A printed copy of the proposal can also be purchased. A deposit of \$50.00 is required for the proposal in the form of a Certified Check or Money Order payable to: New York City Department of Transportation. NO CASH ACCEPTED. Company address, telephone and fax numbers are required when picking up proposal documents. Entrance is located on the South Side of the Building facing the Vietnam Veterans Memorial. Proper government issued identification is required for entry to the building (driver's license, passport, etc.). For additional information, please contact Gail Hatchett at (212) 839-9308.

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.

Transportation, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. Bid Window (212) 839-9435.

◀ a24

AGENCY RULES

BUILDINGS

■ NOTICE

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Section 3319-01 of Chapter 33 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding the second phase of its multi-phase update of its cranes and derricks rules.

This rule was first published on February 17, 2017 and a public hearing thereon was held on March 20, 2017.

Dated: 4/14/17 /s/ Rick D. Chandler, P.E.
 New York, NY Commissioner

Statement of Basis and Purpose of Rule

In 2015, the Department of Buildings established the Crane Rule Advisory Committee ("the committee"), made up of over three dozen representatives of crane and derrick manufacturers, filing engineers, operating engineers, riggers, and construction firms. The committee has been engaged in a multi-phase effort to update the city's rules for cranes and derricks, which are contained in 1 RCNY 3319-01. Phase 1 was completed in January 2016. The rule amendments herein represent the second phase of this effort. The department anticipates a third phase to culminate in additional rule amendments in the second half of 2017.

The amendments incorporate recommendations made by the Department's June 2009 High Risk Construction Oversight ("HRCO") study that pertain to cranes and derricks, as well as recommendations made by the Crane Safety Technical Working Group ("TWG"), appointed by Mayor Bill de Blasio and Buildings Commissioner Rick Chandler following the February 2016 crane collapse in Tribeca.

These amendments address the following issues related to cranes:

- Safety related to high winds
- Inspections
- Documentation

- Engineering plans
- Operations near powerlines

Highlights of the amendments include:

subdivision (b)

- Adds new and revises existing definitions.
- Revises the definition for self-erecting tower cranes to clarify that self-erecting tower cranes are a subset of tower cranes and cannot be considered a mobile crane. The amendments also recognize that self-erecting tower cranes are different from standard tower cranes and include amendments which apply or exclude existing tower crane requirements to self-erecting tower cranes, as appropriate. This reflects the recommendation of the TWG to create rules that apply to self-erecting tower cranes (TWG Recommendation #7).

subdivision (c)

- Clarifies existing circumstances where a certificate of on-site inspection is not required and consolidates them under paragraph (1). Currently, exceptions 1.1, 1.2, and 2.3 are found in paragraph (5) of subdivision (g) of the rule; exceptions 2.1 and 2.2 are found in paragraph (3) of subdivision (g) of the rule; exception 1.4 was found in 27-1057(d)(4) of the New York City administrative code.
- Adds new provisions to restrict the use of exception 1.4 only to instances where the crane imposes a limited load on the ground, and does not impact underground infrastructure such as vaults or subway tunnels.
- Adds Exception 1.3, which authorizes work related to the placement of a sidewalk shed or the initial level of a construction hoist without a certificate of on-site inspection.
- Establishes a new requirement, Paragraph (5) of subdivision (c), to notify the Department in advance of specified crane or derrick activities. The notification requirement was recommended by HRCO (HRCO Recommendation C-17).

subdivision (d)

- Clarifies the rule to specify the type of information that the filing engineer for a tower crane installation in New York City must provide to the manufacturer of the tower crane, as well as the information the tower crane manufacturer must submit to the City.

subdivision (e)

- Recognizes European standard, EN 16228, for the design of pile drivers.
- Recognizes recent editions of standards published by the American Society of Mechanical Engineers (ASME) for the design of cranes and derricks.
- These and other instances throughout the amendments where model standards are adopted reflect the recommendation of the TWG to adopt relevant model standards for cranes and rigging (TWG Recommendation #8).

subdivision (g)

- Completely revises the provisions in subdivision (g) related to the certificate of on-site inspection, which authorizes the use of a crane or derrick at a specific location within New York City.
- Identifies the types of plans, calculations, and supporting documents that must be submitted with the application for a certificate of on-site inspection.
- Requires that bolt and torque information be shown on the crane or derrick notice plan, as recommended by HRCO (HRCO Recommendation C-2).
- Requires that load test procedures in subparagraph (iii) of paragraph (2) to be submitted as part of the application for a certificate of on-site inspection, as recommended by HRCO (HRCO Recommendation C-15).
- Requires in subparagraph (v) of paragraph (2) that a New York State professional engineer must detail the wind restrictions for the crane or derrick, as well as the procedures to secure the crane or derrick in the event of wind. The requirement for a wind action plan was recommended by the TWG (TWG Recommendation #19).
- In Paragraph (6), allows the foundation, anchor stool, and first mast section of a tower crane to be installed prior to the approval of the application for the certificate of on-site inspection; this provision ensures proper alignment of the tower crane to the foundation and was recommended by HRCO (HRCO Recommendation C-9).
- In Paragraphs (7) and (8) establishes a new signoff inspection for the certificate of on-site inspection. This signoff will require a representative of the filing engineer and other specified personnel to inspect the crane or derrick at the job site to verify conformance with the approved plans. This was recommended by the TWG (TWG Recommendation #13).

- Requires an engineer to observe the tie-in installation as part of the signoff process, as recommended by HRCO (HRCO Recommendation C-8).

subdivision (h)

- Establishes a new requirement for a crane or derrick log to be maintained at the job site. The log must contain specified meeting and inspection records, as well as other applicable information. The existing requirements in subdivision (h) are currently superseded by the requirements of Chapter 2 of Title 28 of the New York City administrative code.

subdivision (i)

- Consolidates and clarifies existing requirements for the licensing and training of personnel associated with the use of a crane or derrick in subdivision (i).
- Exceptions 1 and 2 to paragraph (1) cross reference existing code exemptions. Exception 3 is currently found in paragraph (1) of subdivision (p). Exception 4 is currently found in subdivision (a), and is rewritten to cross reference parallel requirements in the building code. Exceptions 5 and 6 are new proposals. Exception 5 mirrors exception 1.3 of paragraph (1) of subdivision (c). Exception 6 authorizes dedicated pile drivers to be operated by individuals who hold a recognized national certification for pile drivers.
- Paragraphs (6) and (7) adopt requirements from OSHA 1926 Subpart CC regulations related to personnel who assemble or disassemble a crane or derrick and add additional New York City training requirements. Among other things, these paragraphs require that an assembly/disassembly director must be designated, and that the assembly/disassembly director is charged with ensuring compliance with the approved assembly/disassembly plan; this was recommended by the TWG (TWG Recommendation #12).

subdivision (k)

- Revised the existing provisions related to crane and derrick inspections in subdivision (k).
- Adopts in Paragraph (1) of subdivision (k) ASME requirements for frequent crane or derrick inspections, with modifications to account for unique conditions in New York City. The requirement for the frequent inspection of the crane to be performed prior to each shift, and to be documented, was recommended by the TWG (TWG Recommendation #15).
- Establishes in Paragraph (2) a new requirement for the hosting machine operator to inspect their machine at the end of the shift to verify it has been properly secured for out of service conditions. This inspection was recommended by the TWG (TWC Recommendation #18).
- Renumbers in Paragraphs (3) and (4) existing text related to periodic inspections and inspections of cranes or derricks that have been idle for a specified period of time. Edits were made to reflect the structure of the revised rule. The technical specifications of the inspections will be revisited in a future phase of the crane rule revision process.
- Creates a new Section (Paragraph (6)) which requires certain special inspections be performed on cranes and derricks. This was recommended by HRCO (HRCO Recommendations C-8 & C-9).

subdivision (r)

- Adopts ASME requirements for signals, and cross references existing training and certification requirements for signalpersons in the New York City building code.

subdivision (s)

- Adopts in Paragraph (1) provisions from HRCO (HRCO Recommendation C-5) related to crane counterweights.
- Adopts in Paragraph (3) requirements from OSHA 1926 Subpart CC regulations concerning crane operations near a power line. NYC's existing regulations for crane operations near a power line are currently superseded by these OSHA requirements. The amendment also requires that certain information related to crane operations near a power line must be submitted as part of the application for a certificate of on-site inspection.
- Paragraphs (5), (6) and (7) cross reference existing provisions related to cranes used in demolition, as well as to existing Department of Transportation requirements.
- Moves existing provisions from subdivisions (t), (u), and (v) to subdivision (s).

subdivision (t)

- Consolidates and clarifies wind and weather restrictions for cranes and derricks in subdivision (t).
- Relocates the requirement currently found in paragraph (2) of subdivision (s) prohibiting the operation of cranes and derricks in

winds of over 30mph to subdivision (t), and clarifies in paragraphs (3) and (4) the difference between start of work and in-service scenarios.

- Creates a new requirement in paragraph (7) that the wind be measured via an anemometer installed on the crane or at the site, as recommended by the TWG (TWG Recommendation #4).
- Clarifies in Paragraphs (1) and (2) of subdivision (t) that the hoisting machine operator must review and follow the requirements of the wind action plan and the applicable procedures of the equipment manufacturer.
- Expands in Paragraph (5) the wind and weather restrictions that apply to assembly/disassembly operations.

subdivision (u)

- Requires that plans and documents must be maintained at the site, available to the hoisting machine operator, lift director, and assembly/disassembly director.

subdivision (w) and (x)

- Cross references existing requirements of the New York City administrative code.

The Department of Buildings' authority for these rules is found in Sections 643 and 1043 of the New York City Charter and Section 3319.1 of the New York City Building Code.

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. The exceptions in subdivision (a) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York are amended as follows:

- (a) **Applicability.** The design, construction, permitting, installation, removal, adjustment, repair, inspection, maintenance, operation and use of cranes and derricks must conform to the requirements of Section 3319 of the New York City Building Code and this section. This includes, but is not limited to, cranes and derricks used for hoisting and/or rigging purposes; or used for construction, alteration, demolition, excavation and maintenance purposes, including for buildings, highways or sewers; or used for the installation of piles; or used for the hoisting or lowering of any article on the outside of any building or structure. This also includes any equipment that meets the definition of a crane or derrick, including, but not limited to, dedicated pile drivers and manufactured or custom designed hoisting machines.

[Exceptions]Exception:

- [(1)] Cranes and derricks listed in the exceptions set forth in Section 3319.3 of the New York City Building Code.
- [(2)] Operators of cranes described in exceptions 3 and 4 of Section 3319.3 of the New York City Building Code are exempt from any licensing requirements where the cranes are used in connection with the installation or maintenance of street lighting or public utility overhead power distribution systems.]

§2. Subdivision (b) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding new definitions, in alphabetical order, as follows:

ACCEPTANCE OR ACCEPTED (Construction documents).
See Section 28-101.5 of the Administrative Code.

APPROVAL OR APPROVED (Construction documents).
See Section 28-101.5 of the Administrative Code.

ARCHITECT. A person licensed and registered to practice the profession of architecture under the education law of the state of New York.

ASSEMBLY/DISASSEMBLY (ASSEMBLED OR DISASSEMBLED). The installation or removal of structural components or attachments to a crane or derrick, or the installation or removal of elements that connect or attach a crane or derrick to a building or structure. The term assembly/disassembly includes the erection, climbing, jumping, or dismantling of a tower crane. The term assembly/disassembly does not include operations exclusive to the installation or removal counterweights, or to the unfolding and pinning of a boom or swing-away jib. The term assembly/disassembly also does not include the setup or breakdown of a self-erecting tower crane provided the setup of the self-erecting tower crane does not require a boom, mast, or jib section, or other attachment, to be installed at the site.

CRANE OR DERRICK NOTICE ENGINEER. The engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who filed the

crane or derrick notice application.

DELIVERY. The dropping off or retrieval of materials or equipment to or from a site. Delivery does not include the performance of any construction or demolition work, including but not limited to holding steel, HVAC equipment, hoist towers, scaffolding, sidewalk shed components, or any other loads in place while they are bolted or otherwise affixed, or to the securing or lowering materials during the course of demolition work.

DIRECT AND CONTINUING SUPERVISION. See Section 28-401.3 of the Administrative Code.

OPERATION (OPERATED). Any work or activity performed by a crane or derrick, including but not limited to the lifting, lowering, or swinging of loads.

PILE DRIVER. A dedicated pile driver; or a crane or derrick equipped with an attachment or otherwise outfitted to drive, hammer, press, or vibrate piles into the earth ("pile drive"). However, the definition of a pile driver does not include excavating or earth-moving equipment fitted with a pile driving attachment.

REGISTERED DESIGN PROFESSIONAL. An architect or engineer.

RIGGING FOREMAN. See Section 104-20 of these rules.

§3. The definition of "crane" in subdivision (b) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new sub definition for "service crane", as follows:

SERVICE CRANE. A mobile crane utilized exclusively to perform one or more of the following auxiliary tasks at a site: (1) repairing or maintaining construction machinery, (2) delivering material within the confines of the site, (3) moving material within the site to a central location so that it may be lifted to the required areas of construction, or (4) moving within the site matting, dunnage, or equivalent from one location to another. A service crane does not include a crane used to make a delivery to the site by hoisting it into the site from a point external to the site, or a crane used to hoist or lower articles to or from a building or structure during the course of construction or demolition.

§4. The sub definition of "self-erecting tower crane" in subdivision (b) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended, as follows:

SELF-ERECTING TOWER CRANE. A tower crane that adjusts its operating radius by means of a trolley traversing a jib and that; (i) possesses a vertical or nearly vertical [masts] tower or mast that [are] is bottom slewing and mounted on fixed, traveling, or mobile bases; and (ii) is capable of folding and unfolding to facilitate transit from [job]site to [job]site with minimal assembly. A self-erecting tower crane is not considered to be a mobile crane, even if the self-erecting tower crane otherwise meets the definition of a mobile crane.

§5. The definition of "dedicated pile driver" in subdivision (b) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended, as follows:

DEDICATED PILE DRIVER. A power-operated machine that is designed [exclusively] primarily to drive, hammer, press, or vibrate piles into the earth ("pile drive") and which typically possess the ability to both hoist the material that will be pile driven and to pile drive that material.

§6. Subdivision (c) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended, as follows:

(c) Permit and notification requirements for cranes and derricks.

- (1) **Certificates of approval, operation, and on-site inspection.** Cranes and derricks must possess a certificate of approval, certificate of operation, and certificate of on-site inspection when required by Section 3319 of the Building Code.

Exceptions:

1. A certificate of on-site inspection is not required for:

- 1.1 A pile driver that:

- 1.1.1 Is set up and operated entirely within a site that is closed to the public; and
- 1.1.2 Does not impart a load on the ground in excess of 500 psf (23.94 kPa), including the load of the platform, matting, or dunnage utilized to support the equipment.

- 1.2 A clamshell that:

- 1.2.1 Is set up and operated entirely within a site that is closed to the public;

- 1.2.2 Is set up and operated at locations within the site that are set back from the edge of the excavation by a distance that is equal to or greater than the depth of the excavation; and

- 1.2.3 Does not impart a load on the ground in excess of 500 psf (23.94 kPa), including the load of the platform, matting, or dunnage utilized to support the equipment.

- 1.3 A mobile crane that has a boom length of 135 feet (41.15 m) or less, and is utilized at the site exclusively to:

- 1.3.1 Install, adjust, maintain, repair, or remove a sidewalk shed; or

- 1.3.2 Install or dismantle the initial level of a single or dual cab hoist, provided:

- 1.3.2.1 Such installation or dismantling is limited to the hoist cars, counterweights, and initial mast sections needed for the car;

- 1.3.2.2 Car or motor components to be hoisted are equipped with lifting lugs; and

- 1.3.2.3 No object is hoisted more than 20 feet (6.1 m) above the bed of the delivery truck during such installation or dismantling operation.

2. A certificate of on-site inspection is not required for a mobile crane that is utilized under the direct and continuing supervision of a licensed master rigger, provided:

- 2.1 Onsite supervision is provided by the licensee or a master rigging foreman, except that for a critical pick the licensee must provide the onsite supervision;

- 2.2 A drawing indicating pertinent site features, obstacles, and restrictions, the location and configuration of the crane at the site, required matting or dunnage, and pedestrian and traffic control to be provided as per the requirements of the Department of Transportation, is prepared by or on behalf of the licensed master rigger and kept at the site, available to the commissioner upon request;

- 2.3 The licensed master rigger is responsible for ensuring compliance with the drawing; and

- 2.4 Such mobile crane:

- 2.4.1 Does not exceed 250 feet (76.2 m) in boom length, including jibs and any other attachments;

- 2.4.2 Is utilized for work that is not related to the construction of a new building, the full demolition of an existing building, or the vertical or horizontal enlargement of an existing building, including but not limited to the installation or removal of boilers or tanks at a new building, full demolition, or vertical or horizontal enlargement site;

- 2.4.3 In all conditions of loading, is provided with adequate footing so as to not exceed the bearing capacity of the ground or subsurface elements;

- 2.4.4 Does not impose a bearing pressure, including dunnage, exceeding 3,500 psf (167.85 kPa);

- 2.4.5 Is not set up on a vault or similar subsurface structure;

- 2.4.6 Is not set up on a steel platform, excluding mats or dunnage at the street or ground level; and

- 2.4.7 Is not set up and operated in a location that requires approval of the New York City Transit Authority.

3. Provided an engineer, licensed and registered to practice the profession of engineering under the education law

of the state of New York, files an on-site waiver with the department on behalf of the equipment user, supported by plans and calculations upon request, certifying compliance with the items specified below, a certificate of on-site inspection is not required for:

- 3.1 A mobile crane that:
 - 3.1.1 Is located at the site for no more than 48 hours;
 - 3.1.2 Does not exceed 160 feet (48.76 m) in boom length, including jibs and any other attachments;
 - 3.1.3 Is set up and operated entirely within a safety zone where the distance from the crane to the boundary of the safety zone is equal to or greater than the length of the boom, jib, and any other attachments, and all areas and structures within the safety zone are closed to the public; and
 - 3.1.4 In all conditions of loading, is provided with adequate footing so as to not exceed the bearing capacity of the ground or subsurface elements.
- 3.2 A service crane that:
 - 3.2.1 Is set up and operated entirely within a site that is closed to the public;
 - 3.2.2 Does not exceed 110 feet (33.53 m) in boom length, including jibs and any other attachments; and
 - 3.2.3 In all conditions of loading, is provided with adequate footing so as to not exceed the bearing capacity of the ground or subsurface elements.
- 3.3 A pile driver or clamshell that:
 - 3.3.1 Is set up and operated entirely within a site that is closed to the public;
 - 3.3.2 Imparts a load on the ground in excess of 500 psf (23.94 kPa) but not exceeding 2,500 psf (119.7 kPa), including the load of the platform, matting, or dunnage utilized to support the equipment;
 - 3.3.3 In all conditions of loading, is provided with adequate footing so as to not exceed the bearing capacity of the ground or subsurface elements; and
 - 3.3.4 Is set up on ground that is able to support the load, as demonstrated to the satisfaction of the department on the basis of borings filed by the engineer.

