



CITY PLANNING COMMISSION

May 25, 2005 / Calendar No. 28

N 050161(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 of the Zoning Resolution of the City of New York, relating to the elimination of the Special Mixed Use District-3 and the creation of the Special West Chelsea District in Article IX, Chapter 8.

The application for the zoning text amendment N 050161 ZRM was filed by the Department of City Planning on December 15, 2004 with a modified application N 050161(A) ZRM filed on March 3, 2005.

RELATED ACTIONS

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the proposal for West Chelsea and the High Line requires action by the City Planning Commission (CPC) on the following applications which are being considered concurrently with this application:

1. C 050162(A) ZMM Zoning Map amendment to an area generally bounded by West 16th to West 30th streets, Tenth to Eleventh avenues, including creation of the Special West Chelsea District and elimination of the Special Mixed Use District (MX-3).
2. C 050163 PCM Site selection and acquisition of the High Line elevated rail structure and associated easements generally located between Gansevoort Street and the western curb line of Eleventh Avenue, just north of its intersection with West 30th Street.

BACKGROUND

The West Chelsea area is bounded generally by West 30th Street to the north, West 16th Street to the south, Tenth Avenue to the east, and the Hudson River/Route 9A to the west. Long characterized by light manufacturing, storage, and auto-related uses, West Chelsea has emerged

in the last decade as the City's premier art gallery district. The majority of the galleries are located along the midblocks between West 20th and 27th streets in creatively converted high lot coverage loft buildings and former garages. In tandem with the growth of the gallery district has been an increase in restaurants, bars and nightclubs, adding to a significant increase in pedestrian activity. Areas adjacent to West Chelsea have also become destination points, including the Chelsea Piers and developing Hudson River Park to the west, and the retail and entertainment uses of the Gansevoort Market area to the south.

Despite this change in use, however, West Chelsea continues to be dominated by underused buildings and parking lots, due primarily to the area's light manufacturing zoning. As a result, the vibrant residential core of Chelsea, located to the east of Tenth Avenue, has not been able to extend west. The rezoning of West 23rd Street between Tenth and Eleventh avenues in 1999 and the subsequent construction of three residential buildings on this block is testament to the strong housing demand in West Chelsea. The proposed rezoning would allow for new residential and commercial uses in West Chelsea, while encouraging the continued growth of the area's dynamic art gallery district.

A prominent reminder of West Chelsea's industrial history is the High Line elevated rail line, constructed in 1930 and running generally parallel to Tenth Avenue. Unused since 1980, the steel structure is a defining feature of West Chelsea, with the former rail bed occupied today by wildflowers and verdant meadow grass. The City, in partnership with the non-profit Friends of the High Line, is developing a framework plan and designs for the reuse of the structure for public open space. An application to the U.S. Surface Transportation Board (STB) for a Certificate of Interim Trail Use (CITU) to convert the High Line into a public open space has been submitted by the City. The proposed rezoning has been developed in conjunction with plans to acquire and reuse the structure as a public open space resource.

In summary, the purpose of the proposed action is to:

- Encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;
- Encourage the development of residential uses along appropriate avenues and streets;
- Encourage and support the growth of arts-related uses;
- Facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space;
- Ensure that the form of new buildings relates to and enhances neighborhood character and the High Line open space; and
- Create and provide a transition to the lower-scale Chelsea Historic District to the east and the higher-density Hudson Yards area to the north.

Promoting an economically-diverse community in West Chelsea is an important goal of the rezoning. The 1998 Chelsea Rezoning has resulted in affordable housing amounting to about 13 percent of approximately 1,950 new housing units, including 63 units in one building in the West Chelsea rezoning area, affordable to tenants at 50 percent of area median income under the “80/20” housing program. The Special West Chelsea District introduces a zoning-based incentive for affordable housing under the Inclusionary Housing Program to encourage the inclusion of a larger percentage of affordable units.

AREA AND SITE DESCRIPTION

West Chelsea extends from West 16th to 30th streets, between the Hudson River on the west and generally Tenth Avenue on the east. The neighborhood lies on the southwestern edge of Community District 4 and is located immediately north of the Gansevoort Market area, south of the Hudson Yards area, east of the Hudson River Park and Chelsea Piers, and generally west of Tenth Avenue and the residential neighborhood of Chelsea. The Eighth Avenue A, C, and E lines serve the area, and the two closest subway stations are located at West 14th and 23rd streets. The M14 and M23 bus lines run east-west along West 14th, 15th, 18th and 23rd streets, and the M11 bus line runs north-south along Ninth and Tenth avenues.

