Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

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

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LAST AMENDED
8/9/2017

All #developments# or, where permitted, #enlargements# on #qualifying sites# located within the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (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, as applicable, and further provided that a transit improvement, or a combination of transit 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 transit improvement 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 shall also comply with paragraph (a) of Section 81-682;

(2) the applicant shall submit preliminary plans for the proposed transit improvement to the Chairperson and any applicable City or State agencies with jurisdiction over and control of the proposed transit improvement;

(3) the applicant shall obtain and provide to the Chairperson a conceptual approval of the proposed transit 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 requirements set forth in Section 81-682; and

(4) prior to the issuance of a building permit, as set forth in this Section, 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. Such agreements and instruments shall be filed and recorded in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be sent to the Chairperson.

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

(1) all of the materials required pursuant to paragraph (a) of this Section;

(2) site plans and zoning calculations for the proposed #development# or, where permitted, #enlargement# on the #qualifying site# showing the additional #floor area# associated with the completion of such transit improvement; and

(3) 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, and any such other information as may be required by the Chairperson.

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 the #development# or, where permitted, #enlargement# 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# or, where permitted, an #enlargement# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea. All applications pursuant to this Section shall be referred to the affected Community Board, the local Council Member and the Manhattan Borough President. No certification shall be granted prior to 60 days after such referral.

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 and shall be noted on the temporary certificate of occupancy.

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 been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement.

In addition, 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.