- (2) **Temporary construction equipment permit.** A temporary construction equipment permit, such as an Alt II permit or a CD-5 permit, is required for:
 - (i) A mobile crane that meets exception numbers 3 or 4 of Section 3319.3 of the New York City Building code, but does not meet any other exception of Section 3319.3 of the New York City Building code, and is used in conjunction with the construction, alteration, or demolition of a building, and that does not meet any exception other than numbers 3 or 4 of Section 3319.3 of the New York City Building Code.
 - (ii) Cranes and derricks with a manufacturer's rated capacity of 1 ton (907 kg) or less and used in conjunction with the installation, alteration, maintenance, repair, or removal of a building, building systems, or equipment located on a building.
- (3) **Noncompliance.** Where a crane or derrick requiring one or more of the certificates or permits is found not to be in compliance with one or more of the required certificates or permits, the use of such crane or derrick must cease. The crane or derrick must not be used until it has been brought into conformance with the certificates or permits, or amended certificates or permits have been issued by the department to reflect the state of the crane or derrick.
- (4) **Construction documents.** Plans, calculations, inspection reports, and other documents filed in conjunction with a certificate of approval, certificate of operation, certificate of on-site inspection, on-site waiver, or temporary construction equipment permit are considered to be construction documents subject to the provisions of Article 104 of Title 28 of the Administrative Code. Except as otherwise specified,

the terms "approval" or "approved" in conjunction with such plans, calculations, inspection reports, and other documents will also mean "acceptance" or "accepted."

- (5) **Notification.**
 - (i) **Notification prior to certain activities.** For a crane or derrick that requires a certificate of on-site inspection or an on-site waiver, or that is used under the direct and continuing supervision of a licensed master rigger, the equipment user must notify the department at least one day, but no more than two days, before an activity listed below:
 - (A) The arrival of the crane or derrick at the site;
 - (B) Any assembly/disassembly operation, except that for the erection, climbing, jumping, or dismantling of tower crane, the notification requirements of Section 3319.8.4 of the Building Code instead apply; or
 - (C) The pouring of a concrete foundation for a tower crane.
 - (ii) **Cancellation and rescheduling of notification.** If a scheduled activity pursuant to subparagraph (i) of this paragraph above is canceled after a notification is made to the department, the equipment user must notify the department no later than the date for which the activity was scheduled. The equipment user must notify the department of the new intended commencement date at least one day but no more than two days before such activity.
 - (iii) **Notification of departure of equipment.** For a crane or derrick that requires a certificate of on-site inspection or an on-site waiver, or that is used under the direct and continuing supervision of a licensed master rigger, the equipment user must notify the department of the departure of the crane or derrick from the site no more than two days following such departure.

Exception: Where the crane or derrick is anticipated to be at the site for 48 hours or less, notification of departure of the equipment pursuant to this subparagraph is not required provided the anticipated short duration of the crane or derrick at the site is indicated at the time of notification pursuant to subparagraph (i) of this paragraph. However, if the job extends for more than 48 hours, the department must be immediately notified of such extension, and notification of the departure of the equipment pursuant to this subparagraph is required.
- §7. Subparagraph (iv) of paragraph (5) of subdivision (d) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is repealed and replaced with a new subparagraph (iv), as follows:
- (iv) **Site specific wind analysis for a tower crane.** For a tower crane, other than a self-erecting tower crane, the manufacturer must submit a site specific wind analysis to the department prior to the approval of the crane or derrick notice application. Such analysis must:
 - (A) Cover each configuration for which crane or derrick notice application approval is sought;
 - (B) Be based upon the following information, with such information submitted to the manufacturer by the engineer who files the crane or derrick notice application:
 1. Project address;
 2. Crane make and model;
 3. Maximum lifting capacity;
 4. Distance of the crane from the building;
 5. Proposed tie-in spacing;
 6. Elevations and sections detailing the location and configuration of the crane at the site, in both plan view and elevation view, with dimensions indicated;
 7. Where an environmental load reduction is utilized in accordance with Chapter 16 of the New York City Building Code:
 - 7.1. A copy of the action plan required by Chapter 16 of the New York City Building Code;

- 7.2. Proposed tie-in spacing for the action plan configuration; and
- 7.3. Elevations and sections detailing the action plan configuration of the crane at the site, in both plan view and elevation view, with dimensions indicated.
8. New York City wind load conditions, including exposure category and height distribution of the wind. Such information must be in accordance with Chapter 16 of the New York City Building Code, and based on the following:
- 8.1. An in-service wind speed of at least 45 mph;
- 8.2. An out-of-service wind speed that is not less than that allowed by Chapter 16 of the New York City Building Code; and
- 8.3. Where an environmental load reduction is utilized in accordance with Chapter 16 of the New York City Building Code, an out-of-service wind speed equal to that required by Chapter 16 of the New York City Building Code for the full, unreduced, design wind speed.
- (C) Contain the following information from the manufacturer for the given in-service, out-of-service, and, where applicable, full, unreduced, design wind speed:
1. The maximum moment;
 2. The slewing moment; and
 3. Corresponding vertical loads at the foundation.
- (D) Contain a certification from the manufacturer that the information provided per clause (C) above is based on the information provided by the engineer per clause (B) above;
- (E) Contain a certification from the manufacturer that, in accordance with the requirements of the standard listed in the certificate of approval for the design and construction of the crane (e.g. ASME B30-3 or EN 14439), the boom, mast, jib, attachments, and working deck of the crane will sustain the wind loads specified in (B)(8) above; and
- (F) Note any special conditions in which the crane may not be used or installed (e.g. crane configuration, height, exposure, etc.).

§8. Subparagraph (i) of paragraph (1) of subdivision (e) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended, as follows:

- (i) **Design and construction standards for cranes or derricks whose prototype application is submitted on or after January 1, 2016.** Cranes and derricks, and their components, whose prototype application is submitted on or after January 1, 2016 must, in their entirety, be designed and constructed in accordance with the following:
- (A) **Mobile cranes, other than an articulating boom crane.** For a mobile crane, other than an articulating boom crane, ASME B30.5 (2004, 2007, 2011, or 2014 editions), or EN 13000 (2004, 2010, or 2014 editions).
- (B) **Tower cranes, other than a self-erecting tower crane.** For a tower crane, other than a self-erecting tower crane, ASME B30.3 (2004, 2009, [or] 2012, or 2016 editions), or EN 14439 (2006 or 2009 editions).
- (C) **Derricks.** For a derrick, ASME B30.6 (2003, [or] 2010, or 2015 editions).
- (D) **Articulating boom crane.** For an articulating boom crane, ASME B30.22 (2005, [or] 2010, or 2016 editions).
- (E) **Self-erecting tower crane.** For a self-erecting tower crane, ASME B30.29 (2012 edition), or EN 14439 (2009 edition).

- (F) **Dedicated pile drivers.** EN 996 (2009 or 2014 editions) or EN 16228 (2014 edition).
- (G) **Equivalent standards.** For any type of crane or derrick, such other standard as the commissioner deems equivalent to the ASME or EN standards listed above.

§9. Paragraph (2) of subdivision (e) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended, as follows:

- (2) **Manuals and load rating chart standards.** Manuals and load rating charts for cranes and derricks must be in English, with United States customary units, or where acceptable to the commissioner, metric units, and be in accordance with [the requirements of the standard utilized for the design and construction of the crane or derrick] an applicable standard listed in paragraph (1) of subdivision (e) of this section. Manuals and load rating charts must also include manual or chart numbers, and page numbers.

§10. Subdivision (f) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by re-lettering subdivision (i) as subdivision (f) and replacing the heading and text of subdivision (f) with that of subdivision (i), as follows:

- (f) **[Certificate of operation. Reserved.] [(i)] Annual renewal of the certificate of operation.** Application for renewal of a certificate of operation, as stipulated in Section 3319.5 of the New York City Building Code, must be accompanied by inspection and maintenance records in accordance with paragraph (1) of subdivision (k) of this section and paragraph (1) of subdivision (m) of this section. Upon approval of the application, a new certificate of operation will be issued after a satisfactory inspection by a department inspector.

§11. Subdivision (g) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is repealed and replaced with a new subdivision (g), as follows:

- (g) **Certificate of on-site inspection.**

- (1) **Conformity with the certificate of approval and certificate of operation.** No certificate of on-site inspection, or an extension, renewal, or amendment to such certificate, will be granted for a crane or derrick which requires, but does not possess, a certificate of approval or certificate of operation, or which is not in conformance with the certificate of approval or certificate of operation.
- (2) **Application for a certificate of on-site inspection.** To apply for a certificate of on-site inspection in accordance with Section 3319.6 of the New York City Building Code, an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, must file, on behalf of the equipment user, a crane or derrick notice application with the department.
- (i) **Crane or derrick notice plans.** The application must be accompanied by one or more plans, as applicable, showing the following information for each configuration for which crane or derrick notice application approval is sought:

- (A) **Ground and subsurface elements.** Elevations and sections detailing all pertinent ground and subsurface elements, with dimensions, slopes, estimated bearing values, loads imposed, and surcharges indicated, including, as applicable:
1. Soil;
 2. Streets, sidewalks, public plazas, and equivalent spaces;
 3. Foundations;
 4. Retaining walls;
 5. Excavations;
 6. Sheeting, shoring, and bracing;
 7. Vaults;
 8. Manholes;
 9. Subways, stations, and entrances;
 10. Tunnels; and
 11. For a tower crane:
 - 11.1. Utilities impacted by the tower crane foundation; and
 - 11.2. The water table level.

- (B) Site conditions.** Elevations and sections detailing all pertinent site conditions, with dimensions indicated, including, as applicable:
1. North arrow;
 2. Buildings and structures at the site and adjacent to the site, with projections, setbacks, and equipment and structures located on the roof or setback indicated;
 3. Temporary construction, such as platforms, runback structures, scaffolds, mast climbers, hoists, horizontal netting, cocoon systems, climbing formwork, sidewalk sheds, fences, and barricades;
 4. Pedestrian and traffic control to be provided as per the requirements of the Department of Transportation;
 5. Other cranes or derricks at the site, with swing radii indicated;
 6. Trees and other natural obstructions; and
 7. Above ground utilities and infrastructure, including but not limited to, street lights, traffic lights, bollards, bus shelters, street furniture, traffic signs, hydrants, electrical lines with voltage values indicated, phone lines, bridges, viaducts, subway exits, elevated subways and railroads, elevated transit platforms, and towers.
- (C) Location and configuration.** Elevations and sections detailing the location and configuration of the crane or derrick at the site, in both plan view and elevation view, with dimensions indicated, including, as applicable:
1. The proposed location of the crane or derrick, including areas where the crane or derrick will be assembled, disassembled, operate, or travel;
 2. The configuration of the crane or derrick;
 3. Outrigger location and configuration;
 4. The swing radius of the tail or counterweights;
 5. The maximum and minimum swing radius and load path of the boom and load;
 6. Minimum clearances for the boom/jibs/ attachments and counterweights. If necessary, operation restrictions necessary to prevent contact must be clearly shown; and
 7. Pick and landing zones.
- (D) Footing, foundation, tie-ins, and supporting elements.** Elevations and sections detailing the footing or founding of the crane or derrick and any foundations, tie-ins, or other structures supporting the crane or derrick, with dimensions, materials, bearing values, loads imposed, reactions, and concrete strengths to be obtained prior to installation indicated, including, as applicable:
1. For a crane:
 - 1.1. Matting, dunnage, or equivalent;
 - 1.2. Ramps;
 - 1.3. Platforms, and all connections between the platform and the base building or structure;
 - 1.4. Foundations and all connections between the foundation, the base building or structure, and the crane; and
 - 1.5. Tie-in connections, including but not limited to the tie-in, base building or structure, collar, pin, inner bracings or similar reinforcement, and any rope or structure supporting the tie-in collar to the tower leg.
 2. For a derrick, platforms or dunnage, and all connections between the platforms or dunnage, the base building or structure, and the derrick.
- (E) Bolted connections.** For a bolted connection utilized in a platform or dunnage that supports a crane or derrick, or utilized in the footing, foundation, tie-ins, or supporting elements of a derrick or a tower crane, details of such bolted connection, including elevations and sections, with dimensions indicated, including, as applicable:
1. Bolts;
 2. Bolt hole sizes;
 3. Bolt grades and specifications;
 4. Bolt torque values;
 5. Re-torquing schedule and procedures;
 6. Plates;
 7. Rods, with pre-tensioning information;
 8. Dowels;
 9. Clamping forces; and
 10. Grout or steel bushings.
- (F) Anchors.** Elevations and sections detailing anchored connections to a structure, with dimensions indicated, including, as applicable:
1. Type of anchor;
 2. Anchor size;
 3. Anchor hole size;
 4. Epoxy or grout specifications;
 5. Installation instructions; and
 6. Pull out testing criteria.
- (G) Welded connections.** For a welded connection utilized in a platform or dunnage that supports a crane or derrick, or utilized in the footing, foundation, tie-ins, or supporting elements of a derrick or a tower crane, details of such welded connection, including elevations and sections, with dimensions indicated, including, as applicable:
1. Material information;
 2. Welding specifications; and
 3. Welding procedures.
- (H) Structural steel.** Where the plans call for the use of structural steel, for example in the foundation, platform, dunnage, or tie-in connections, and such structural steel is not provided by the manufacturer of the crane or derrick, or an entity authorized by the manufacturer, the shape, size, and grade of the steel must be specified on the plans.
- (I) Counterweights.** Where a crane utilizes removable counterweights, or where a derrick requires counterweights, the required weight, dimensions, and acceptable materials for the counterweights must be specified on the plans. Such information must be based on the requirements of the manufacturer of the crane or derrick.
- (J) Aviation hazards.** Aircraft warning lights and markings must be indicated on the plans when such lights and markings are required by the Federal Aviation Administration.
- (K) Electrical information.** For a tower crane,
3. For any crane or derrick:
 - 3.1. Bracing;
 - 3.2. Roofs, setbacks, or equivalent upon which the crane or derrick is located;
 - 3.3. Modifications required to the base building or structure, other structural elements, or to adjacent retaining walls, excavations, or foundations; and
 - 3.4. Level or plumb tolerances, which may not exceed the recommendations of the crane or derrick manufacturer.

other than a self-erecting tower crane, the crane's electrical requirements must be indicated on the plans, including voltage, amperage, phasing, grounding, and any other electrical information specific to the tower crane.

- (L) **Special inspections.** All materials, equipment, installation, fabrication, erection, or placement of components and connections, as well as construction operations subject to special inspection in accordance with paragraph (6) of subdivision (k) of this section must be identified on the plans.
- (M) **Range of tolerances.** Where a plus or minus range of tolerances is considered to be acceptable by the crane or derrick notice engineer, specific values indicating the numerical range of tolerance must be indicated.
- (ii) **Assembly/disassembly plan.** For a crane or derrick that requires components to be assembled or disassembled at the site, the application must include an assembly/disassembly plan.
- (A) **Content.** The assembly/disassembly plan must include the following information:
1. All information listed in subparagraph (i) of paragraph (2) of this subdivision for a crane or derrick notice plan that is relevant to the assembly/disassembly operation, including but not limited to:
 - 1.1. Location where the crane or derrick will be assembled/disassembled, including any areas of travel;
 - 1.2. Pertinent ground, subsurface, and site conditions, including but not limited to pedestrian and traffic control to be provided as per the requirements of the Department of Transportation; and
 - 1.3. The configuration of the crane or derrick at the start and completion of the assembly/disassembly operation, and at all phases throughout the work.
 2. Procedures, including sequencing, for the assembly/disassembly operation, including but not limited to counterweight placement or removal;
 3. Weight, dimensions, and center of gravity for components that will be hoisted or lowered during the assembly/disassembly operation;
 4. Location and configuration of assist cranes or derricks;
 5. The maximum wind threshold at which assembly/disassembly operations may occur; and
 6. For the erection, climbing, jumping, or dismantling of a tower crane, information required by Section 3319.8.1 of the New York City Building Code.
- (B) **Self-contained document.** The assembly/disassembly plan must be a complete, self-contained document.
- (C) **Maximum assembly/disassembly wind threshold.** The maximum assembly/disassembly wind threshold listed in the assembly/disassembly plan cannot exceed 30mph (3-second gust). This threshold must take into account the wind action plans for each assist crane or derrick, and where such a threshold is lower than that for the assembly/disassembly operation generally, this lower threshold must be listed as the threshold for the assembly/disassembly operation.
- (D) **Specific to configurations.** The assembly/disassembly plan must include all applicable information for each configuration for which crane or derrick notice application approval is sought. Where multiple configurations are included, the assembly/disassembly plan must

clearly identify the applicable procedures for each configuration.