Land uses in West Chelsea include a mixture of commercial, auto-related, storage, and residential. Art galleries are the predominant commercial use, located both on the ground floor in converted garages, and in the upper floors of converted loft buildings. Other commercial uses include restaurants, bars, nightclubs, and photo and film production studios. Warehouse and storage uses continue to remain in some of the area's loft buildings. Parking lots and garages, and auto-repair facilities also dominate, located primarily along Tenth Avenue and in the midblocks south of West 20th Street and north of West 27th Street. Residential use is increasingly prominent in West Chelsea. In addition to walk-up tenements located on Tenth Avenue, three new 14-story residential buildings have been constructed along West 23rd Street, helping to transform the neighborhood's major cross-town street into a more pedestrian-friendly corridor to the waterfront. Four loft buildings on West 22nd Street were also converted to residential use in the late 1990s. A limited amount of open space is located in the immediate vicinity of West Chelsea, including the 0.5 acre Clement Clarke Moore Park and the 3.9 acre Chelsea Park, both located on the east side of Tenth Avenue, and the 2.5 acre Chelsea Waterside Park, located between West 22nd and 24th streets, Eleventh Avenue and Route 9A.

The built character of West Chelsea is defined in large part by its high lot coverage loft buildings, some rising as high as 125 feet without setback. Many of these buildings have distinctive architectural detailing and are tangible reminders of the area's industrial waterfront history. Sprinkled among the loft buildings are four-to-six story walk-up tenements, low-rise garages, parking and vacant lots. The new residential buildings along West 23rd Street contain high streetwalls, as required by the zoning's contextual bulk regulations.

Architecturally distinctive buildings are found along the edges of West Chelsea. Along the east side of Tenth Avenue, the Chelsea Historic District, defined by the campus of the Union Theological Seminary and distinctive 19th century town houses with landscaped front yards, is located between West 20th and 23rd streets, and the full-block, 18-story London Terrace apartments area is located between West 23rd and 24th streets. Along the west side of Eleventh

Avenue, the massive, full-block Starett-Lehigh and the Terminal Warehouse buildings are located between West 26th and 28th streets.

The High Line is a prominent structure in West Chelsea, and in the Gansevoort Market Area to the south. The 1.45 mile viaduct is located generally 25 feet above grade and traverses 22 blocks, from Gansevoort Street in the south to the MTA rail yards above 30th Street in the north. Within the Gansevoort Market Area, the High Line travels both above and through the area's meat distribution and industrial loft buildings. Many of these buildings, including the Chelsea Market building between West 15th and 16th streets, have been converted to retail and office uses. At West 16th Street, the High Line crosses Tenth Avenue, and travels at approximately 100 feet west of Tenth Avenue to West 30th Street, where it curves to the west to enter into the rail yards. Parking and auto-repair are the dominant land uses beneath the High Line between West 16th and 30th streets.

EXISTING ZONING

The majority of West Chelsea is zoned M1-5, permitting a floor area ratio (FAR) of 5.0 for light manufacturing and commercial uses. In much of the M1-5 district, Use Group 4A community facility uses are also permitted by special permit, with a maximum FAR of 6.5. Residential use is not permitted in M1-5 districts. In 1999, as part of the larger rezoning of Chelsea to the east, the City rezoned both sides of West 23rd Street and the south side of West 24th Street from M1-5 to a mixed use district that permits residential, commercial and light industrial uses. The M1-5/R9A district along West 23rd Street permits residential use at a 7.52 FAR, and the M1-5/R8A district along the south side of West 24th Street permits residential use at a 6.02 FAR.

ACTIONS REQUESTED

To implement the West Chelsea/High Line, several actions require approval by the City Planning Commission (CPC).

**ZONING MAP AMENDMENT (C 050162(A) ZMM) and
ZONING TEXT AMENDMENT (N 050161(A) ZRM)**

The Department of City Planning is the applicant for the zoning map amendment and zoning text amendment.

On March 3, 2005, the Department filed modified applications for the zoning text amendment (N 050161(A) ZRM) and zoning map amendment (C 050162(A) ZMM). The modified applications include changes in bulk and density and clarifications of the text. The changes reflect proposals and comments received during the public review process and have been presented to the Commission for analysis and consideration. This report addresses the modified applications (N 050161(A) ZRM and C 050162(A) ZMM) and the Commission's further modifications of the application (N 050161(A) ZRM) described herein.