- (E) **Able to be fully implemented based upon site conditions.** The assembly/disassembly plan must account for all site conditions and be able to be fully implemented based upon site conditions. Where the manufacturer's specifications can be fully implemented at the site, the plan must incorporate this information. Where site conditions prevent full implementation of the manufacturer's specifications, the engineer must contact the manufacturer and develop alternate procedures, as appropriate, and incorporate them into the assembly/disassembly plan.
- (iii) **Pre-operational test procedures, including load test.** For a tower crane and a derrick, the application must be accompanied by procedures for the pre-operational test. The pick zones for the load test portion of the pre-operational test must also be indicated. For a tower crane, the application must also be accompanied by procedures for the setting of pre-limiting and limiting devices. The procedures required by this sub paragraph must be in accordance with the manufacturer's specifications and the following, and in no case may the weight utilized during the load test exceed the manufacturer's specifications:
- (A) For a tower crane, other than a self-erecting tower crane, ASME B30.3 (2016 edition) Section 3-1.7.
 - (B) For a self-erecting tower crane, ASME B30.29 (2012 edition) Section 29-1.1.3.
 - (C) For a derrick, ASME B30.6 (2015 edition) Sections 6-2.2.1 and 6-2.2.2.
- (iv) **Loads imposed.** Where the crane or derrick imparts a load on a building or structure, the application must be accompanied by either:
- (A) **Crane or derrick notice plans that:**
1. Are sealed and stamped "reviewed for loads imposed" by the registered design professional of record for the project; and
 2. Contain a note, signed and sealed by the registered design professional of record for the project, indicating that all permanent modifications or supporting elements required to be added to the base building or structure, including but not limited to rebar, have been incorporated into the plans and/or shop drawings for the base building or structure;
- (B) **A signed and sealed letter from the registered design professional of record for the project that includes the following:**
1. A statement that he or she has reviewed the submitted crane or derrick notice plans for the loads imposed on the building or structure;
 2. The drawing numbers and dates of the crane or derrick notice plans indicating the bracing and modifications required for the building or structure to support the loads imposed;
 3. A statement attesting to the adequacy of the building or structure to support the loads imposed; and
 4. A statement that all permanent modifications or supporting elements required to be added to the base building or structure, including but not limited to rebar, have been incorporated into the plans and/or shop drawings for the base building or structure; or
- (C) **For a project for which there is no registered design professional of record for the project, a signed and sealed letter from the crane or derrick notice engineer that includes the following:**
1. A statement that he or she has investigated the design of the building or structure;

2. The drawing numbers and dates of the crane or derrick notice plans indicating the bracing and modifications required for the building or structure to support the loads imposed;
 3. A statement attesting to the adequacy of the building or structure to support the loads imposed; and
 4. A statement that he or she will verify that such bracing and modifications have been completed in accordance with the approved crane or derrick notice plans before loads are imposed by the crane or derrick.
- (v) **Wind action plan.** The application must be accompanied by a wind action plan.
- (A) **Content.** The wind action plan must include the following information:
1. Load reductions, if any, due to wind;
 2. The maximum in-service wind threshold;
 3. Wind thresholds, configurations, and procedures, including angles and sequencing, for parking and securing the crane in each applicable out-of-service position (e.g. retracted, parked, jackknifed, laid down, and/or other special protective measures for wind); and
 4. The communication protocol for safeguarding the crane or derrick in the event of changes of forecasts over weekends or longer stoppage periods.
- (B) **Self-contained document.** The wind action plan must be a complete, self-contained document.
- (C) **Maximum in-service threshold.** The maximum in-service wind threshold listed in the wind action plan cannot exceed 30 mph (3-second gust) or the threshold specified by the manufacturer, whichever is lower.
- Exceptions:** The 30 mph (3-second gust) criterion does not apply to:
1. A mobile crane where the crane is set up and operated entirely within a safety zone, provided:
 - 1.1 The distance from the crane to the boundary of the safety zone is equal to or greater than the length of the boom, jib, and any other attachments; and
 - 1.2 All areas and structures within the safety zone are closed to the public.
 2. A tower crane, where the crane is set up and operated entirely within a safety zone, provided:
 - 2.1 The distance from the crane to the boundary of the safety zone is equal to or greater than the height of the mast and the length of the boom, jib, and any other attachments; and
 - 2.2 All areas and structures within the safety zone are closed to the public.
- (D) **Specific to configurations.** The wind action plan must include all applicable thresholds and procedures for each configuration for which crane or derrick notice application approval is sought. Where multiple configurations are included, the wind action plan must clearly identify the applicable thresholds and procedures for each configuration.
- (E) **Able to be fully implemented based upon site conditions.** The wind action plan must account for all site conditions and be able to be fully implemented based upon site conditions. Where the manufacturer's specifications can be fully implemented at the site, the plan must incorporate this information. Where site conditions prevent full implementation of the manufacturer's specifications (e.g. site conditions make it impossible to point the boom into the wind), the engineer must contact the manufacturer and develop alternate procedures and/or thresholds, as appropriate, and incorporate them into the wind action plan.
- (F) **Emergency action plan.** Where load reductions are utilized in accordance with Section 1618 of the Building Code, the emergency action plan required by Section 1618.3 of the Building Code must also be included in the wind action plan.
- (vi) **Certifications.** The application must be accompanied by the following certifications:
- (A) **Investigation of conditions.** Certification from the crane or derrick notice engineer that he or she has investigated the ground, subsurface, and site conditions, and has accounted for them in the submitted plans and procedures.
- (B) **Loads.** Certification from the crane or derrick notice engineer that:
1. The loads, surcharges, and values indicated in the crane or derrick notice application account for all conditions of loading, including wind.
 2. The crane or derrick, including any footing, foundation, tie-in, or supporting element, in all proposed conditions of loading, including assembly/disassembly or traveling, will not exceed the bearing capacity of the ground or subsurface elements, or any footing, foundation, tie-in, or supporting element.
 3. The crane or derrick, including any footing, foundation, tie-in, or supporting element, when secured and stowed in accordance with the submitted procedures will be able to sustain, without failure, the specified wind loads.
- (C) **Clearances.** Certification from the crane or derrick notice engineer that the crane or derrick, in all proposed configurations, including assembly/disassembly or traveling, will clear all site obstructions.
- (vii) **Calculations.** The application must be accompanied by the following calculations from the crane or derrick notice engineer, verifying:
- (A) The stability of the crane if outriggers must be set at asymmetrical positions.
- Exception:** Calculations are not required if an analysis, conducted by a computer program authorized by the crane manufacturer, verifies the stability of the crane.
- (B) Indicated loads imposed and surcharges.
- (C) Indicated reaction forces.
- (D) Any other supporting calculations upon request.
- (viii) **Power lines.** When operating near overhead power lines, including during assembly/disassembly or traveling, the crane or derrick notice plan or the assembly/disassembly plan, as applicable, must indicate compliance with the applicable provisions of paragraph (3) of subdivision (s) of this section, and, where applicable, the application must be accompanied by the determination and procedures required by paragraph (3) of subdivision (s) of this section.
- (3) **Approval of the crane or derrick notice application.** The crane or derrick notice application will be approved in accordance with the provisions of Article 104 of Chapter 1 of Title 28 of the Administrative Code.
- (i) **Transit authority approval.** For a crane or derrick that requires approval of the New York City Transit Authority, no crane or derrick notice application will be approved by the department until a copy of the approval from the Transit Authority has been filed with the department.
- (ii) **Site specific wind analysis for tower cranes.** For a tower crane, other than a self-erecting tower crane, no crane or derrick notice application will be approved by the department until the information required by subparagraph (iv) of paragraph (5) of subdivision (d)

of this section has been submitted to the department.

- (4) **Phased filings.** Information required to be filed with the crane or derrick notice application per paragraph (2) of subdivision (g) of this section may be filed in phases, and approval of the crane or derrick notice application per paragraph (3) of subdivision (g) of this section may be granted in phases, provided all information filed for the phase is complete and covers all aspects of the crane or derrick in such phase.
- (5) **Amendments.** See Article 104 of Title 28 of the Administrative Code.
- (6) **Prohibition on arrival at the site.** No crane or derrick that requires a certificate of on-site inspection may be present at a site until the department has approved the crane or derrick notice application.

Exceptions:

1. **Tower crane foundation.** Where a tower crane foundation needs to be constructed, the foundation may be installed prior to the approval of a crane or derrick notice application, provided:
 - 1.1 Plans for the tower crane foundation, signed and sealed by the crane or derrick notice engineer, are filed with and accepted by the department prior to the installation of the tower crane foundation. Such plans do not need to reference a specific crane or crane configuration, however, the plans must indicate the dimensions, materials, and bearing value of the foundation, along with anticipated loads imposed and reaction forces of the tower crane on the foundation;
 - 1.2 Special inspection reports for the installed foundation are filed with the department prior to the approval of the crane or derrick notice application; and
 - 1.3 The foundation, as installed, and any subsequent modifications required to account for the specific tower crane to be utilized, is indicated on the crane or derrick notice plans.
2. **Tower crane anchor stool and first mast section.** The anchor stool and first mast section of a tower crane, other than a self-erecting tower crane, may be installed prior to the approval of a crane or derrick notice application and the crane or derrick device application, provided:
 - 2.1 The anchor stool and first mast section are indicated on the plans filed and accepted under exception 1.1 above;
 - 2.2 An inspection report for the anchor stool and first mast section is accepted by the department prior to their installation;
 - 2.3 A survey report, attesting that the anchor stool and first mast section, as installed, is plumb, is submitted as part of the crane or derrick notice application. Such survey report must be based upon a survey performed by a surveyor who meets the definition of a qualified person, and must be signed and dated as accepted by the licensed rigger who supervised the installation of the anchor stool and first mast section;
 - 2.4 Where a special inspection is required by paragraph (6) of subdivision (k) of this section, the special inspection reports for the foundation are submitted as part of the crane or derrick notice application;
 - 2.5 Where the anchor stool is not provided by the manufacturer of the crane, the crane or derrick notice

engineer notes, on the crane or derrick notice plans, his or her acceptance of the anchor stool; and

- 2.6 The anchor stool and first mast section, as installed, and any subsequent modifications required to account for the specific tower crane to be utilized, is indicated on the crane or derrick notice plans.
- (7) **Issuance, renewal, and continued validity of the certificate of on-site inspection.**
- (i) **Issuance of the certificate of on-site inspection.** Prior to the initial use at the site of a crane or derrick that requires a certificate of on-site inspection, the crane or derrick must be inspected and tested as required by subparagraphs (i) and (ii) of paragraph (8) below. Upon successful passage of such inspections and tests, and submittal of the inspection report in accordance with subparagraph (iv) of paragraph (8) below, a certificate of on-site inspection is deemed to be issued.
 - (ii) **Continued validity of the certificate of on-site inspection for a phase.** Where a crane or derrick project includes multiple phases, the continued validity of the certificate of on-site inspection is contingent upon the crane or derrick passing the inspection and tests required by subparagraphs (i) and (ii) of paragraph (8) below for each phase. Upon successful passage of such inspections and tests, and submittal of the inspection report in accordance with subparagraph (iv) of paragraph (8) below, the certificate of on-site inspection is deemed to cover such phase.

Exception: A phase does not include the relocation of a mobile crane to another location at the site, provided such relocation is indicated on the approved crane or derrick notice plans, and provided such relocation does not require the crane to be assembled or disassembled.
 - (iii) **Renewal of the certificate of on-site inspection after one year.** Where the crane or derrick remains at the site for a period of one (1) year or longer, the continued validity of the certificate of on-site inspection is contingent upon the crane or derrick passing the inspections and tests required by subparagraph (iii) of paragraph (8) below, and submittal of the inspection report in accordance with subparagraph (iv) of paragraph (8) below, at least eleven (11) months but no more than one (1) year following the last inspection performed in accordance with subparagraphs (i) or (ii) above or this subparagraph.
- (8) **Inspections and tests for a certificate of on-site inspection.**
- (i) **Inspections and tests required for the issuance of the certificate of on-site inspection and the continued validity of the certificate of on-site inspection for a phase.** When required by subparagraphs (i) or (ii) of paragraph (7) of subdivision (g) of this section, the following inspections and tests must be performed.
 - (A) **Engineer's inspection.** Prior to and following the setup, assembly, erection, jumping, or climbing of a crane or derrick, the crane or derrick notice engineer, or a qualified person employed and supervised by such engineer, must perform an inspection and verify compliance with the approved crane or derrick notice plans, including but not limited to:
 1. Ground, subsurface, and site conditions match the approved crane or derrick notice plans;
 2. Loads imposed conditions match those as indicated on the approved crane or derrick notice plans;
 3. Modifications, including bracing, required for the base building or structure, other structural elements, or to adjacent retaining walls, excavations, or foundations have been completed and are in accordance with the approved crane or derrick notice plans;

4. Concrete elements that will sustain crane or derrick loads, for example, foundations or tie-in floors, have obtained sufficient strength in accordance with the approved crane or derrick notice plans; and
5. The footing, foundation, and supporting elements of the crane or derrick, including but not limited to, ramps, platforms, matting, dunnage, or installed tie-in connections are free from damage or deformation, free from debris and standing water, and are in accordance with the approved crane or derrick notice plans. This inspection may be accomplished by visual observation. Where bolts, anchors, welds, or steel for such items are detailed on such approved plans, this includes verification that such elements are in accordance with the approved plans.

Exceptions:

1. The engineer's inspection is not required prior to the installation of a tower crane foundation, anchor stool, or first mast section installed in accordance with the provisions of the exceptions to paragraph (6) of subdivision (g) of this section.
2. The engineer's inspection does not have to include items required inspected by another entity, as indicated in the clauses below.

(B) Inspection of bolts, pins, links, and straps.

1. **Tower cranes.** Where a tower crane was erected, climbed, or jumped, the licensed rigger responsible for supervising such operation must perform an inspection prior to and following such operation and verify that all bolts and pins installed on the tower crane during the course of erection, jumping, or climbing, including during previous such sessions, as well as all tie-in collars, inner bracings or similar reinforcement for the tie-in connection, and ropes or structures supporting the tie-in collar to the tower leg:
 - 1.1 Are in place;
 - 1.2 Are free from damage or deformation. This inspection may be accomplished by visual observation; and
 - 1.3 Meet the requirements and tolerances of the manufacturer and, where applicable, the approved crane or derrick notice plans.

Exception: Bolts and pins located beyond the connection point of the tie-in connection to the collar, or below the first mast section. Such bolts and pins must instead be inspected as part of the engineer's inspection per clause (A) above.

2. **Self-erecting tower cranes.** Following the setup of a self-erecting tower crane, including any subsequent setup operations at the site, a qualified person designated by the equipment user must verify that the pins and interlocks have been placed and set in accordance with the manufacturer specifications.

Exception: Where the self-erecting tower crane was set up by or under the direct and continuing supervision of a licensed master or tower crane rigger, such licensed rigger must perform the inspection.

3. **All other cranes and derricks.** Prior to and following the assembly of a crane or derrick, the assembly/disassembly director must perform an inspection and verify that all bolts, pins, links, and straps installed on the crane or derrick during the setup or assembly, including during previous such sessions:

- 2.1 Are in place (or, if applicable, removed, e.g. from areas if luffing jib is not to be utilized);
- 2.2 Are free from damage or deformation. This inspection may be accomplished by visual observation; and
- 2.3 Meet the requirements and tolerances of the manufacturer and, where applicable, the approved crane or derrick notice plans.

Exceptions:

1. Tower cranes and self-erecting tower cranes are subject to the applicable provisions of items numbers 1 or 2 above.
2. For a derrick, bolts, pins, links, and straps located at or beyond the connection point to the base building or structure. Such bolts and pins must instead be inspected as part of the engineer's inspection per clause (A) above.

(C) Surveyor's inspection for a tower crane.

Following the erection, jumping, or climbing of a tower crane, other than a self-erecting tower crane, a surveyor who meets the definition of a qualified person and who is acceptable to the licensed rigger responsible for climbing or jumping the tower crane must survey the tower crane and verify it is plumb within tolerances specified on the approved crane or derrick notice plans.

(D) Pre-operational test, including load test.

Following the initial setup, assembly, or erection of a tower crane or a derrick, and following any subsequent setup, assembly, erection, jumping, or climbing that would necessitate a pre-operational test, the crane or derrick must pass a pre-operational test in accordance with the approved pre-operational test procedures submitted with the crane or derrick notice application. The pre-operational test must be witnessed by, and verification that the crane or derrick has passed the test made by either:

1. The crane or derrick notice engineer;
2. A qualified person employed and supervised by such engineer;
3. A qualified person employed by the equipment owner;
4. A qualified person employed by the crane or derrick manufacturer or a manufacturer authorized service center, distributor, or service provider; or
5. For a derrick, a licensed master rigger, or a master rigging foreman.

(E) Special inspections. Special inspections must be completed in accordance with paragraph (6) of subdivision (k) of this section. Prior to and following the setup, assembly, erection, jumping, or climbing of a crane or derrick, the crane or derrick notice engineer, or a qualified person employed and supervised by such engineer, must verify required special inspections have been successfully completed.

(F) Unassembled inspection. Prior to an assembly/disassembly operation, the assembly/disassembly director must perform an unassembled inspection to verify that:

1. The components to be installed match those listed on the Certificate of Operation; and
2. Structural components to be installed are free from damage or deformation. This inspection may be accomplished by visual observation.

(G) Assembled inspection. Following an assembly/disassembly operation, the assembly/disassembly director must perform an assembled inspection to verify that:

1. Mechanical, hydraulic, and electrical

- components of the crane or derrick (e.g. rope reeving system, electrical and hydraulic connections) are properly assembled and connected; and
2. Structural components, except for those inspected as part of the engineer's inspection per clause (A) above, are free from damage or deformation. This inspection may be accomplished by visual observation.
- (ii) **Inspection of tie-in connection to the base building or structure.** When required by subparagraphs (i) or (ii) of paragraph (7) of subdivision (g) of this section, the crane or derrick notice engineer, or a qualified person employed and supervised by such engineer, must observe the tie-in installation during the installation of a tie-in connection for a tower crane and verify that the tie-in is connected to the base building or structure in accordance with the approved crane or derrick notice plans. This includes, but is not limited to, the location and size of bolt holes, the condition of the floor slab, the leveling of the tie-in, that bolts and threaded rods have been pre-tensioned, and that specified bolts and plates have been installed.
- (iii) **Inspections and tests required for annual renewal.** When required by subparagraph (iii) of paragraph (7) of subdivision (g) of this section, the following inspections and tests must be performed to renew the certificate of on-site inspection.
- (A) **Engineer's inspection.** The crane or derrick notice engineer, or a qualified person employed and supervised by such engineer, must perform an inspection and verify:
1. Continued compliance with the approved crane or derrick notice plans, except for those items required to be inspected by another entity, as indicated in the clauses below; and
 2. Where a temporary load reduction is utilized per Section 1618 of the New York City Building Code, that the installation complies with the requirements of the approved construction documents for the temporary installation and the action required plan required by Section 1618.3 of the New York City Building Code:
 - 2.1. Is still in effect;
 - 2.2. Has been revised to reflect current conditions of the installation; or
 - 2.3. Is no longer required, as the installation has been retrofitted to comply with the loads for new construction without any reduction.
- (B) **Inspection of bolts, pins, links, and straps.** Where the crane or derrick was assembled at the site, a qualified person designated by the equipment user must perform an inspection and verify the applicable items listed in clause (B) of subparagraph (i) of paragraph (8) of subdivision (g) of this section.
- Exception:** For a tower crane that was erected, climbed, or jumped by or under the direct and continuing supervision of a licensed master or tower crane rigger, the inspection must be performed by a licensed master or tower crane rigger, or a master rigging foreman.
- (C) **Surveyor's inspection for a tower crane.** For a tower crane, other than a self-erecting tower crane, a surveyor who meets the definition of a qualified person and who is acceptable to the licensed rigger responsible for inspecting the tower crane in accordance with clause (B) above must survey the tower crane and verify it is plumb within tolerances specified on the approved crane or derrick notice plans.
- (D) **Pre-operational test for a derrick, including load test.** A derrick must pass a pre-operational test in accordance with the approved pre-operational test procedures submitted with the crane or derrick notice application, or where the approved crane or derrick notice application did not include specifications for the test, in accordance ASME B30.6 (2015 edition) Sections 6-2.2.1 and 6-2.2.2, except that in no case may the weight of the load exceed 100% of the rated capacity of the derrick. The pre-operational test must be witnessed by, and verification that the crane or derrick has passed the test made by either:
1. The crane or derrick notice engineer;
 2. A qualified person employed and supervised by such engineer;
 3. A qualified person employed by the equipment owner;
 4. A qualified person employed by the crane or derrick manufacturer or a manufacturer authorized service center, distributor, or service provider; or
 5. A licensed master rigger or a master rigging foreman.
- (iv) **Certificate of on-site inspection report.** The results of the applicable inspections and tests required by subparagraphs (i) through (iii) above must be documented in a certificate of on-site inspection report.
- (A) **Content.** The report must, at a minimum:
1. Detail the results of the applicable inspections or tests required by subparagraphs (i) through (iii) above, and contain a certification of the results from the individual who performed the inspection; and
 2. If the crane or derrick initially failed an inspection or test, including but not limited to a deviation from the approved crane or derrick notice plans, before passing a subsequent inspection or test, this information must be detailed, along with a description of any adjustment, modification, maintenance, repair, or other corrective action taken, including amending the approved crane or derrick notice plans.
- (B) **Signing, dating, and sealing.** The certificate of on-site inspection report must be signed and dated by the individuals who performed the inspection or witnessed the test. Where such individual is required to be supervised or authorized by a professional engineer or a licensed rigger, such licensed individual must also sign and date such sections of the report, and for a professional engineer, affix his or her seal to such sections of the report.
- (C) **Submitting and maintaining reports.** After the crane or derrick successfully passes the inspections and tests required by subparagraphs (i) through (iii) above, the certificate of on-site inspection report must be submitted to the department.
- (v) **Reporting a failed inspection or test.** If the crane or derrick fails an inspection or test required by subparagraphs (i) through (iii) above, and the condition that led to the failure is not corrected by the end of the inspection or test, such condition must be reported to the department at the conclusion of the inspection or test.
- Exception:** Issues that pose an immediate hazard to the safety of the public or property must immediately be reported to the department.
- (9) **Deviation from approved plans.** Where deviations from the approved crane or derrick notice plans are identified, the crane or derrick may not operate until it is brought into compliance with the approved plans, or an amendment to the crane or derrick notice plans to reflect conditions at the site has been approved by the department.
- (10) **Suspension or revocation of a certificate of on-site inspection.** The department may suspend or revoke a certificate of on-site inspection in accordance with the provisions of Section 28-105.10 of the New York City Administrative Code.

- (11) **United States customary units.** All calculations and measurements submitted as part of a crane or derrick notice application, amendment, inspection or test report, or similar documentation, must be in United States customary units.
- (12) **Conformance with the building code.** All loads, material strengths, and calculations provided or utilized in connection with the crane or derrick notice application, or an amendment to such application, must be in accordance with the New York City Building Code.

Exception: Loads, material strengths, and calculations provided by the manufacturer of the crane or derrick.

§12. Subdivision (h) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is repealed and replaced with a new subdivision (h), as follows:

(h) Crane or derrick log. For a crane or derrick that requires a certificate of on-site inspection, the equipment user must maintain, for the duration of the job, a crane or derrick log. The log may be maintained in an electronic format acceptable to the commissioner. The log must, at a minimum, contain the following information:

- (1) Equipment user custody of the crane or derrick, as evidenced by an entry noting the corporate name of the equipment user and the date and time the equipment user takes or relinquishes custody over the crane or derrick. Such entry must be signed and dated by an authorized representative of the equipment user;
- (2) Records of inspections required by paragraphs (1) and (2) of subdivision (k) of this section. Such records must be signed and dated by the hoisting machine operator who performed the inspection;
- (3) The meeting log for the erection, climbing, jumping, or dismantling of a tower crane required by Section 3319.8.6 of the New York City Building Code;
- (4) The date and time of pre-shift meetings held in accordance with Section 3319-02(j) of these rules, along with the names, titles, and company affiliations of those who participated in the meeting; and
- (5) The assembly/disassembly director for the assembly/disassembly operation, as evidenced by an entry noting the name and contact information of the assembly/disassembly director. Such entry must be signed and dated by the assembly/disassembly director. If the assembly/disassembly director changes prior to the completion of the operation, this must be noted in the log, with the name and contact information of the new assembly/disassembly director entered, signed and dated by the new assembly/disassembly director.

§13. Subdivision (i) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is relettered and moved to subdivision (f) of this section, and a new subdivision (i) is added, as follows:

(i) Personnel.

- (1) **Operators.** Operators of cranes and derricks must be licensed in accordance with Article 405 of Title 28 of the Administrative Code.

Exceptions:

- 1. Operators exempted by Article 405 of Chapter 4 of Title 28 of the Administrative Code.
- 2. Operators exempted by Section 3319 of the New York City Building Code.
- 3. Learners in the presence of and under the direct supervision of a licensed operator.
- 4. Operators of cranes described in exceptions 3 and 4 of Section 3319.3 of the New York City Building Code, provided the crane is used in connection with the installation or maintenance of street lighting or public utility overhead power distribution systems.
- 5. Operators of a mobile crane that has a boom length of 135 feet (41.15 m) or less, and that is utilized at the site to exclusively to:
 - 5.1. Install, adjust, maintain, repair, or remove a sidewalk shed; or
 - 5.2. Install or dismantle the initial level of a single or dual cab hoist, provided:

- 5.2.1. Such installation or dismantling is limited to the hoist cars, counterweights, and initial mast sections needed for the car;
- 5.2.2. Car or motor components to be hoisted are equipped with lifting lugs; and
- 5.2.3. No object is hoisted more than 20 feet (6.1 m) above the bed of the delivery truck during such installation or dismantling operation.

- 6. **Operators of dedicated pile drivers.** provided that, beginning January 1, 2019, such operator possesses a valid certification for the operation of the pile driver issued by an organization acceptable to the commissioner and accredited by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI).

- (2) **Rigging supervisor.** Rigging work must be supervised in accordance with Section 3316.9.1 of the New York City Building Code, and where required, riggers must be licensed in accordance with Chapter 4 of Title 28 of the New York City Administrative Code.
- (3) **Rigging crew.** Members of the rigging crew, including signalpersons, must be trained or certified in accordance with Section 3316.9.2 of the New York City Building Code, or must work under the direct and continuing supervision of a licensed rigger.
- (4) **Lift director.** Where a lift director is designated, the lift director will possess the responsibility and authority as indicated in Section 3319-02 of these rules.
- (5) **Flagpersons and pedestrian traffic managers.** Flagpersons and pedestrian traffic managers must meet the requirements of the Department of Transportation.
- (6) **Assembly/disassembly director.** No crane or derrick that requires a certificate of on-site inspection may be assembled or disassembled unless an assembly/disassembly director provides continuous, onsite supervision of such assembly/disassembly operation, and ensures compliance with the approved assembly/disassembly plan, and as applicable, relevant rigging plans.
 - (i) **Designation and qualifications.** The assembly/disassembly director must be designated by the equipment user and must be a person who meets the criteria for both a competent person and a qualified person, or a competent person who is assisted by one or more qualified persons; where the assembly/disassembly operation is to be supervised by a licensed master or tower crane rigger or a master rigging foreman, such licensee or foreman must be designated as the assembly/disassembly director.
 - (ii) **Training and licensing.** Where the assembly/disassembly operation involves the hoisting or lowering of articles, the assembly/disassembly director must either be a licensed master or tower crane rigger, a master rigging foreman, be trained or certified as a rigging supervisor in accordance with Section 3316.9.2 of the New York City Building Code, or have completed the training requirements of Section 3319.10 of the New York City Building Code.

Exception: For the erection, jumping, climbing, or dismantling of a tower crane, the assembly/disassembly director must be the licensed master or tower crane rigger who is supervising the erection, jumping, climbing, or dismantling work; such licensed rigger must be trained in accordance with Section 3319.10 of the New York City Building Code.
 - (iii) **Review of the assembly/disassembly plan.** The assembly/disassembly director must review the approved assembly/disassembly plan, and as applicable, relevant rigging plans, immediately prior to the commencement of the assembly/disassembly operation. It is the responsibility of the equipment user to verify that the assembly/disassembly director has reviewed the materials, as required above.
- (7) **Assembly/disassembly crew.** Before beginning assembly/disassembly operations for a crane or derrick that requires a certificate of on-site inspection, the assembly/disassembly

director must ensure that all members of the assembly/disassembly crew, including signalpersons, understand their tasks and hazards associated with their tasks. Where the assembly/disassembly operation involves the hoisting or lowering of articles, the individuals who attach or detach articles from the hook of hoisting equipment utilized in conjunction with the assembly/disassembly operation, and signalpersons, must either be trained or certified as a rigging crew member in accordance with Section 3316.9.2 of the New York City Building Code, or have completed the training requirements of Section 3319.10 of the New York City Building Code.

Exception: Individuals who erect, jump, climb, or dismantle a tower crane must be trained in accordance with Section 3319.10 of the New York City Building Code.

- (8) **Specialty crews.** Notwithstanding the foregoing, specialty crews must comply with the requirements of Section 104-20 of these rules.

§14. Subdivision (j) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is renumbered as paragraph (3) of subdivision (p) of this section, and subdivision (j) is reserved.

§15. Subdivision (k) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is repealed and replaced with a new subdivision (k), as follows:

- (k) **Inspections.** Cranes and derricks must be inspected in accordance with the following.

- (1) **Frequent inspection.** Prior to each shift the hoisting machine operator must perform a frequent inspection.

- (i) **Inspection items.** The frequent inspection must include a check of the following:

(A) **Mobile cranes, other than an articulating boom crane, and dedicated pile drivers.**

For a mobile crane, other than an articulating boom crane, and for dedicated pile drivers:

1. Items (a)-(c), (e) and (g)-(j) of Section 5-2.1.2 of ASME B30.5 (2014 edition);
2. Safety devices and operational aids for malfunction;
3. Attachments for damage or deformation. This inspection may be accomplished by observation from the ground without lowering the boom unless deficiencies are suspected;
4. Ground conditions around the equipment for proper support, including ground settling under and around outriggers/stabilizers and supporting foundations, ground water accumulation, or similar conditions;
5. The equipment for level position within the tolerances specified in the approved crane or derrick notice plans, or, where plans are not required, by the equipment manufacturer's recommendations. This inspection must be performed both before each shift and after each move and setup;
6. Operator cab windows for significant cracks, breaks, or other deficiencies that would hamper the operator's view;
7. For a dedicated pile driver, pile driving rig for cracks, damage, deformation, or excessive wear;
8. For a friction crane, deterioration or leakage in air systems; and
9. For a friction crane, hoist brakes, clutches, and operating levers for proper functioning.

(B) **Tower cranes, other than a self-erecting tower crane.** For a tower crane, other than a self-erecting tower crane:

1. Items (a) – (h) and (j) – (l) of Section 3-2.1.3 of ASME B30.3 (2016 edition); and
2. Operator cab windows for significant cracks, breaks, or other deficiencies that would hamper the operator's view.

- (C) **Derricks.** For a derrick, items (a) – (e) and (g) – (i) of Section 6-2.1.2 of ASME B30.6 (2015 edition).

- (D) **Articulating boom cranes.** For an articulating boom crane:

1. Items (a) – (d) and (f) – (l) of Section 22-2.1.3 of ASME B30.22 (2016 edition); and
2. Items 3 through 6 in clause (A) above.

- (E) **Self-erecting tower cranes.** For a self-erecting tower crane:

1. Items 1-4, 6-7, and 9 of Section 29-2.1.3(b) of ASME B30.29 (2012 edition);
2. Items 3 through 6 in clause (A) above;
3. Structural members for damage or deformation. This inspection may be accomplished by observation from the ground without lowering the mast/boom unless deficiencies are suspected; and
4. Rope reeving for compliance with crane manufacturer's specifications.

- (ii) **Record of inspection.** Where the crane or derrick requires a certificate of on-site inspection, at the conclusion of the inspection, the hoisting machine operator must record the results of the inspection in the crane or derrick log required by subdivision (h) of this section. Any deficiencies must be clearly noted.

- (iii) **Defects.** Any defects revealed by the inspection must be corrected. Where such defects constitute a safety hazard, the crane or derrick cannot be operated until such defects are corrected.

- (2) **Parking/securing inspection.** The hoisting machine operator must perform a parking/securing inspection at the end of the shift, including the end of an assembly/disassembly operation where the crane or derrick will not immediately begin operation, and any other time the crane or derrick is taken out of service and parked or secured, including but not limited due to inclement weather.

Exceptions:

1. When the crane or derrick is removed from the site.
2. When the telescopic or articulating boom is fully retracted.
3. When the self-erecting tower crane has been fully broken down.

- (i) **Inspection items.** The inspection must verify that the crane or derrick is in a proper out of service configuration for occurring and forecasted winds and weather conditions, and its controls have been secured.

- (ii) **Record of inspection.** Where the crane or derrick requires a certificate of on-site inspection, at the conclusion of the inspection, the hoisting machine operator must record the following information in the crane or derrick log required by subdivision (h) of this section:

- (A) The out of service configuration in which the crane was left (e.g. boomed up with boom and jib angles specified, boom or boom/jib combination laid down, boom or boom/jib combination jackknifed, or other special protective measures implemented);
- (B) A reference to the approved wind action plan drawing, or, where such a plan is not required, the page of the manufacturer's manual that specifies the indicated out of service configuration; and
- (C) The maximum wind speed allowed for such configuration as indicated in the approved wind action plan, or, where such a plan is not required, the manufacturer's manual.

- (3) **Periodic inspection.** A periodic inspection of the crane or derrick must be performed at one to twelve month intervals, or as specifically recommended by the manufacturer, depending upon its activity, severity of service, and environment.

- (i) **Inspection items.** At a minimum, the periodic

inspection must include a check of all of the items listed for a frequent inspection by paragraph (1) above, and a check for the following:

- (A) Deformed, cracked or corroded members in the crane or derrick structure and boom.
- (B) Loose bolts or rivets.
- (C) Cracked or worn sheaves and drums.
- (D) Worn, cracked or distorted parts such as pins, bearings, shafts, gears, rollers and locking devices.
- (E) Excessive wear on brake and clutch system parts, linings, pawls and ratchets.
- (F) Load, boom angle and other indicators over their full range, for any significant inaccuracies.
- (G) Gasoline, diesel, electric or other power plants for improper performance or non-compliance with safety requirements.
- (H) Excessive wear of chain drive sprockets and excessive chain stretch.
- (I) Crane or derrick hooks. Magnetic particle or other suitable crack detecting inspection should be performed at least once each year by an approved inspection agency retained by the owner. Certified inspection reports are to be made available to the department upon request.
- (J) Travel steering, braking and locking devices, for malfunction.
- (K) Excessively worn or damaged tires.
- (L) Derrick gudgeon pin for cracks, wear and distortion each time the derrick is to be erected.
- (M) Foundation or supports must be inspected for continued ability to sustain the imposed loads.

(ii) **Defects.** Any defects revealed by inspection must be corrected. Where such defects constitute a safety hazard the crane or derrick must not be operated until such defects are corrected.

(4) **Cranes and derricks not in regular use.**

- (i) Where a crane or derrick has been idle for one month or more, but less than six months, the equipment owner must perform an inspection that meets the requirements of paragraph (1) of this subdivision and subparagraph (i) of paragraph (1) of subdivision (m) of this section (a "frequent inspection" for the crane or derrick and for the ropes) before submitting an application for a certificate of on-site inspection in accordance with Section 3319.6 of the New York City Building Code.
- (ii) Where a crane or derrick has been idle for six months or longer, the equipment owner must perform an inspection that meets the requirements of paragraph (3) of this subdivision and subparagraph (ii) of paragraph (1) of subdivision (m) of this section (a "periodic inspection" for the crane or derrick and for the ropes) before submitting an application for a certificate of on-site inspection in accordance with Section 3319.6 of the New York City Building Code.

(5) **Inspections for a certificate of on-site inspection.** See paragraph (8) of subdivision (g) of this section.

(6) **Special inspections.** Special inspections for cranes and derricks, as well as special inspectors and special inspection agencies must meet the requirements of Chapter 1 of Title 28 of the Administrative Code, Chapter 17 of the New York City Building Code, and any rules thereunder promulgated by the commissioner.

(i) **Special inspection required.** The following special inspections are required for cranes and derricks:

- (A) **Inspection of fabricated steel.** Fabricated steel, including welds made at the fabricators facility, must be in accordance with Section 1704.2 of the New York City Building Code.

Exceptions:

1. Steel fabricated by the manufacturer of the crane or derrick, or an entity authorized by the manufacturer.
2. Fabricated steel for which the shop drawings for the steel are signed, sealed,

and stamped as reviewed by the crane or derrick notice engineer, and such shop drawings are kept at the site and made available to the commissioner upon request.

(B) **Tower crane foundations.** Foundations for a tower crane are subject to the following types of special inspection, as applicable:

1. Steel welding of field welds;
2. Structural steel high strength bolts, except for those provided or authorized by the crane manufacturer;
3. Concrete construction;
4. Subsurface conditions; and
5. Deep foundations.

(C) **Modifications to the base building or structure, other structural elements, or to adjacent retaining walls, excavations, or foundations.** Modifications to the base building or structure, other structural elements, or to adjacent retaining walls, excavations, or foundations, including but not limited to reinforcing provided to sustain tie-in connection loads, are subject to the following types of special inspection, as applicable:

1. Steel welding of field welds;
2. Structural steel high strength bolts;
3. Concrete construction;
4. Subsurface conditions;
5. Deep foundations; and
6. Excavations.

(D) **Platforms, dunnage, or ramps.** Platforms, dunnage, or ramps that support a crane or derrick, and connections between such platform, dunnage, or ramp and the base building or structure are subject to the following types of special inspection, as applicable:

1. Steel welding of field welds;
2. Structural steel high strength bolts; and
3. Concrete construction.

(ii) **Concrete placement less than 50 cubic yards.** Concrete special inspections are required even if the total concrete placement on the given project is less than 50 cubic yards (38 m³).

(iii) **Permanent elements.** Special inspection of items listed in subparagraph (i) above and that will remain as permanent construction with the base building or structure, including but not limited to tower crane foundations and rebar embedded in floors, must be performed by the special inspector for the base building or structure.

(iv) **Providing copies of records to the crane or derrick notice engineer.** The special inspector must provide all documentation relating to the special inspection, including but not limited to documentation of the inspection results, to the crane or derrick notice engineer upon request by such engineer.

§16. Subdivision (p) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by renumbering subdivision (j) as paragraph (3) and adding it to subdivision (p), as follows:

- (j)(3) **Load rating chart for tower and climber cranes.** A substantial, durable and clearly legible rating chart [shall] must be provided with each tower and climber crane and securely affixed in the cab. The chart [shall] must include load ratings approved by the department for specific lengths of components, counterweights, swing, and radii.

§17. Subdivision (r) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is repealed and replaced with a new subdivision (r), as follows:

(r) **Signals.**

(1) **Requirements.** Signals must comply with the following:

- (i) **Mobile cranes, other than an articulating boom crane, and dedicated pile drivers.** For a mobile crane, other than an articulating boom crane, and for

dedicated pile drivers, ASME B30.5 (2014 edition) Section 5-3.3, except for Sections 5-3.3.3 and 5-3.3.7.

- (ii) **Tower cranes, other than a self-erecting tower crane.** For a tower crane, other than a self-erecting tower crane, ASME B30.3 (2016 edition) Section 3-3.3, except for Section 3-3.3.3;
- (iii) **Derricks.** For a derrick, ASME B30.6 (2015 edition) Section 6-3.4;
- (iv) **Articulating boom crane.** For an articulating boom crane, ASME B30.22 (2016 edition) Section 22-3.3, except for Section 22-3.3.3.
- (v) **Self-erecting tower crane.** For a self-erecting tower crane, ASME B30.29 (2012 edition) Section 29-3.2, except for Section 29-3.2.3.

(2) **Qualifications.** All signalpersons must complete the training or certification required by Section 3316.9.2 of the New York City Building Code, or, where working under the direct and continuing supervision of a licensed rigger or sign hanger, have been deemed by the licensee to be knowledgeable as to the operations to be undertaken and the signals to be utilized.

§18. Paragraph (1) of subdivision (s) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is repealed and replaced with a new paragraph (1), as follows:

(1) **Ballast or counterweight.** No crane may be assembled, operated, or disassembled without the amount and position of counterweight and/or ballast in place as specified by the approved crane or derrick notice plans, or the approved assembly/disassembly plan, or where such plans are not required, by the specifications of the crane or derrick manufacturer.