Further changes to the modified application are adopted herein by the Commission. These changes reflect the result of analysis and consideration of the proposed modifications set forth in the modified applications. The Commission has determined that particular elements of the modified applications are appropriate while others are further modified or disapproved. The further changes to the modified applications are fully described in the "Consideration" below.

OVERVIEW

The proposed rezoning would permit new residential uses on Tenth and Eleventh avenues and northern and southern blocks of West Chelsea. Allowing new residential uses within these areas would permit the development of underused and vacant land as well as compliment and reinforce the existing residential uses along both sides of Tenth Avenue. Residential uses would not be allowed on midblocks between 20th and 27th streets to help ensure the continuation of the existing art gallery district.

The proposed zoning map and text amendments would permit a range of densities and building types that are appropriate to the existing built character both within West Chelsea and

along its edges. Generally, the proposed rezoning is divided into areas of lower- and medium-density districts that mandate streetwall buildings with maximum building heights, and medium- and higher-density districts that permit a tower-on-a-base form. In addition, special bulk regulations for developments adjacent to the High Line would ensure that light, air and views surrounding the structure are protected, while permitting buildings to both engage and pull away from the High Line, where appropriate.

Mixed Residential and Commercial Areas

Residential and commercial uses would be allowed along Tenth and Eleventh avenues and the midblocks between West 16th and 20th streets, and West 27th and 30th streets. C6 districts would be mapped within the rezoned areas, permitting residential and a broad range of commercial uses, consistent with the existing mixed use character of West Chelsea.

Permitted Densities

The lowest density (maximum 5.0 FAR and 6.0 FAR) would be permitted in the areas closest to the low-scale Chelsea Historic District – along the west side of Tenth Avenue between West 18th and 22nd streets, and the midblocks between West 18th and 20th streets. Densities would increase away from the Historic District, to medium density (maximum 7.5 FAR) along Tenth Avenue to the north of West 24th Street, Eleventh Avenue between West 18th and 28th streets, the east side of Tenth Avenue between West 16th and 18th streets, and the midblocks between West 27th and 29th streets. The highest densities (maximum 10.0 and 12.0 FAR) would be permitted along the edges of the Special District, on the full block site bounded by West 17th and 18th streets, and at the northern edge of the Special District, as West Chelsea transitions to the higher densities proposed in the adjacent Hudson Yards area.

Bulk regulations

Bulk regulations would ensure that the majority of new development in West Chelsea is consistent with the area's many high streetwall loft and walk-up apartment buildings. Minimum and maximum streetwall heights and overall building heights would be mandated,

with the lowest heights (80 feet to 120 feet) required in the lowest density districts adjacent to the Chelsea Historic District, and slightly higher heights (125 feet to 145 feet) in the medium density districts. Special bulk regulations for developments adjacent to the High Line would ensure that light, air, and views are protected, but would also provide for a variety of building forms to allow for visual interest along the High Line's length. A tower-on-a-base form would also be permitted where appropriate – on the sites adjacent to the 25-story Fulton Houses towers between West 16th and 17th streets; on Eleventh Avenue across from Chelsea Piers, Chelsea Waterside Park, and the Hudson River waterfront; and in the areas adjacent to Hudson Yards.

Midblock Art Gallery District

Approximately 200 galleries are located within West Chelsea, with the vast majority located in converted loft buildings and garages on the midblocks between West 20th and 22nd streets, and West 24th and 27th streets. The existing M1-5 District would be retained within these areas. In addition, streetwalls with a minimum height of 60 feet and a maximum height of 95 feet and a maximum building height of 135 feet would be required, to ensure that new development is consistent with the streetwall loft character of the midblocks.

Transfer of Floor Area from the High Line

In order to ensure that light, air and views are preserved along the proposed High Line open space, the transfer of floor area would be permitted from lots occupied by and immediately west of the High Line. The rezoned areas would allow an increase from the base FAR to the maximum FAR through the receipt of floor area from the High Line lots.