- (A) **Labeling or stenciling of removable counterweight modules.** Where counterweight modules can be removed, each counterweight module must be labeled or stenciled in a format acceptable to the commissioner to indicate the weight of the module. The label or stencil must be visible when the module is in its assembled state.
- (B) **Certified weight for removable counterweight modules.** A certified weight for each removable counterweight module must be provided to the department upon request. The certified weight must be determined by the manufacturer, an entity authorized by the manufacturer, or an entity acceptable to the commissioner.

Exception: Removable counterweight modules provided by the crane manufacturer, or a manufacturer authorized service center, distributor, or service provider.

(C) **Enclosing concrete counterweights.** Concrete counterweights must be enclosed to protect against damage and spalling.

§19. Paragraph (2) of subdivision (s) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is repealed and reserved.

§20. Paragraph (3) of subdivision (s) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is repealed and replaced with a new paragraph (3), as follows:

(3) **Operating near electric power lines.** Operations near overhead power lines, including during assembly or disassembly, must be in accordance with the following.

- (i) **Power line safety (up to 350 kV) – assembly and disassembly.**
 - (A) **Options.** Before assembling or disassembling equipment, the equipment user must determine if any part of the equipment, load line, or load (including rigging and lifting accessories) could get, in the direction or area of assembly/disassembly, closer than 20 feet (6.1 m) to a power line during the assembly/disassembly process. If so, the equipment user must meet the requirements in Option (1), Option (2), or Option (3), as follows:
 - 1. **Option (1) – Deenergize and ground.** Confirm from the utility owner/operator that the power line has been deenergized and visibly grounded at the site.

2. **Option (2) – 20 foot clearance.** Ensure that no part of the equipment, load line or load (including rigging and lifting accessories), gets closer than 20 feet (6.1 m) to the power line by implementing the measures specified in clause (B) below.

3. **Option (3) – Table A clearance.**

- 3.1 Determine the line's voltage and the minimum clearance distance permitted under Table A of this paragraph; and
- 3.2 Determine if any part of the equipment, load line, or load (including rigging and lifting accessories), could get closer than the minimum clearance distance to the power line permitted under Table A of this paragraph. If so, then the equipment user must follow the requirements in clause (B) below to ensure that no part of the equipment, load line, or load (including rigging and lifting accessories), gets closer to the line than the minimum clearance distance.

(B) **Preventing encroachment/electrocution.** Where encroachment precautions are required under Option (2), or Option (3) of this subparagraph, all of the following requirements must be met:

- 1. Conduct a planning meeting with the assembly/disassembly director, hoisting machine operator, assembly/disassembly crew and the other workers who will be in the assembly/disassembly area to review the location of the power line(s) and the steps that will be implemented to prevent encroachment/electrocution.
- 2. If tag lines are used, they must be nonconductive.
- 3. At least one of the following additional measures must be in place. The measure selected from this list must be effective in preventing encroachment. The additional measures are:
 - 3.1 Use a dedicated spotter who is in continuous contact with the equipment hoisting machine operator. The dedicated spotter must:
 - 3.1.1 Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include, but are not limited to: A clearly visible line painted on the ground; a clearly visible line of stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the dedicated spotter and a building corner ahead of the dedicated spotter);
 - 3.1.2 Be positioned to effectively gauge the clearance distance;
 - 3.1.3 Where necessary, use equipment that enables the dedicated spotter to communicate directly with the hoisting machine operator; and
 - 3.1.4 Give timely information to the hoisting machine operator so that the required clearance distance can be maintained.
 - 3.2 Reserved.
 - 3.3 A device that automatically warns the hoisting machine operator when to stop movement, such as a range

control warning device. Such a device must be set to give the hoisting machine operator sufficient warning to prevent encroachment.

- 3.4 A device that automatically limits range of movement, set to prevent encroachment.
- 3.5 An elevated warning line, barricade, or line of signs, in view of the hoisting machine operator, equipped with flags or similar high-visibility markings.

(C) **Assembly/disassembly below power lines prohibited.** No part of a crane or derrick, load line, or load (including rigging and lifting accessories), whether partially or fully assembled, is allowed below a power line unless the equipment user has confirmed that the utility owner/operator has deenergized and (at the site) visibly grounded the power line.

(D) **Assembly/disassembly inside Table A clearance prohibited.** No part of a crane or derrick, load line, or load (including rigging and lifting accessories), whether partially or fully assembled, is allowed closer than the minimum approach distance under Table A of this paragraph to a power line unless the equipment user has confirmed that the utility owner/operator has deenergized and (at the site) visibly grounded the power line.

(E) **Voltage information.** Where Option (3) of this subparagraph is used, the utility owner/operator of the power lines must provide the requested voltage information within two working days of the equipment user's request.

(F) **Power lines presumed energized.** The equipment user must assume that all power lines are energized unless the utility owner/operator confirms that the power line has been and continues to be deenergized and visibly grounded at the site.

(G) **Posting of electrocution warnings.** There must be at least one electrocution hazard warning conspicuously posted in the hoisting machine operator's cab or at the operator's station so that it is in view of the operator and (except for overhead gantry and tower cranes) at least two on the outside of the equipment.

(ii) **Power line safety (up to 350 kV) – equipment operations.**

(A) **Hazard assessments and precautions inside the work zone.** Before beginning equipment operations, the equipment user must:

- 1. Identify the work zone by either:
 - 1.1 Demarcating boundaries (such as with flags, or a device such as a range limit device or range control warning device) and prohibiting the hoisting machine operator from operating the equipment past those boundaries; or
 - 1.2 Defining the work zone as the area 360 degrees around the equipment, up to the equipment's maximum working radius.
- 2. Determine if any part of the equipment, load line or load (including rigging and lifting accessories), if operated up to the equipment's maximum working radius in the work zone, could get closer than 20 feet (6.1 m) to a power line. If so, the equipment user must meet the requirements in Option (1), Option (2), or Option (3), as follows:
 - 2.1 **Option (1) – Deenergize and ground.** Confirm from the utility owner/operator that the power line has been deenergized and visibly grounded at the site.
 - 2.2 **Option (2) – 20 foot clearance.**

Ensure that no part of the equipment, load line, or load (including rigging and lifting accessories), gets closer than 20 feet (6.1 m) to the power line by implementing the measures specified in clause (B) below.

2.3 **Option (3) – Table A clearance.**

- 2.3.1 Determine the line's voltage and the minimum approach distance permitted under Table A of this paragraph; and
- 2.3.2 Determine if any part of the equipment, load line or load (including rigging and lifting accessories), while operating up to the equipment's maximum working radius in the work zone, could get closer than the minimum approach distance of the power line permitted under Table A of this paragraph. If so, then the equipment user must follow the requirements in clause (B) below to ensure that no part of the equipment, load line, or load (including rigging and lifting accessories), gets closer to the line than the minimum approach distance.

(B) **Preventing encroachment/electrocution.** Where encroachment precautions are required under Option (2) or Option (3) of this subparagraph, all of the following requirements must be met:

- 1. Conduct a planning meeting with the hoisting machine operator and the other workers who will be in the area of the equipment or load to review the location of the power line(s), and the steps that will be implemented to prevent encroachment/electrocution.
- 2. If tag lines are used, they must be non-conductive.
- 3. Erect and maintain an elevated warning line, barricade, or line of signs, in view of the hoisting machine operator, equipped with flags or similar high-visibility markings, at 20 feet (6.1 m) from the power line (if using Option (2) of this subparagraph) or at the minimum approach distance under Table A of this paragraph (if using Option (3) of this subparagraph). If the hoisting machine operator is unable to see the elevated warning line, a dedicated spotter must be used as described in 4.2 below in addition to implementing one of the measures described in 4.3 or 4.4 below.
- 4. Implement at least one of the following measures:
 - 4.1 Reserved.
 - 4.2 A dedicated spotter who is in continuous contact with the hoisting machine operator. Where this measure is selected, the dedicated spotter must:
 - 4.2.1 Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include, but are not limited to: A clearly visible line painted on the ground; a clearly visible line of stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the dedicated spotter and a building corner

- ahead of the dedicated spotter);
- 4.2.2 Be positioned to effectively gauge the clearance distance;
 - 4.2.3 Where necessary, use equipment that enables the dedicated spotter to communicate directly with the hoisting machine operator; and
 - 4.2.4 Give timely information to the hoisting machine operator so that the required clearance distance can be maintained.
- 4.3 A device that automatically warns the hoisting machine operator when to stop movement, such as a range control warning device. Such a device must be set to give the hoisting machine operator sufficient warning to prevent encroachment.
- 4.4 A device that automatically limits range of movement, set to prevent encroachment.
- 4.5 Reserved.
- Exception:** The requirements of item number 4, above, do not apply to electric power transmission and distribution work.
- (C) **Voltage information.** Where Option (3) of this subparagraph is used, the utility owner/operator of the power lines must provide the requested voltage information within two working days of the equipment user's request.
- (D) **Operations below power lines.** No part of the equipment, load line, or load (including rigging and lifting accessories) is allowed below a power line unless the hoisting machine operator has confirmed that the utility owner/operator has deenergized and (at the site) visibly grounded the power line.
- Exceptions:**
- 1. Electric power transmission and distribution work.
 - 2. For equipment with non-extensible booms: The uppermost part of the equipment, with the boom at true vertical, would be more than 20 feet (6.1 m) below the plane of the power line or more than the Table A of this paragraph minimum clearance distance below the plane of the power line.
 - 3. For equipment with articulating or extensible booms: The uppermost part of the equipment, with the boom in the fully extended position, at true vertical, would be more than 20 feet (6.1 m) below the plane of the power line or more than the Table A of this paragraph minimum clearance distance below the plane of the power line.
 - 4. The equipment user determines that compliance is infeasible and meets the requirements of subparagraph (iv) of this paragraph; except that where the crane or derrick requires a certificate of on-site inspection, the determination must be made by an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical power transmission and distribution. Such determination must be filed with the crane or derrick notice application.
- (E) **Power lines presumed energized.** The equipment user must assume that all power lines are energized unless the utility owner/operator confirms that the power line has been and continues to be deenergized and visibly grounded at the site.

- (F) **Working near transmitter/communication towers.** When working near transmitter/communication towers where the equipment is close enough for an electrical charge to be induced in the equipment or materials being handled, the transmitter must be deenergized or the following precautions must be taken:
- 1. The equipment must be provided with an electrical ground; and
 - 2. If tag lines are used, they must be non-conductive.
- (G) **Reserved.**
- (H) **Manufacturer specifications.** Devices originally designed by the manufacturer for use as a safety device, operational aid, or a means to prevent power line contact or electrocution, when used to comply with this paragraph, must meet the manufacturer's procedures for use and conditions of use.

Table A – Minimum Clear Distances

Voltage (nominal, kV, alternating current)¹	Minimum clearance distance (feet)
up to 50	10
over 50 to 200	15
over 200 to 350	20
over 350 to 500	25
over 500 to 750	35
over 750 to 1,000	45
over 1,000	(as established by the utility owner/operator or an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical power transmission and distribution).

¹Note: The value that follows "to" is up to and includes that value. For example, over 50 to 200 means up to and including 200kV.

- (iii) **Power line safety (over 350 kV).** The requirements of subparagraphs (i) and (ii) of this paragraph apply to power lines over 350 kV.

Exceptions:

- 1. For power lines at or below 1000 kV, wherever the distance "20 feet (6.1 m)" is specified in subparagraphs (i) or (ii) above, the distance "50 feet" (15.24 m) must be substituted.
- 2. For power lines over 1000 kV, the minimum clearance distance must be established by the utility owner/operator or an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical power transmission and distribution.

- (iv) **Power line safety (all voltages) – equipment operations closer than the Table A zone.** Equipment operations in which any part of the equipment, load line, or load (including rigging and lifting accessories) is closer than the minimum approach distance under Table A of this paragraph to an energized power line is prohibited, except where the equipment user demonstrates that all of the following requirements are met:

- (A) The equipment user determines that it is infeasible to do the work without breaching the minimum approach distance under Table A of this paragraph.

Exception: Where the crane or derrick requires a certificate of on-site inspection, the determination must be made by an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical power transmission and distribution. Such determination must be filed with the crane or

derrick notice application.

- (B) The equipment user determines that, after consultation with the utility owner/operator, it is infeasible to deenergize and ground the power line or relocate the power line.
Exception: Where the crane or derrick requires a certificate of on-site inspection, the determination must be made by an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical power transmission and distribution. Such determination must be filed with the crane or derrick notice application.
- (C) The power line owner/operator or an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical power transmission and distribution, determines the minimum clearance distance that must be maintained to prevent electrical contact in light of the on-site conditions. The factors that must be considered in making this determination include, but are not limited to: Conditions affecting atmospheric conductivity; time necessary to bring the equipment, load line, and load (including rigging and lifting accessories) to a complete stop; wind conditions; degree of sway in the power line; lighting conditions, and other conditions affecting the ability to prevent electrical contact.
Exception: Electric power transmission and distribution work.
- (D) A planning meeting with the equipment user and utility owner/operator (or an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical power transmission and distribution) is held to determine the procedures that will be followed to prevent electrical contact and electrocution; except that where the crane or derrick requires a certificate of on-site inspection, such procedures must be developed by an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical power transmission and distribution. Where a crane or derrick requires a certificate of on-site inspection, such procedures must be filed with the crane or derrick notice application. At a minimum these procedures must specify the following:
1. If the power line is equipped with a device that automatically reenergizes the circuit in the event of a power line contact, before the work begins, the automatic reclosing feature of the circuit interrupting device must be made inoperative if the design of the device permits.
 2. A dedicated spotter who is in continuous contact with the hoisting machine operator. The dedicated spotter must:
 - 2.1 Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include, but are not limited to: A line painted on the ground; a clearly visible line of stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the dedicated spotter and a building corner ahead of the dedicated spotter);
 - 2.2 Be positioned to effectively gauge the clearance distance;
 - 2.3 Where necessary, use equipment that enables the dedicated spotter to communicate directly with the hoisting machine operator; and

- 2.4 Give timely information to the hoisting machine operator so that the required clearance distance can be maintained.
 3. An elevated warning line, or barricade (not attached to the crane), in view of the hoisting machine operator (either directly or through video equipment), equipped with flags or similar high-visibility markings, to prevent electrical contact. However, this provision does not apply to electric power transmission and distribution work.
 4. An insulating link/device installed at a point between the end of the load line (or below) and the load; except that an insulating link/device is not required for electric power transmission and distribution work.
 5. Nonconductive rigging if the rigging may be within the Table A of this paragraph distance during the operation.
 6. If the equipment is equipped with a device that automatically limits range of movement, it must be used and set to prevent any part of the equipment, load line, or load (including rigging and lifting accessories) from breaching the minimum approach distance established under clause (C) above.
 7. If a tag line is used, it must be of the nonconductive type.
 8. Barricades forming a perimeter at least 10 feet (3.05 m) away from the equipment to prevent unauthorized personnel from entering the work area. In areas where obstacles prevent the barricade from being at least 10 feet (3.05 m) away, the barricade must be as far from the equipment as feasible.
 9. Workers other than the hoisting machine operator must be prohibited from touching the load line above the insulating link/device and crane. Hoisting machine operators remotely operating the equipment from the ground must use either wireless controls that isolate the hoisting machine operator from the equipment or insulating mats that insulate the hoisting machine operator from the ground.
 10. Only personnel essential to the operation are permitted to be in the area of the crane and load.
 11. The equipment must be properly grounded.
 12. Insulating line hose or cover-up must be installed by the utility owner/operator except where such devices are unavailable for the line voltages involved.
- (E) The procedures developed to comply with clause (D) above are documented and immediately available on-site.
- (F) The equipment user and utility owner/operator (or an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical power transmission and distribution) meet with the hoisting machine operator and the other workers who will be in the area of the equipment or load to review the procedures that will be implemented to prevent breaching the minimum approach distance established in clause (C) above and prevent electrocution.
- (G) The procedures developed to comply with clause (D) above are implemented.
- (H) The utility owner/operator (or an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical

power transmission and distribution) and all employers of employees involved in the work must identify one person who will direct the implementation of the procedures. The person identified in accordance with this clause must direct the implementation of the procedures and must have the authority to stop work at any time to ensure safety.

- (I) **Reserved.**
- (J) If a problem occurs implementing the procedures being used to comply with clause (D) above, or indicating that those procedures are inadequate to prevent electrocution, the equipment user must safely stop operations and either develop new procedures to comply with clause (D) above or have the utility owner/operator deenergize and visibly ground or relocate the power line before resuming work.
- (K) Devices originally designed by the manufacturer for use as a safety device, operational aid, or a means to prevent power line contact or electrocution, when used to comply with this paragraph, must comply with the manufacturer's procedures for use and conditions of use.
- (L) **Reserved.**
- (M) **Reserved.**
- (v) **Power line safety – while traveling under or near power lines.**
 - (A) **Traveling with a load.** When traveling under or near a powerline with a load, the traveling operation must comply with the applicable requirements of subparagraphs (ii), (iii), or (iv) of this paragraph. In addition the requirements of subparagraph (xii) of paragraph (3) of subdivision (q) of this section also apply.
 - (B) **Traveling without a load.** When traveling under or near a powerline without a load, the equipment user must ensure that:
 1. The boom/mast and boom/mast support system are lowered sufficiently to meet the requirements of this subparagraph.
 2. The clearances specified in Table T of this paragraph are maintained.
 3. The effects of speed and terrain on equipment movement (including movement of the boom/mast) are considered so that those effects do not cause the minimum clearance distances specified in Table T of this paragraph to be breached.
 4. If any part of the equipment while traveling will get closer than 20 feet (6.1 m) to the power line, the equipment user must ensure that a dedicated spotter who is in continuous contact with the driver/operator is used. The dedicated spotter must:
 - 4.1 Be positioned to effectively gauge the clearance distance;
 - 4.2 Where necessary, use equipment that enables the dedicated spotter to communicate directly with the driver/operator; and
 - 4.3 Give timely information to the driver/operator so that the required clearance distance can be maintained.
 5. When traveling at night, or in conditions of poor visibility, in addition to the measures specified in items 1 through 4 above, the equipment user must ensure that:
 - 5.1 The power lines are illuminated or another means of identifying the location of the lines is used; and
 - 5.2 A safe path of travel is identified and used.

TABLE T – MINIMUM CLEARANCE DISTANCES WHILE TRAVELING WITH NO LOAD

Voltage (nominal, kV, alternating current)¹	While traveling—minimum clearance distance (feet)
up to 0.75	4
over .75 to 50	6
over 50 to 345	10
over 345 to 750	16
Over 750 to 1,000	20
Over 1,000	(as established by the utility owner/operator or an engineer, licensed and registered to practice the profession of engineering under the education law of the state of New York, who is also a qualified person with respect to electrical power transmission and distribution).

¹Note: The value that follows “to” is up to and includes that value. For example, over 50 to 200 means up to and including 200kV.

§21. Subparagraph (iv) of paragraph (4) of subdivision (s) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is repealed.

§22. Paragraph (5) of subdivision (s) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is repealed and replaced with a new paragraph (5), as follows:

(5) **Demolition.** Where a crane or derrick is utilized to facilitate the mechanical demolition of a building or structure, the requirements of Section 3306 of the New York City Building Code will apply.

§23. Subdivision (s) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding new paragraphs (6) and (7), and is further amended by renumbering subdivisions (t), (u) and (v) as paragraphs (8), (9) and (10) and adding them to this subdivision (s), as follows:

(6) **Footing.** Mobile cranes must be provided with adequate footing, including but not limited timber, cribbing, plates, mats, or other structural members, in order to distribute the load so as not to exceed the allowable bearing capacity the ground, subsurface elements, or structure.

(7) **Special provisions for cranes operating on a sidewalk or roadway.** Where a crane is operated on the sidewalk or roadway, a permit from the New York City Department of Transportation must be obtained. The pressure on such surface must not exceed 3,500 psf (167.85 kPa).

[(t)] (8) **Storage.**

[(1)](i) Necessary clothing and personal belongings [shall] must be stored in or about the crane or derrick in such a manner as to not interfere with access or operation.

[(2)](ii) Tools, oil cans, waste, extra fuses, and other necessary articles [shall] must be stored in a tool box and [shall] must not be permitted to lie loose in or about the cab or cage.

[(u)] (9) **Refueling.**

[(1)](i) Refueling [shall] must comply with Section 3320.3.2 of the New York City Building Code. For the purposes of satisfying this requirement, the term “material handling equipment” in such section [shall] must be read to mean “crane or derrick.”

[(2)](ii) Machines [shall] must not be refueled with the engine running.

[(v)] (10) **Fire Extinguishers.**

[(1)](i) A carbon dioxide, dry chemical or equivalent fire extinguisher [shall] must be kept in the cab or in the vicinity of the crane or derrick.

[(2)](ii) Operating and maintenance personnel [shall] must be familiar with the use and care of the fire extinguishers provided.

§24. Subdivision (t) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is renumbered as paragraph (8) of subdivision (s) of this section, with paragraphs (1) and (2) renumbered as subparagraphs (i) and (ii), and a new subdivision (t) is added, as follows:

(t) **Wind and weather.** Cranes and derricks are subject to the following wind and weather restrictions.

- (1) **Wind action plan and manufacturer procedures.** The hoisting machine operator must follow the approved wind action plan, where a wind action plan is required, and the applicable manufacturer procedures related to securing the crane or derrick against wind and weather.
- (2) **Hoisting machine operator to review wind action plan and manufacturer procedures.** The hoisting machine operator must review the approved wind action plan, where a wind action plan is required, and the applicable manufacturer procedures related to securing the crane or derrick against wind and weather prior to the operator's initial commencement of work with the crane or derrick at the job, each time the crane or derrick enters into a new phase, and each time the wind action plan is amended. It is the responsibility of the equipment user to verify that the hoisting machine operator has reviewed the approved wind action plan and the applicable manufacturer procedures, as required above, and to notify the hoisting machine operator each time the wind action plan is amended.
- (3) **Start of work.** No hoisting machine operator may start a pick when:
- (i) The wind speed exceeds the threshold specified in the approved wind action plan, or where such a plan is not required, 30 mph (3-second gust) or the threshold specified by the manufacturer, whichever is lower; or
- (ii) As otherwise warranted by weather conditions or weather forecasts.
- (4) **In-service.** The following must be observed at all times the crane or derrick is in service.
- (i) During picks, it is the responsibility of the hoisting machine operator to safely bring the pick to a stop and safely land the load:
- (A) When the wind speed exceeds the threshold specified in the approved wind action plan, or where such a plan is not required, 30 mph (3-second gust) or the threshold specified by the manufacturer, whichever is lower; or
- (B) As otherwise warranted by weather conditions or weather forecasts.
- (ii) At the end of the shift, or as weather conditions otherwise warrant, the hoisting machine operator must properly park or secure the crane or derrick for occurring or forecasted winds in accordance with the approved wind action plan, or where such plan is not required, in accordance with the manufacturer's specifications.
- (5) **Assembly/disassembly operations.** Assembly/disassembly operations may not begin if the wind speed exceeds the thresholds specified in the approved assembly/disassembly plan, or if winds are forecast to exceed the thresholds specified in the approved assembly/disassembly plan before the crane or derrick that is to be assembled/disassembled, and all assist cranes or derricks involved in such operation, can be parked or secured. The provisions of paragraphs (3) and (4) of this subdivision above also apply to all hoisting machine operators engaged in the assembly/disassembly operation; except that the term "approved wind action plan" means "approved assembly/disassembly plan."

Exception: Where an assembly/disassembly plan is not required, the thresholds established by the manufacturer will govern.

- (6) **Inspection to verify the crane or derrick has been secured.** An inspection must be performed when required by, in accordance with, the requirements of paragraph (2) of subdivision (k) of this section.
- (7) **Measuring wind.** For the purposes of this subdivision, wind speed must be determined in accordance with one of the options listed in subparagraphs (i) through (iii) of this paragraph.

Exceptions:

1. For a crane, other than a pile driver or clamshell, that requires a certificate of on-site inspection and that utilizes a lattice boom, lattice jib, or lattice mast at the site, only the option listed in subparagraph (i) of this paragraph may be utilized; except, however, should the anemometer on the crane malfunction, the option listed in subparagraph (ii) of this paragraph may be utilized.

2. For a derrick that requires a certificate of on-site inspection, only the options listed in subparagraphs (i) or (ii) of this paragraph may be utilized.

- (i) **Anemometer on the crane or derrick.** An anemometer provided by the crane or derrick manufacturer, or an entity acceptable to the manufacturer, and installed at the top of the boom or other location specified by the manufacturer. The anemometer must measure a 3-second gust wind. A real time display of the anemometer must be available to the hoisting machine operator at the operator's station.
- (ii) **Anemometer at the site.** An anemometer located at a high point of the site approximate to the height and location of the crane or derrick boom/jib, freely exposed to the wind, and calibrated in accordance with ASTM D5096-02. The anemometer must measure a 3-second gust wind. A real time display of the anemometer must be available to the hoisting machine operator at the operator's station, or a person designated by the hoisting machine operator must be provided to monitor the display and alert the hoisting machine operator when measurements near, meet, or exceed the thresholds specified in the approved wind action plan.
- (iii) **Nearest weather station.** The most recent gust wind speed reported at the nearest National Weather Service weather station. The equipment user must establish a system to ensure the hoisting machine operator is notified when reported wind gusts near, meet, or exceed the thresholds specified in the approved wind action plan. An acceptable system may include engaging a metrological service to provide a text or similar alert to a person designated by the equipment user when wind thresholds are neared, met, or exceeded, and have such designated person notify the hoisting machine operator.
- (iv) **Anemometer as operational aid.** The anemometer required by subparagraphs (i) and (ii) of this paragraph is to be considered an operational aid and must be checked prior to each shift as part of the frequent inspection required by paragraph (1) of subdivision (k) of this section.

§25. Subdivision (u) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is renumbered as paragraph (9) of subdivision (s) of this section, with paragraphs (1) and (2) renumbered as subparagraphs (i) and (ii), and a new subdivision (u) is added, as follows.

- (u) **Documents to be maintained at the site.** Where this section requires construction or submittal documents, drawings, plans, calculations, inspection or meeting records, manufacturer specifications, or similar documents, copies of such must be maintained at the site, including in an electronic format acceptable to the commissioner, for the duration of the job and made available to the commissioner upon request.

- (1) **Plans to be available to hoisting machine operators.** The equipment user must ensure that a copy of the approved crane or derrick notice plan, the approved assembly/disassembly plan, and the approved wind action plan are kept in the hoisting machine cab or at the operator's station at all times, easily accessible to the hoisting machine operator.
- (2) **Plans to be available to the lift director and the assembly/disassembly director.** The equipment user must ensure that a copy of the approved crane or derrick notice plan, the approved assembly/disassembly plan, and the approved wind action plan are separately kept at the site at all times, easily accessible to the lift director and the assembly/disassembly director, as appropriate.

§26. Subdivision (v) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is renumbered as paragraph (10) of subdivision (s) of this section, with paragraphs (1) and (2) renumbered as subparagraphs (i) and (ii), and subdivision (v) is reserved.

§27. Subdivision (w) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is deleted and replaced with a new subdivision (w), as follows.

- (w) **Enforcement.** See Chapter 2 of Title 28 of the New York City Administrative Code.

§28. Subdivision (x) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is deleted and replaced with a new subdivision (x), as follows.

(x) **Waiver or modifications.** Variations to the provisions of this section may be granted by the commissioner in accordance with the requirements of 28-103.3 of the Administrative Code.

§29. Subdivision (y) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended, as follows:

(y) **Referenced standards.** The standards referenced in this section are considered part of the requirements of this section to the prescribed extent of each such reference. Where differences occur between provisions of this section and referenced standards, the provisions of this section shall apply.

Standard	Name	Year
American Society of Civil Engineers (ASCE)		
ASCE 7	Minimum Design Loads for Buildings and Other Structures	2005
American Society of Mechanical Engineers (ASME)		
ASME B30.3	Tower Cranes	2004, 2009, [&] 2012, & 2016
ASME B30.5	Mobile Cranes	1968, 1982, 1989, 1994, 2000, 2004, 2007, 2011, & 2014
ASME B30.6	Derricks	2003, [&] 2010, & 2015
ASME B30.22	Articulating Boom Cranes	2005, [&] 2010, & 2016
ASME B30.29	Self-Erecting Tower Cranes	2012
European Standards (EN)		
EN 996	Piling Equipment	2009 & 2014
EN 13000	Mobile Cranes	2004, 2010, & 2014
EN 14439	Tower Cranes	2006 & 2009
<u>EN 16228</u>	<u>Drilling and foundation equipment</u>	2014
American Society for the Testing of Materials		
<u>ASTM D5096-02</u>	<u>Standard Test Method for Determining the Performance of a Cup Anemometer or Propeller Anemometer</u>	2011
International Organization for Standardization (ISO)		
ISO 9001		2008
SAE International (SAE)		
SAE J765	Crane Load Stability Test Code	1990
SAE J987	Lattice Boom Cranes-Method of Test	1967 & 2003
SAE J1063	Cantilevered Boom Crane Structures - Method of Test	1993

§30. Criterion 2 in Table 1 of Section 101-08 of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new footnote (2) to read as follows:

2 Does not include a self-erecting tower crane provided the setup of the self-erecting tower crane does not require a boom, mast, or jib section, or other attachment, to be installed at the site.

§31. These amendments shall take effect 30 days after the final version is published, except that (i) the notification requirements in paragraph (5) of subdivision (c) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York (Section 6 of this rule) shall not take effect until May 1, 2018, (ii) the requirements of paragraphs (7) and (8) of subdivision (g) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York (Section 11 of this rule) shall not take effect until May 1, 2018, and (iii) the requirement in paragraph (7) of subdivision (t) of Section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York (Section 24 of this rule) for certain cranes to be equipped with an anemometer shall not apply to a crane that is not a crawler crane and whose certificate of on-site inspection was issued before such effective date.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of Section 3319-02 to Chapter 33 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding the designation and responsibilities of lift directors.

This rule was first published on January 25, 2017 and a public hearing thereon was held on February 24, 2017.

Dated: 4/14/17 /s/ Rick D. Chandler, P.E.
New York, NY Commissioner

Statement of Basis and Purpose of Rule

The Crane Safety Technical Working Group (“TWG”), appointed by Mayor Bill de Blasio and Buildings Commissioner Rick Chandler following the February 2016 crane collapse in Tribeca, recommended that a lift director be “present at the jobsite full time, charged with supervising the overall activity of the crane and monitoring compliance with city crane regulations.” (TWG recommendation #14)

This rule:

- mandates that a lift director be present at a construction site while a crane or derrick is performing certain tasks; and
- identifies responsibilities for the lift director.

The responsibilities of the lift director are based on those established by the B30 model standards for cranes, derricks, and rigging published by the American Society of Mechanical Engineers (“ASME”). Additional requirements are also added for the lift director to verify compliance with New York City regulations and to ensure weather conditions are monitored and the crane or derrick properly secured. The requirement to monitor weather conditions was recommended by the TWG (TWG recommendation #16).

The rule empowers the lift director to issue orders to personnel or to stop crane, derrick, or rigging operations when the lift director discovers a violation of safety protocols listed in the rule. Where violations of safety protocols listed in the rule are not immediately corrected, the lift director is obligated to report the violation to the Department of Buildings.

Further, the rule establishes a designation and notification system for the department to be informed of the lift director at the site. It also requires the lift director to review relevant plans, and to hold a pre-shift meeting with relevant personnel. The requirement for a pre-shift meeting was recommended by the TWG (TWG recommendation #15).

The Department of Buildings’ authority for these rules is found in Sections 643 and 1043 of the New York City Charter and section BC 3319 of the New York City Building Code.

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. Chapter 3319 of Title 1 of the Rules of the City of New York is amended by adding a new Section 3319-02, to read as follows:

§3319-02 Lift directors

- (a) **Applicability.** This rule applies to the designation of a lift director and to the responsibility and authority of any person designated as a lift director.
- (b) **Definitions.** For the purposes of this section, terms defined in Chapter 33 of the New York City Building Code and Section 3319-01 of these rules will have the same meaning here.
- (c) **Designation of lift director.** The equipment user must designate a lift director and ensure a lift director is present at the site when required as specified in paragraph (1) of this subdivision.
 - (1) **Lift directors required.** It shall be unlawful for a crane or derrick that requires or possesses a certificate of on-site inspection, or which, in accordance with rules promulgated by the commissioner, is subject to supervision by a licensed master rigger in lieu of a certificate of on-site inspection, to perform any of the following tasks unless a lift director is present at the site during all times when:
 - (i) The crane or derrick is picking a load;
 - (ii) The crane is traveling at the site, including but not limited to being moved onto or off of cribbing or up or down a ramp;

- (iii) The crane or derrick is being placed into a parked condition or otherwise being taken out of service;
- (iv) The crane's or derrick's boom/jib is being laid down or jackknifed;
- (v) The crane's or derrick's boom/jib is being raised from a laid down or jackknifed position; or
- (vi) Other special protective measures for wind are being installed or removed.

Exception. The requirement for a lift director does not apply to the assembly or disassembly of a crane or derrick, nor to the use of an assist crane or derrick during assembly/disassembly, provided an assembly/disassembly director is supervising the assembly/disassembly operation in accordance with rules promulgated by the commissioner.

- (2) **Qualified and competent.** The equipment user may only designate a qualified and competent person to serve as the lift director.
- (3) **Jobs supervised by a master rigger.** Where a crane or derrick that requires a lift director is supervised by a licensed master rigger, the equipment user must designate as the lift director either:
 - (i) The licensed master rigger; or
 - (ii) A master rigging foreman who is designated as a rigging foreman by the licensed rigger in accordance with Section 104-20 of these rules.
- (4) **Designation of existing personnel.** Personnel at the site who perform other tasks, including but not limited to the rigging supervisor required by Section 3316.9 of the New York City Building Code, may be designated to serve as the lift director, provided they meet the qualification requirements for a lift director and can fulfill the responsibilities of a lift director.

Exceptions:

- 1. Hoisting machine operators may not serve as the lift director at the same time they are operating a hoisting machine or supervising the operation of a hoisting machine by a trainee.
- 2. A site safety manager, site safety coordinator, registered construction superintendent, concrete safety manger, or construction site fire safety manager who is serving in such role at the site may not serve as the lift director.

- (d) **Notification to the department of the lift director.** The equipment user must notify the department of the designated primary lift director prior to the commencement of work. If a designated alternate lift director will be acting in the place of the primary lift director for a period longer than two consecutive weeks, the department must be so notified by the equipment user. The equipment user must immediately notify the department of any permanent change of the primary lift director.

Exception: For a crane or derrick whose crane or derrick notice application was submitted prior to July 1, 2018, notification to the department is not required. A letter designating the lift director, signed and dated by the equipment user, must be kept at the site and available for inspection by the commissioner upon request.

- (e) **Responsibilities of the lift director.** The primary lift director, or a designated alternate lift director, must be present at the site at all times when required by paragraph (1) of subdivision (c). The primary lift director, or in the event that an alternate lift director will be acting in the place of the primary lift director, the alternate lift director, is responsible for ensuring the following, either by personally performing the task, or directly overseeing and assigning personnel to perform the task:
 - (1) That the crane or derrick is located and configured in accordance with the approved crane or derrick notice plans prior to the start of each shift and whenever the crane or derrick is relocated or reconfigured;
 - (2) That site conditions match the approved crane or derrick notice plans prior to the start of each shift and whenever the crane or derrick is relocated or reconfigured;
 - (3) That traffic and pedestrian controls are in place, prior to the start of and throughout:
 - (i) The work shift;
 - (ii) Any crane or derrick relocation;
 - (iii) Any laying down or jackknifing of the crane's or derrick's boom/jib;

- (iv) Any raising of the crane's or derrick's boom/jib from a laid down or jackknifed position; or
- (v) Any other special protective measures for wind are being installed or removed.

- (4) That the hoisting machine operator, rigging supervisor, and rigging crew members, including signalpersons, possess the proper license, foreman card, certification card, or training card, as appropriate, prior to their commencement of work at the site;
- (5) That the hoisting machine operator and rigging supervisor are present throughout the shift;
- (6) That weather conditions and forecasts are monitored as warranted;
- (7) That, in coordination with the hoisting machine operator and the rigging supervisor, operations cease when warranted by weather conditions or forecasts and an evaluation of current crane or derrick operations, anticipated pick times, and the lead time required to stop picks and park or secure the crane or derrick in accordance with the approved wind action plan, or where a wind action plan is not required, in accordance with the specifications of the crane or derrick manufacturer;
- (8) That, at the end of the shift, or as weather conditions warrant, the hoisting machine operator has ceased operations;
- (9) That, where required by Section 3319-01(k)(2) of these rules, the hoisting machine operator has completed a written record prior to leaving the site;
- (10) That, when warranted during out of service periods, appropriate personnel return to the site and take further steps to secure the crane or derrick;
- (11) That, when carrying loads over an occupied building, the top two floors are vacated or proper roof protection is in place prior to the start of such operation in accordance with Section 3319-01(q)(3)(v) of these rules;
- (12) That, prior to a critical pick as defined in Section 3302.1 of the New York City Building Code, a master rigger or registered design professional verified compliance with the critical pick plan in accordance with Section 3316.9.1 of the New York City Building Code;
- (13) That, prior to operating near overhead power lines, there is compliance with Section 3319-01(s)(3) of these rules;
- (14) That, prior to hoisting personnel with a crane or derrick, there is compliance with Section 3319-01(q)(6) of these rules;
- (15) That required frequent inspections of the crane, derrick, and rigging equipment are performed prior to the start of the shift;
- (16) That the crane operator is informed of the weight of loads to be lifted, as well as the lifting, moving, and placing locations for these loads;
- (17) That the crane operator's verification has been obtained that this weight does not exceed the crane's rated capacity;
- (18) That constant communication is maintained between the operator, rigging supervisor, and signalpersons; and
- (19) That the load is properly rigged for the lifting conditions before it is lifted more than a few inches.
- (f) **Ordering corrective action and notification to the department.** If the lift director discovers a violation of one or more of the items identified in subdivision (e) of this section, the lift director must immediately notify the appropriate personnel to correct the condition, and if necessary, order the crane or derrick and rigging operations to stop. If the violation is not promptly corrected, the lift director must notify the department of the violation. Upon the condition being corrected, or where it is not corrected, upon the lift director notifying the department of the violation, any responsibility the lift director has, as it pertains to their role as the lift director, arising out of, or as a result of the existence of that condition, will cease.
- (g) **Authority to stop operations.** The lift director has the authority to stop crane or derrick and rigging operations. When the lift director orders operations to stop, the hoisting machine operator and rigging supervisor must take appropriate action to safely implement the directive. The hoisting machine operator and rigging supervisor each separately possess authority to stop crane or derrick and rigging operations; the lift director may not overrule the hoisting machine operator or rigging supervisor when the hoisting machine operator or rigging supervisor orders operations to stop.