23rd Street Corridor

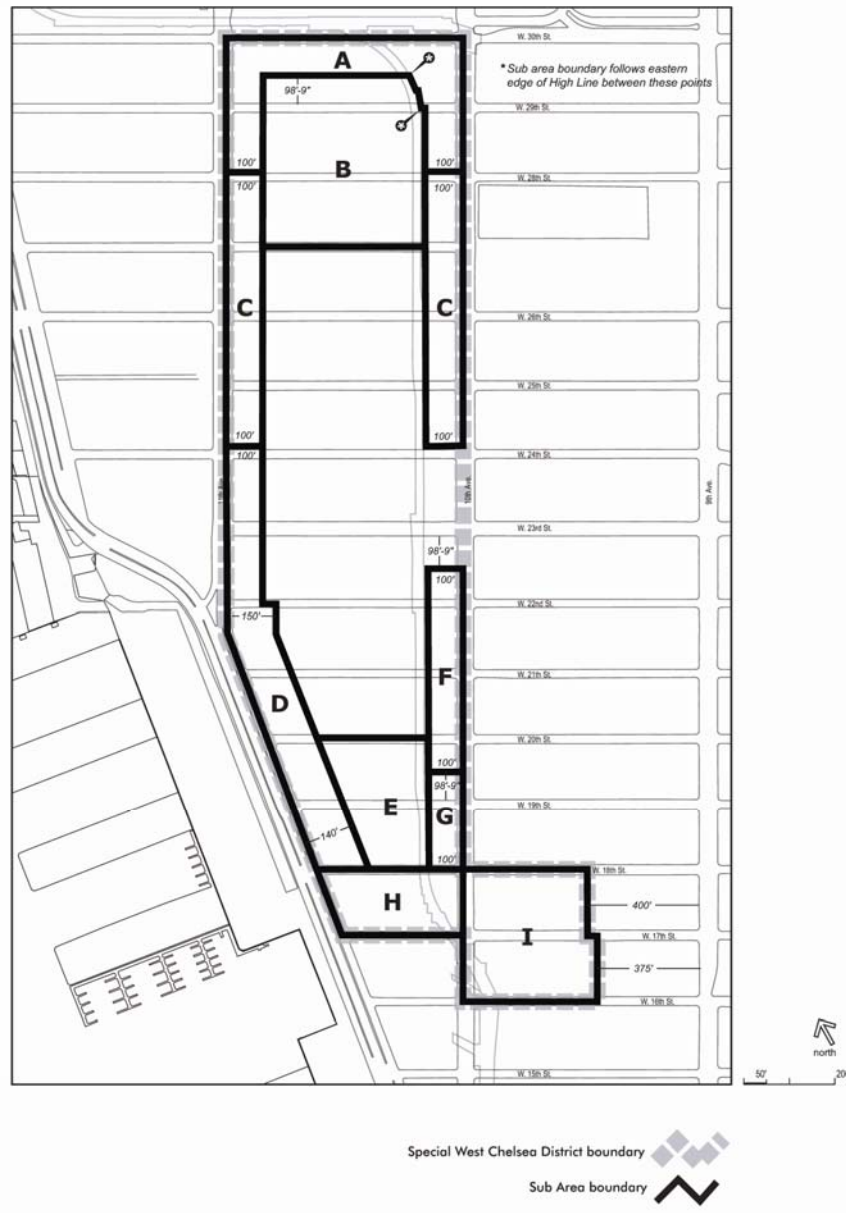
The mixed use zoning mapped in 1999 would be changed from M1-5/R9A to C6-3A (7.52 FAR) along West 23rd Street, from M1-5/R8A to C6-2A (6.0 FAR) along the south side of West 24th Street, and from M1-5/R9A to C6-3 (7.5 FAR) along Eleventh Avenue between West 22nd and West 24th streets. The rezoning would reflect the increasingly residential character of these

streets, allowing residential and commercial uses, but prohibiting manufacturing uses. Density and bulk regulations would remain the same along Tenth Avenue and on the midblocks. Within the proposed C6-3 district and across from Chelsea Waterside Park, tower-on-a-base forms would be permitted to provide an appropriate gateway to West Chelsea on West 23rd Street, a major cross-town thoroughfare.

SPECIAL WEST CHELSEA DISTRICT

The Special West Chelsea District would be established between Tenth and Eleventh avenues, and 18th and 30th Streets. In addition, the District would extend for 425 feet east of Tenth Avenue between West 16th and 17th streets and for 400 feet east of Tenth Avenue between West 17th and 18th streets. The Special District would be divided into nine subareas, distinguished by their density and bulk regulations.