- (h) **Does not diminish responsibility.** The presence of the lift director does not relieve, alter, or diminish any responsibility or obligation of any other party, including but limited to the equipment user, hoisting machine operator, rigging supervisor, site safety manager, site safety coordinator, or construction superintendent.
- (i) **Ensuring personnel understand duties.** The lift director is responsible for ensuring that personnel involved in crane or derrick operations understand their responsibilities, assigned duties, and the associated hazards.
- (j) **Pre-shift meeting.** Prior to the start of every shift the lift director must lead a pre-shift meeting with the hoisting machine operator, rigging supervisor, signalpersons, and the supervisor of the flagpersons and pedestrian traffic managers. This meeting may be conducted via radio or phone.
- (1) The following topics must be discussed at every meeting:
- (i) The day's planned operations;
 - (ii) Pedestrian and traffic controls;
 - (iii) Current weather conditions and forecasts; and
 - (iv) As applicable, signaling/communication protocols for tandem picks, multiple crane or derrick operations, and operating in the blind.
- (2) The following topics must also be discussed at the initial meeting, and at any subsequent meeting where tasks, personnel, or crane or derrick configurations have changed:
- (i) Roles of personnel;
 - (ii) Objects to be lifted/lowered, including a review of their weights, lifting points, and any special considerations;
 - (iii) Rigging equipment to be used;
 - (iv) Site conditions;
 - (v) Pick and landing zones;
 - (vi) Fall, crush, electrical, and other hazards;
 - (vii) In-service and out-of-service wind thresholds for the crane or derrick; and
 - (viii) Permit validity.
- (3) **Record of meeting.** See Section 3319-01(h)(4) of these rules.
- (k) **Review of plans.** Prior to the lift director's initial commencement of work with the crane or derrick at the site, each time the crane or derrick enters into a new phase, and each time relevant sections of plans are amended, the lift director must review the applicable sections of the approved crane or derrick notice plan in relation to site conditions, crane or derrick location and configuration, and traffic and pedestrian control; the applicable sections of the approved wind action plan with regard to the wind speed thresholds for the crane or derrick; and, as applicable, relevant rigging plans. It is the responsibility of the equipment user to verify that the lift director has reviewed the relevant materials, as required, and to notify the lift director each time the crane or derrick notice plans, the wind action plan, or rigging plans, are amended.

Exception: Where a certificate of on-site inspection is not required, all of the above requirements apply, except that in lieu of the above requirement to review the applicable sections of the approved crane or derrick notice plan and the applicable sections of the wind action plan, the lift director must instead review the applicable sections of the crane or derrick manual with regards to the setup, founding, lift or swing restrictions, and the wind speed threshold for the crane or derrick configuration to be utilized, as well as, where prepared, any plans or drawings with regards pertinent site features, obstacles, and restrictions, the location and configuration of the crane or derrick at the site, and matting or dunnage.

§2 This rule shall take effect 30 days after the final version is published, except that this rule shall not apply to the use of a mobile crane at a construction site where a certificate of on-site inspection for the use of such crane at such site is issued prior to July 1, 2017; provided that this exception shall not apply to a mobile crane that is a crawler crane. As used in this section the terms certificate of on-site inspection, mobile crane and crawler crane are as defined in Chapter 33 of the New York city building code.

ENVIRONMENTAL PROTECTION

■ NOTICE

NOTICE OF ADOPTION OF FINAL RULE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION by Section 1403 (c) of the New York Charter and Sections 24-105 and 24-149.5 of the New York City Administrative Code, that the Department of Environmental Protection has amended its rules to require control devices to reduce emissions from new cook stoves. These amendments were proposed and published in the City Record on March 9, 2017 and no comments were received. A public hearing was held on April 12, 2017. No testimony was given at the hearing.

Statement of Basis and Purpose

Local Law Number 38 for the year 2015 amends Title 24 of the Administrative Code of the City of New York by adding a new Section 24-149.5, which provides that cook stoves used at food service establishments shall be equipped with an emission control device for odors, smoke and particulates that meets the requirements of rules established by the department.

DEP promulgates these rules, as required by Section 24-149.5, with the goal of reducing particulate matter released into the environment, which is a known cause of asthma and other respiratory complications. In accordance with Section 24-105 of the Administrative Code, an advisory committee has been consulted in the development of these rules, which includes representatives from the restaurant and related industries, representatives of the environmental protection and environmental justice communities, and persons with expertise in the health effects of pollutants associated with cooking devices.

Newly installed cook stoves must comply with this rule as soon as it takes effect. Existing cook stoves (those installed before May 6, 2016) do not have to install emission control devices until January 1, 2020.

This rulemaking sets forth DEP's determination as to emission controls that must be used to comply with Section 24-149.5.

Consistent with the above, DEP promulgates the following new Rule, to be found at 15 RCNY Chapter 38.

The Rule is authorized by Section 1043 of the Charter of the City of New York and Section 24-105 and 24-149.5 of the Administrative Code.

The text of the Rule follows.

Section 1. Title 15 of the Rules of the City of New York is amended by adding a new Chapter 38, to read as follows:

Chapter 38

Emissions Reduction Technologies for New Cook Stoves

§38-01 Definitions

Access point means that which enables a device, appliance or equipment to be reached by ready access or by a means that first requires the removal or movement of a panel, door or similar obstruction.

Air filtration device means a device composed of fibrous materials which removes solid particulates.

CFM means cubic feet per minute.

Cook stove means any wood fired or anthracite coal fired appliance used primarily for cooking food for onsite consumption at a food service establishment, as such term is defined in Section 81.03 of the New York City health code.

Discharge point means the point at which particulate matter is released from a stack into the open air.

Electrostatic Precipitator (ESP) means a filtration device that removes fine particles, like dust and smoke, from a flowing gas using the force of an induced electrostatic charge minimally impeding the flow of gases through the unit. An ESP is a type of emissions control device.

Emissions control device means equipment that is installed on a cook stove to reduce particulate matter emissions.

Existing means installed before May 6, 2016.

New means installed on or after May 6, 2016.

NFPA means National Fire Prevention Association.

Optical particle counter means an instrument based on the principle of light scattering from particles. It is a real time instrument that is used to measure particles above 0.05 micrometers in diameter.

Particulate matter or PM means any air or gas-borne material, except

water, that exists as a liquid or solid.

Peak load means the addition of twenty percent to the amount of solid fuel that is normally used for cooking in the cook stove.

RH correction function means a function related to relative humidity correction. When this function is enabled, the particle growth effect due to high humidity is corrected by computing the mass concentration based on the original dry environment particle population.

Smoke means small gas borne and airborne particulate matter arising from a process of combustion in sufficient quantity to be visible.

Stack means any duct, control equipment exhaust or similar apparatus, which vents gases and/or particulate matter into the open air.

Test port plate means a template cover that is designed to prevent any of the air stream from escaping when the existing access plate is removed and which has an opening for the test probe to fit securely.

Total suspended particulates (TSP) means small airborne particles with diameters measuring less than 100 micrometers.

Treated firewood shall have the same meaning as set forth in Subdivision 13 of Section 192.5 of Title 6 of the New York Code Rules and Regulations.

UL means Underwriters Laboratories.

Wet scrubber system means any emission control device that mixes an aqueous stream or slurry with the exhaust gases from an indirect heat exchanger to control emissions of particulate matter (PM).

§38-02 Control Devices to Reduce Emissions from New Cook Stoves

(a) No person shall install a new cook stove without installing an emissions control device that is either a wet scrubber, electrostatic precipitator, or air filtration device as follows:

- (1) The emission control device must reduce total PM by 75 percent or greater.
- (2) Wet scrubbers and air filtration devices must comply with UL 1978 and be correctly sized for the cooking appliance as specified by the manufacturer of the cook stove.
- (3) Electrostatic precipitators must comply with UL 867 or 710, must have a certificate of approval from the Fire Department, and must be correctly sized for the cooking appliance as specified by the manufacturer.

(b) Compliance Requirements:

- (1) Cook stoves must comply with all applicable laws and rules, including applicable provisions in the New York City Construction Codes, New York City Fire Code and Fire Department rules.
- (2) Only treated firewood, as defined in this rule, shall be used in any new cook stove where the fuel source for the cook stove is wood.

(c) Testing Requirements for Emissions Control Devices. Testing that meets the requirements of this subdivision must be performed on an emissions control device that is installed on a cook stove. Testing may be performed in the field using the procedures specified in paragraph 1 of this subdivision or may be performed by a laboratory as specified in paragraph 2 of this subdivision.

(1) Field Testing

- i. Emissions reduction standard. Field test data must show that the emissions control device has reduced the cook stove's total PM emissions by 75 percent or more.
- ii. General Requirements. Field testing shall be performed during peak load, using an Optical Particle Counter for Total Suspended Particulates (TSP). Peak load assumes that unburnt wood is introduced at the start of the testing and that the same composition of unburnt wood and embers is maintained during the testing. Sampling shall be performed with the emissions control device on and off.
- iii. Air Filtration Devices and ESPs.

- A. For air filtration devices and ESPs, readings must be taken from within the clean out access point downstream of the device, or at the discharge point when the unit is on. When taking samples while the unit is off, samples may be taken upstream or downstream of the emissions control device.
- B. Remove the access plate and replace with a test port plate and place the sampling probe inside a precut hole, or place the sampling probe directly within the discharge point.
- C. Samples must be taken using the Optical Particle Counter (OPC), and shall be taken for ten minutes at

2 liters per minute pump speed, twice with the unit on and twice with the unit off. If the OPC is equipped with a filter assembly, a new glass fiber filter shall be used for each test. If the OPC is equipped with RH correction function, it should be enabled when the humidity is expected to exceed 50 percent.

iv. Wet Scrubbers.

- A. For wet scrubbers, samples must be taken from within the clean out access point or discharge point.
- B. Remove the access plate and replace with a test port plate and place the sampling probe inside through a precut hole, or place the sampling probe directly within the discharge point.
- C. A 20 liter sample shall be drawn into a 37mm glass fiber filter. The sample should be drawn for ten minutes at 2 liters per minute pump speed, twice with the unit on and twice with the unit off. Filters should be changed for each test.
- D. Except as otherwise expressly provided in this subparagraph (iv), samples shall be taken in accordance with the following Sections of NIOSH Method 0500, Issue 2, August 15, 1994: "Equipment" Section (except that a 37mm glass fiber filter should be used), "Preparation of Filters" Section, "Sampling" Section (except that the total sample volume shall be 20 liters), and "Sample Preparation" Section.
- E. The filters must then be collected and the weight of the filters shall be determined by an Industrial Hygienist in an Environmental Protection Agency (EPA) accredited laboratory.

(2) Laboratory Testing

Laboratory testing shall be performed in a National Environmental Laboratory Accreditation Conference (NELAC) or New York State Department of Health Environmental Laboratory Approval Program (ELAP) certified laboratory and shall follow EPA Method 5, Appendix A-3 to 40 CFR Part 60, or EPA Method 202, Appendix M to 40 CFR Part 51, for particulate matter. During each test, samples must be collected from the outlet of the control device. Laboratory test data must show that the emissions control device has reduced the cook stove's total PM emissions by 75 percent or more.

(d) Reporting Requirements.

- (1) The results of the testing required by this Section must be submitted on forms prescribed by the department available on the department's website and must include the following information:
 - i. Name and address of the manufacturer of the cook stove, brand name, trade name, model number of the cook stove, any additional equipment installed to enhance or support the operation of the emissions control device, the maximum air flow rate, and other relevant operating conditions during the test, as specified by the department.
 - ii. A description of the emissions control device used on the cook stove model being certified.
 - iii. A statement that testing has been conducted in accordance with the requirements of this section.
- (2) Additional reporting requirements for field testing conducted in accordance with paragraph one of subdivision c of this section. For air filtration devices and ESPs, the installer of the emissions control device must submit a print out to the Department with the readings of Total Suspended Particulates (TSP), and also submit pictures of the filter with the unit on and off. For wet scrubbers, complete laboratory results shall be submitted to the Department to document the reduction in PM.

Section 38-03 Emissions Control Device Maintenance

- (a) Any emissions control device installed or operated under this chapter shall be operated, cleaned, and maintained in accordance with the manufacturer's specifications.
- (b) Notwithstanding subdivision (a) of this section, every emissions control device installed or operated pursuant to this chapter must comply with Section FC 609.4.1 of the New York City Fire Code. Emissions control devices must be cleaned by a person holding a FDNY Certificate of Fitness for commercial cooking system and precipitator cleaning.
- (c) Notwithstanding subdivision (a) of this section, the cooking exhaust system shall be cleaned in accordance with the rules of the Fire Department and as frequently as necessary to maintain

the system free of grease accumulations in accordance with NFPA 96 Chapter 14.

Section 38-04 Emissions Control Device Certification

- (a) The manufacturer of an emissions control device may seek department certification by submitting documentation that field testing has been conducted in accordance with the applicable procedures in Section 38-02(c)(1) and that such device meets the requirements of Section 38-02. Such documentation must be submitted in accordance with the requirements of Section 38-02(d) of this title.
- (b) Additionally, the manufacturer or owner of an emissions control device may seek department certification by submitting documentation from an independent testing laboratory that tests in accordance with an EPA accredited laboratory testing method that the emissions control device has been tested in accordance with the applicable procedures set forth in Section 38-02(c)(2) and that such device meets the requirements of Section 38-02. Such documentation must be submitted in accordance with the requirements of Section 38-02(d) of this title.
- (c) The department will maintain a list of approved certified emissions control devices for use with particular models of cook stoves on the department's website and will update the list periodically as necessary.

Section 38-05 Records

- (a) **Recordkeeping**
- (1) On or after the effective date of this section, any person who owns or operates a new cook stove must maintain records showing all maintenance work performed on the emissions control device, including the date, time, and a brief description of maintenance work performed.
 - (2) On or after the effective date of this section, any person who owns or operates a new cook stove must maintain records regarding the date of installation and replacement of any emissions control device installed.
 - (3) For purposes of this subdivision, maintenance includes, but is not limited to, preventative maintenance, breakdown repair, and cleaning performed on the emissions control device
- (b) Retention of Records. All records required by this section must be retained for at least one year and must be made available to the Department upon request.

◀ a24

HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Housing Preservation and Development (“HPD”) is proposing amendments to Chapter 6 of Title 28 of the Rules of the City of New York (the “421-a Rules”) regarding the filing deadline for Final Certificates of Eligibility.

When and where is the hearing? HPD will hold a public hearing on the proposed rules. The public hearing will take place from 11:00 A.M. to 12:30 P.M., on Monday, May 29, 2017. The hearing will be in HPD's offices, at 100 Gold Street, 9th Floor, Room 9-P10, New York, NY 10038.

The location has the following accessibility options available: the building and hearing room are wheelchair accessible.

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

- **Website.** You can submit comments to HPD through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rules@hpd.nyc.gov.
- **Mail.** You can mail written comments to Elaine R. Toribio, TIP Director, 100 Gold Street, Room 8-D09, New York, NY 10038.
- **Fax.** You can fax written comments to HPD, (212) 863-5899, ATTN: Elaine R. Toribio.
- **Hearing.** You can speak at the public 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 (212) 863-7698. You can also sign up in the hearing room before the hearing begins on May 29, 2017. You can speak for up to three minutes.

Is there a deadline to submit written comments? All written comments must be submitted before the close of business on May 29, 2017.

What if I need assistance to participate in the hearing? If you need a sign language interpreter or other reasonable accommodation of a disability at the Hearing, you must tell us no later than May 15, 2017, either by email at accessibility@hpd.nyc.gov, by telephone at (212) 863-7698, or by mail at the address given above.

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 an audiotape of oral comments concerning the proposed rules will be available to the public, at 421-a Customer Service, Conference Room No. 8-CO9, 8th Floor, 100 Gold Street, between 10:00 A.M. - 4:00 P.M. on weekdays.

What authorizes HPD to make this rule? Sections 1043 and 1802 of the New York City Charter and Section 421-a of the New York State Real Property Tax Law authorize HPD to make these proposed rules. The proposed rule was included in HPD's regulatory agenda.

Where can I find the HPD rules? The HPD rules are located in Title 28 of the Rules of the City of New York.

What rules govern the rulemaking process? HPD 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(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

New York State Real Property Tax Law §421-a provides real property tax exemptions for eligible, new multiple dwellings (“421-a benefits”). HPD determines eligibility for §421-a real property tax exemptions within the City of New York. Projects that commenced construction on or before December 31, 2015 may submit an application for a Preliminary Certificate of Eligibility (“PCE”), which would entitle them to up to three years of construction period benefits, and an application for a Final Certificate of Eligibility (“FCE”), which grants between 10 and 25 years of post-construction benefits.

The PCE application must be filed for both rental and homeownership projects after the commencement but before the completion of construction; the FCE application must be filed prior to occupancy of a rental project, but no earlier than the PCE application date. For homeownership projects, the FCE application must be filed prior to the first taxable status date following completion of construction. After HPD grants a PCE or FCE to a project, the project must file these documents with the City Department of Finance to implement the benefit.

Summary of Proposed Amendment

The proposed amendment would give HPD retroactive authority to exempt projects that already have a PCE and are receiving 421-a benefits from the FCE application filing deadline. This would relieve affected properties of the burden of a timely filing of an FCE application in order to comply with the requirements of the 421-a program.

HPD's authority for these rules is found in Section 1802 of the New York City Charter and Section 421-a of the New York State Real Property Tax Law.

“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.

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

Section 1. Paragraph (2) of subdivision (d) of Section 6-05 of Chapter 6 of Title 28 of the Rules of the City of New York is amended by adding a new subparagraph (iv), to read as follows:

- (iv) Notwithstanding the provisions contained in subparagraphs (i) through (iii) of this paragraph, the deadlines for filing an application for a Final Certificate of Eligibility shall not apply to any property for which the Department issued a Preliminary Certificate of Eligibility and which has received tax benefits pursuant to the Act on or after January 1, 1990.

**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: Amendment of Filing Requirements for 421-a Tax Benefits

REFERENCE NUMBER: 2017 RG 023

RULEMAKING AGENCY: Department of Housing Preservation and Development

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 Date: March 17, 2017
Acting Corporation Counsel

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

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

RULE TITLE: Amendment of Filing Requirements for 421-a Tax Benefits
REFERENCE NUMBER: HPD-35
RULEMAKING AGENCY: Department of Housing Preservation and Development

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) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro March 17, 2017
Mayor's Office of Operations Date

Accessibility questions: accessibility@hpd.nyc.gov, (212) 863-7698, by: Monday, May 15, 2017, 5:00 P.M.