Figure 1. Special West Chelsea District and Sub Area Boundaries



Floor Area Increase Mechanisms:

In lieu of typical regulations regarding floor area or density bonuses for plazas, special provisions would apply. Certain C6-2, C6-3 and C6-4 districts would have both base and maximum FAR's for residential, commercial and community facility uses. The floor area within these areas could be increased from the base to the maximum through four mechanisms:

High Line Transfer Corridor (HLTC)

A generally 100 foot wide floor area transfer corridor would be mapped along the length of the High Line, between West 19th and 30th streets, in order to ensure that light, air and views are preserved along the proposed High Line open space and that development rights associated with lots traversed by the High Line may be more fully utilized. Floor area equivalent to the increment between the base and maximum FAR's, as specified in the table below, could be transferred from lots within this corridor to the rezoned areas. Floor area from the HLTC could not be transferred to the areas to remain M1-5, the C6-2A and C6-3A districts within the 23rd Street corridor, or to High Line Improvement Bonus sites between West 17th and 19th streets. This transfer mechanism would take effect upon the issuance of a CITU and the execution of a trail use agreement between the City and the current railroad owner of the High Line with respect to that portion of the High Line located south of West 30th Street.

Inclusionary Housing Bonus

Inclusionary housing provisions would be modified within the Special West Chelsea District to provide additional opportunities for the creation of housing for lower-income households. Lots which have transferred floor area from the High Line Transfer Corridor by the minimum amount specified in the table below would be permitted to further increase floor area through the provision of inclusionary housing. The preservation option of the inclusionary housing program would also be modified to encourage the use of this option. The use of 80/20 financing and changes to the Inclusionary Housing Bonus (IHB) described above would generate between 855 and 1005 affordable dwelling units as a consequence of the proposed Special District.

High Line Improvement Bonus

A High Line improvement bonus would be available on three sites within the Special District – between West 16th and 17th streets on the east side of Tenth Avenue, between West 17th and 18th streets on the west side of Tenth Avenue, and between West 18th and West 19th streets on the west side of Tenth Avenue. The bonuses (1.5 FAR between West 16th and 17th streets, 2.5 FAR between West 17th and 18th streets, and a blended 1.0/2.5 FAR between West 18th and 19th streets) would be granted in exchange for a monetary contribution for the restoration and development of open space on the High Line, both on and adjacent to these sites. Additional requirements would apply for each of the three sites, including the provision of access and, on certain sites, High Line support facilities and public plaza space. This bonus mechanism would take effect upon the issuance of a CITU and the execution of a trail use agreement between the City and the current railroad owner of the High Line with respect to that portion of the High Line located south of West 30th Street.

High Line Transfer Corridor Bonus

In order to encourage compatible development beneath the High Line, a 1 FAR bonus for commercial uses would be allowed within the HLTC. However, this bonus would only be allowed after the transfer of all available floor area from the portion of the zoning lot within the HLTC, and the bonus could only be used for limited commercial development up to the height of the High Line.

Permitted FAR

The permitted base and maximum FAR would vary according to Subarea, as shown below:

| Subarea | Base FAR | Zoning District | Floor Area from HLTC | Floor Area from High Line Bonuses | Inclusionary Housing Bonus | | Max FAR |
|---------|----------|-----------------|----------------------|-----------------------------------|-------------------------------------|--------------------------------------|---------|
| | | | | | Min. FAR from HLTC <i>Note 1</i> | Floor area from Inclusionary Housing | |
| A | 7.5 | C6-4 | 2.5 | <i>Note 2</i> | 1.65 | 2.85 | 12.0 |
| B | 5.0 | C6-3 | 2.5 | <i>Note 2</i> | 1.65 | 0.85 | 7.5 |
| C | 5.0 | C6-3 | 2.5 | -- | 1.65 | 0.85 | 7.5 |
| D | 5.0 | C6-3 | 2.5 <i>Note 3</i> | 2.5 <i>Note 3</i> | 1.65 | 0.85 | 7.5 |
| E | 5.0 | C6-2 | 1.0 <i>Note 3</i> | 1.0 <i>Notes 2 & 3</i> | 0.65 | 0.35 | 6.0 |
| F | 5.0 | C6-2 | -- | -- | -- | -- | 5.0 |
| G | 5.0 | C6-2 | 1.0 <i>Note 3</i> | 1.0 <i>Note 3</i> | 0.65 | 0.35 | 6.0 |
| H | 7.5 | C6-4 | -- | 2.5 | -- | -- | 10.0 |
| I* | 5.0 | C6-3 | 1.0 | 1.5 | 0.65 | 0.35 | 7.5 |
| I | 5.0 | C6-3 | 2.5 | -- | 1.65 | 0.85 | 7.5 |

* For zoning lots over which the High Line runs

Note 1 A minimum amount of floor area would be required to be transferred from the HLTC prior to the use of the Inclusionary Housing Bonus

Note 2 Within Subareas A, B, and E, the base FAR of that portion of the zoning lot within the HLTC may be increased by a maximum of 1.0 by certification, pursuant to the provisions of the High Line Transfer Corridor bonus.