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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 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 7/21//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
90	11514	18
366	11555	37
409	11559	23
270	11532	14
97	11515	3
234	11531	12
134	11516	230
190	11530	2
303	11545	1

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
a24-m5

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 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
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 7/17/2017 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
43	11513	30
186	11530	49
51	11513	22
171	11529	22
15	11512	16
242	11531	21
373	11555	65
75	11514	34
167	11529	18
19	11512	21

386 11555 35
378 11555 4

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 7/16//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 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

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 7/11/2017 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 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

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 7/9/2017 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
84	11514	25
44	11513	29
233	11531	11
145	11519	130
395	11559	48

162 11529 13
145 11519 130
183 11530 46
87 11514 22
10 11512 11

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

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
31	11513	45
41	11513	33
118	11515	24
344	11554	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

a21-m4

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

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2017 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2017 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: DoITT
Description of services sought: M/WBE Portal Systems Integrator:
This SI Class 1 contract will provide for all staff need to build a mobile-first website that will be a portal primarily for M/WBE businesses to get connected to contracting opportunities with the City. This will include PM, BA, UX, Developers, QA, Operational Readiness, and Post Production Support.
Start date of the proposed contract: 6/1/2017
End date of the proposed contract: 8/31/2018

Method of solicitation the agency intends to utilize: Task Order
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

a24

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2017 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2017 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Transportation
Description of services sought: Furnish and Install Solar Panels on 300 West 206th Street, and 1400 Williamsbridge Road, Manhattan and the Bronx

Start date of the proposed contract: 3/15/2018

End date of the proposed contract: 3/13/2020

Method of solicitation the agency intends to utilize: Competitive Sealed Proposal

Personnel in substantially similar titles within agency: None

Headcount of personnel in substantially similar titles within agency: 0

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CHANGES IN PERSONNEL

DEPARTMENT OF EDUCATION ADMIN
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Education Admin.

DEPARTMENT OF EDUCATION ADMIN
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Education Admin.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for various departments including Probation and Business Services.

DEPARTMENT OF PROBATION
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Probation.

DEPARTMENT OF BUSINESS SERV.
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Business Services.

HOUSING PRESERVATION & DVLPMNT
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for Housing Preservation & Development.

HOUSING PRESERVATION & DVLPMNT
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for Housing Preservation & Development.

DEPARTMENT OF BUILDINGS
FOR PERIOD ENDING 03/24/17

TITLE		NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
ALEXANDER	MELANIE A	22405	\$65000.0000	APPOINTED	YES 02/26/17	810
BENIMOVICH	PETR	30087	\$63719.0000	INCREASE	YES 03/05/17	810
BILLERA	MICHAEL R	10209	\$11.6400	APPOINTED	YES 03/08/17	810
BLACKMAN	JOMO	10251	\$38956.0000	TRANSFER	NO 02/26/17	810
BOUTWELL	LAURA M	21215	\$75000.0000	APPOINTED	YES 03/05/17	810
BRAM	KATHERIN	10041	\$72000.0000	APPOINTED	YES 03/12/17	810
CARRANZA	JOEL A	10209	\$10.6600	APPOINTED	YES 03/10/17	810
CHARLES	COURTNEY G	31623	\$64704.0000	RETIRED	NO 03/03/17	810
GALITSIN	TARAS	31624	\$70452.0000	INCREASE	YES 03/05/17	810
GALITSIN	TARAS	31622	\$61800.0000	APPOINTED	NO 03/05/17	810
GUZMAN	MELANIE	12627	\$74000.0000	PROMOTED	NO 10/23/16	810
HANSEN	MARYJEAN E	10251	\$35167.0000	APPOINTED	NO 03/05/17	810
HURLEY	WILLIAM G	31644	\$84216.0000	RESIGNED	NO 03/14/17	810
KIM	JENNIFER	30086	\$65000.0000	APPOINTED	YES 03/05/17	810
MAFFEI	MICHAEL	31642	\$83092.0000	RESIGNED	NO 03/16/17	810
MILONE-BOSSOM	ROSEMARY	10124	\$69710.0000	RETIRED	NO 03/18/17	810
ODENUSI	OLUWOLE	31622	\$61800.0000	RESIGNED	YES 03/12/17	810
ONIGBOGI	OLUMUYIWA A	22410	\$77250.0000	RESIGNED	YES 03/16/17	810
POMERICO	RAYMOND F	31623	\$61800.0000	RESIGNED	NO 03/03/17	810
PONRAJ	ESWARA K	10050	\$108000.0000	RESIGNED	YES 03/15/17	810
RIVERS	TRACY	10251	\$38956.0000	APPOINTED	NO 03/12/17	810
SINGH	SHARIMA	12626	\$72310.0000	APPOINTED	NO 01/08/17	810
SOULTANIAN-BRAU	JESSICA E	30087	\$63719.0000	INCREASE	YES 03/05/17	810
TAO	MEI SHEU	10251	\$35167.0000	APPOINTED	NO 03/05/17	810
WALKER	TAJMAL	10251	\$35167.0000	APPOINTED	NO 03/05/17	810
WYLLIE	KESHIA M	1002C	\$70000.0000	APPOINTED	YES 08/14/16	810

DEPT OF HEALTH/MENTAL HYGIENE
FOR PERIOD ENDING 03/24/17

TITLE		NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
AARON	SAMANTHA A	21744	\$80829.0000	INCREASE	YES 03/12/17	816
ACEVEDO	NELI M	51001	\$72000.0000	APPOINTED	YES 03/05/17	816
ALLEN	HARRY	10124	\$42856.0000	TERMINATED	NO 03/08/17	816
ALMANZAR	CARMINIA C	40510	\$50000.0000	APPOINTED	YES 03/05/17	816
ALMANZAR	MARIEN A	51110	\$54745.0000	APPOINTED	YES 03/05/17	816
AMAZU	KIMBERLY N	51001	\$65000.0000	APPOINTED	YES 03/05/17	816
ANDERSON	SHARONDA L	70810	\$32435.0000	APPOINTED	NO 02/26/17	816
ANNITTO	KERRY J	21849	\$88287.0000	RESIGNED	YES 03/15/17	816
ARCIGUOLO	ROBERT J	21744	\$80829.0000	INCREASE	YES 03/05/17	816
ARNESSEN	SASHA M	51001	\$56000.0000	APPOINTED	YES 03/05/17	816
AYUBA	RALIAT	5100B	\$31.2900	RESIGNED	YES 03/05/17	816
BAQUERO	MARIA C	21744	\$88000.0000	APPOINTED	YES 03/12/17	816
BERMAN	MOLLY M	56058	\$61084.0000	APPOINTED	YES 03/05/17	816
BOLLING	EDWARD	52048	\$43677.0000	RESIGNED	NO 03/08/16	816
BROWN	TOMIKO M	51191	\$48862.0000	INCREASE	NO 03/05/17	816
CABELLO	SABRINA M	56058	\$61084.0000	APPOINTED	YES 03/05/17	816
CHANG	BORA	10209	\$12.9300	RESIGNED	YES 03/01/17	816
CHAUDHRI	SIMRAN M	21744	\$70286.0000	APPOINTED	YES 03/05/17	816
CHEN	CHUJUN	06663	\$83630.0000	APPOINTED	YES 03/12/17	816
CHUANG	YAYU	21514	\$61334.0000	INCREASE	YES 03/05/17	816
CHUNG	ASHLEY C	10251	\$43000.0000	APPOINTED	NO 03/05/17	816
CIPRIANO	CHELSEA B	56058	\$65000.0000	APPOINTED	YES 03/12/17	816
CONDERINO	SARAH E	21744	\$65678.0000	RESIGNED	YES 03/05/17	816
COOK	DEBRA J	21744	\$90793.0000	RETIRED	YES 03/16/17	816
COOK	DEBRA J	21514	\$81959.0000	RETIRED	NO 03/16/17	816
DAVE	MEGHAVI	21210	\$53134.0000	INCREASE	YES 03/05/17	816
DAVE	MEGHAVI	21205	\$48066.0000	APPOINTED	NO 03/05/17	816
DIFCHAND	DEVIKA	51611	\$75000.0000	APPOINTED	YES 03/12/17	816
DOLCE	CAROLINE	10209	\$14.1500	RESIGNED	YES 03/03/17	816
DOWLING	ERIN A	21744	\$59708.0000	APPOINTED	YES 03/12/17	816
DZHEMILOVA	ZAREMA	5100B	\$31.2900	RESIGNED	YES 03/07/17	816
EDDY	MEREDITH L	21744	\$70286.0000	APPOINTED	YES 03/12/17	816
EGEMBA	MARIA A	21744	\$59708.0000	APPOINTED	YES 03/12/17	816
ELBANNA	NOHA	10010	\$98000.0000	APPOINTED	YES 03/05/17	816
FELIPE	DINAH L	1002A	\$75000.0000	APPOINTED	NO 03/12/17	816
FERDINAND	DAVE H	12158	\$68000.0000	APPOINTED	YES 03/05/17	816
FERRERAS	ADRIAN A	90643	\$26562.0000	APPOINTED	YES 03/05/17	816
FRANCILLON	MARIE-FR	10032	\$100440.0000	INCREASE	YES 02/26/17	816
FRANCILLON	MARIE-FR	51011	\$75916.0000	APPOINTED	NO 02/26/17	816
FRANKLIN	CHRISTOP T	1002A	\$61031.0000	APPOINTED	NO 03/05/17	816
FREEMAN	ANTHONY C	21744	\$87791.0000	APPOINTED	YES 03/05/17	816
FUNDADOR PUJOLS	GREGORIO	90643	\$32794.0000	APPOINTED	YES 03/05/17	816
GALLAGHER	NORREN A	21744	\$59708.0000	APPOINTED	YES 03/05/17	816
GARCIA OLIVO	MARIA F	51022	\$31.5500	RESIGNED	YES 03/15/17	816
GEORGE	MARY	51022	\$31.5500	RESIGNED	YES 03/15/17	816
GHAZALA	HOPE E	56058	\$57924.0000	APPOINTED	YES 03/05/17	816
GLOVER-COX	BARBARA J	82989	\$102454.0000	INCREASE	YES 03/05/17	816
GLOVER-COX	BARBARA J	31220	\$83974.0000	APPOINTED	NO 03/05/17	816
GOLDMAN	ELIOT E	21744	\$103332.0000	APPOINTED	YES 03/12/17	816
GONZALEZ	LORI A	13643	\$92000.0000	APPOINTED	YES 03/05/17	816
HAMBY	ELIZABET L	1002F	\$80000.0000	APPOINTED	YES 03/12/17	816

DEPT OF HEALTH/MENTAL HYGIENE
FOR PERIOD ENDING 03/24/17

TITLE		NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
HARALAMPOPOULOS	MARIBEL	51001	\$60000.0000	APPOINTED	YES 03/05/17	816
HASSAN	MOHIUDDI	40510	\$55000.0000	APPOINTED	YES 03/12/17	816
HERON	PAMELA F	51022	\$31.5500	RESIGNED	YES 03/10/17	816
HILE	STEPHEN J	21744	\$90425.0000	INCREASE	YES 03/05/17	816
HILLS	JESSE M	21744	\$90425.0000	INCREASE	YES 02/26/17	816
HOLMES	JANICE A	56056	\$37039.0000	INCREASE	YES 02/26/17	816
HORAN	SUSAN C	21849	\$95416.0000	RESIGNED	YES 03/05/17	816
HUGHES	SCOTT A	10069	\$144021.0000	INCREASE	YES 02/26/17	816
HUMPHREY	JILL C	06776	\$79995.0000	INCREASE	YES 03/12/17	816
ISSA	EMAN S	13651	\$47692.0000	APPOINTED	YES 03/12/17	816
IZEAN	CELENE C	51001	\$55977.0000	APPOINTED	YES 03/05/17	816

JAFFERY	AIJAZ H	21514	\$60607.0000	RETIRED	NO 03/10/17	816
JAIN	SACHIN	53039	\$165000.0000	APPOINTED	YES 03/12/17	816
JARAMILLO	JIMMY F	40562	\$70000.0000	PROMOTED	NO 12/11/16	816
JOHN	PADMORE	10069	\$90865.0000	INCREASE	YES 01/29/17	816
JONES	JOYIYA M	56058	\$57916.0000	APPOINTED	YES 02/26/17	816
KADIK	FATIMA - S	1002A	\$76413.0000	INCREASE	NO 03/12/17	816
KHAN	TAMANNA	10209	\$11.5500	APPOINTED	YES 03/08/17	816
KING	DEBBIE D	51001	\$55977.0000	APPOINTED	YES 03/05/17	816
KRUTSENKO	IRYNA	12158	\$54237.0000	INCREASE	YES 03/05/17	816
LAMBERT	DANIELLE C	51001	\$60000.0000	APPOINTED	YES 03/05/17	816
LARKIN	LISA E	51214	\$80000.0000	APPOINTED	YES 03/12/17	816
LEIBOWITZ	ANDREW	21849	\$76516.0000	INCREASE	YES 02/19/17	816
LOPEZ	JOELLE A	21849	\$51290.0000	RESIGNED	YES 03/17/17	816
LORMEL	JOSEPH C	1002A	\$79310.0000	INCREASE	NO 03/12/17	816
MAKEMBE	MARTHE D P	10209	\$12.3000	APPOINTED	YES 03/09/17	816
MANCARI	JAMES M	10033	\$65000.0000	APPOINTED	YES 03/12/17	816
MAPP SIERRA	NELSON M	90643	\$32794.0000	APPOINTED	YES 03/05/17	816
MARTINEZ	JASON	30080	\$41036.0000	APPOINTED	NO 03/05/17	816
MCGHEE	BRIANA C	56058	\$57925.0000	APPOINTED	YES 03/05/17	816
MIRANDA	GIANNY M	51191	\$43764.0000	RESIGNED	NO 03/16/17	816
NAGLE	MARJORIE A	53299	\$83500.0000	APPOINTED	YES 02/26/17	816
NEBLETT	PJERRIE G	90698	\$27.7700	APPOINTED	NO 03/05/17	816
NIRAHU	RUKMINI	51001	\$60000.0000	APPOINTED	YES 03/05/17	816
OLAYA	VERONICA P	52632	\$75000.0000	INCREASE	YES 03/05/17	816
OLIVERAS	CARMEN M	10251	\$28955.0000	APPOINTED	YES 12/04/16	816
ORTIZ	ELIZABET M	21744	\$90425.0000	INCREASE	YES 02/19/17	816
OYAREBU	CHINENYE E	31215	\$58037.0000	RESIGNED	YES 03/10/17	816
OZIM	MERCY N	5100B	\$31.2900	APPOINTED	YES 02/26/17	816
PATEL	ZINGA S	06799	\$91000.0000	APPOINTED	YES 03/05/17	816
PEREZ	YUNILDA Y	56058	\$57924.0000	APPOINTED	YES 03/05/17	816
PERRIER	CANDICE E	51001	\$65000.0000	APPOINTED	YES 03/05/17	816
POLANCO	BENNY	5100B	\$31.2900	APPOINTED	YES 02/26/17	816
RABUY	KATHRYN R	56058	\$57925.0000	APPOINTED	YES 03/05/17	816
RAMONES	WILLSON R	51310	\$45634.0000	APPOINTED	YES 03/12/17	816
RAUCH	JOHANNA T	21744	\$59708.0000	APPOINTED	YES 02/26/17	816
REISS	KATE E	51001	\$87667.0000	RESIGNED	YES 03/08/17	816
RIGGS	AMBYRICE M	21513	\$55000.0000	APPOINTED	YES 03/05/17	816
RIVERA	DAPHNE G	81815	\$18.7500	RESIGNED	NO 03/05/17	816
ROBINSON	DENISE R	56056	\$37584.0000	APPOINTED	YES 03/05/17	816
RUGAMA	ANISTLA X	56058	\$65000.0000	APPOINTED	YES 03/05/17	816

DEPT OF HEALTH/MENTAL HYGIENE
FOR PERIOD ENDING 03/24/17

TITLE		NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
SANCHEZ	NICOLE	56056	\$36031.0000	INCREASE	YES 02/26/17	816
SARAS PEREZ	MAYTE	56057	\$29.5600	APPOINTED	YES 03/12/17	816
SAUNDERS	WINETTE	95945	\$56785.0000	RESIGNED	YES 12/09/04	816
SCOTT	TA-REEM N	56056	\$38083.0000	INCREASE	YES 03/05/17	816
SIMO	THOMAS J	13621	\$65806.0000	INCREASE	YES 02/19/17	816
SIMO	THOMAS J	13620	\$29.5100	APPOINTED	NO 02/19/17	816
SISSOHO	HAWA	56057	\$45000.0000	APPOINTED	YES 03/12/17	816
SMITH	EVELYN	51011	\$75916.0000	RESIGNED	NO 03/17/17	816
SMITH	JAVONIA	51001	\$60000.0000	APPOINTED	YES 03/05/17	816
SPENCE	SHARON	56058	\$74795.0000	INCREASE	YES 03/12/17	816
STREIT	ELLEN R	56058	\$56650.0000	APPOINTED	YES 03/05/17	816
TAVERAS	OMAR F	92610	\$34.6300	APPOINTED	YES 03/12/17	816
THOMAS	DEMETRIU T	56058	\$70000.0000	APPOINTED	YES 03/12/17	816
THOMPSON	BRIAN P	21538	\$58300.0000	APPOINTED	YES 03/05/17	816
TINKASHVILLI	NINO	56056	\$18.8100	APPOINTED	YES 03/05/17	816
TIRADO	MIGUEL A	53864	\$291.3800	APPOINTED	YES 02/26/17	816
TSEKHANSKAYA	LARISA	52631	\$67939.0000	RETIRED	NO 01/26/17	816
VALENTIN	ALICIA	51022	\$31.5500	INCREASE	YES 03/05/17	816
VAN BECK	KELLIE C	21744	\$59708.0000	APPOINTED	YES 03/05/17	816
WOODS	NORVIA	1002A	\$70000.0000	APPOINTED	NO 03/12/17	816
YAP	IAN L	12158	\$43023.0000	APPOINTED	YES 09/25/16	816
YU	CELINIA X	56057	\$46000.0000	APPOINTED	YES 03/12/17	816

ADMIN TRIALS AND HEARINGS
FOR PERIOD ENDING 03/24/17

DEPT OF ENVIRONMENT PROTECTION
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as YARON M, JULISSA A, THOMAS, etc.

DEPT OF ENVIRONMENT PROTECTION
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as ANDREW, LUMSDEN, DAVID, etc.

DEPARTMENT OF SANITATION
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as WAYNE, NICOLE T, MARLIS, etc.

Table with columns: FIGUEROA, EDUARDO, 70112, \$73235.0000, RETIRED, NO, 03/16/17, 827. Lists employees such as YVELINE, YVELINE, IRMA, etc.

DEPARTMENT OF SANITATION
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as ADRIAN, MONIQUE, KHADIJAH J, etc.

BUSINESS INTEGRITY COMMISSION
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employee JOSEPH G.

DEPARTMENT OF FINANCE
FOR PERIOD ENDING 03/24/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as DANEN, DANEN, PATRIC, etc.