Note 3 For certain zoning lots located in Subareas D, E, and G, the provisions of the High Line Improvement Bonus may apply in lieu of the provisions of the High Line Transfer Corridor.

Subareas

Subarea A

This subarea, located in the northernmost portion of the Special District and adjacent to the proposed Special Hudson Yards District, would be mapped with the highest density district (C6-4/12.0 FAR). Bulk regulations would permit a tower-on-a-base form, providing a transition from the medium height buildings of West Chelsea to the south, and the taller buildings envisioned in Hudson Yards to the north.

- Streetwall, within 100 feet of a wide street: 60 to 85 feet
- Streetwall, beyond 100 feet of a wide street: 40 to 60 feet
- Setback: 10 feet on wide street; 15 feet on narrow street
- Tower coverage: 30% to 40%

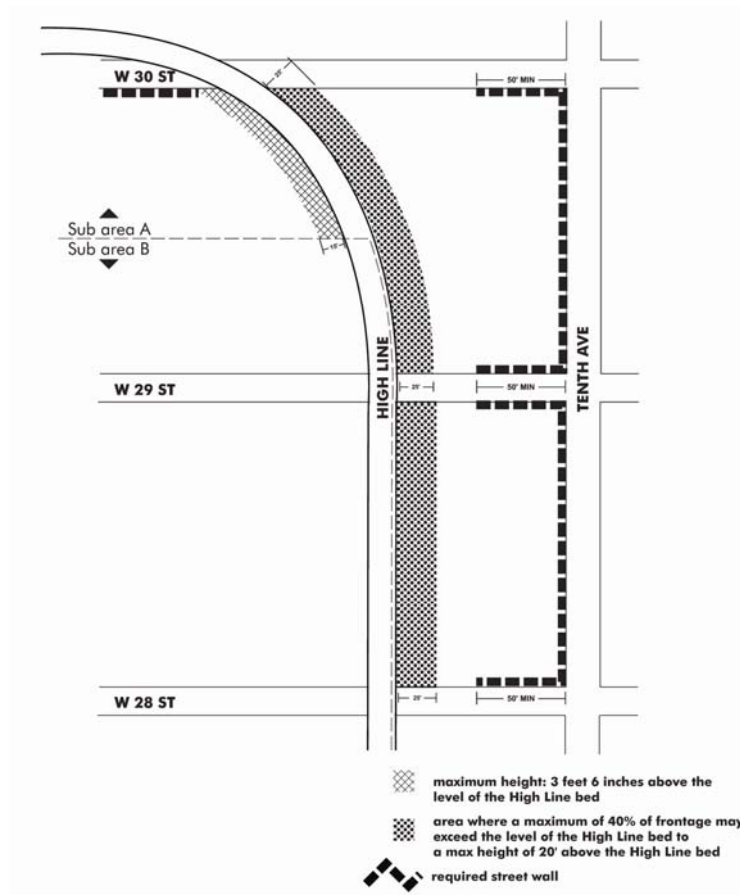
Additional bulk regulations would apply along West 30th Street in the area located between 250 feet and 400 feet from Eleventh Avenue to ensure that views to the sky from the planned Hudson Yards open space network to the north are maintained. Towers on lots greater than 7,000 square feet in area would be required to set back at least 25 feet from any side lot line located within this area (*See Figure 2*).

Special bulk regulations would also ensure that development adjacent to the High Line preserves light and views.

- East side of the High Line:
 - Maximum 40% of the aggregate width of the High Line frontage may exceed the level of the High Line bed by a maximum of 20 feet
 - Minimum 60% of the High Line frontage must setback 25 feet from the High Line at the level of the High Line bed.

- West side of the High Line:
 - Minimum 15 foot setback at the level of the High Line bed.

Figure 2. Subarea A Requirements

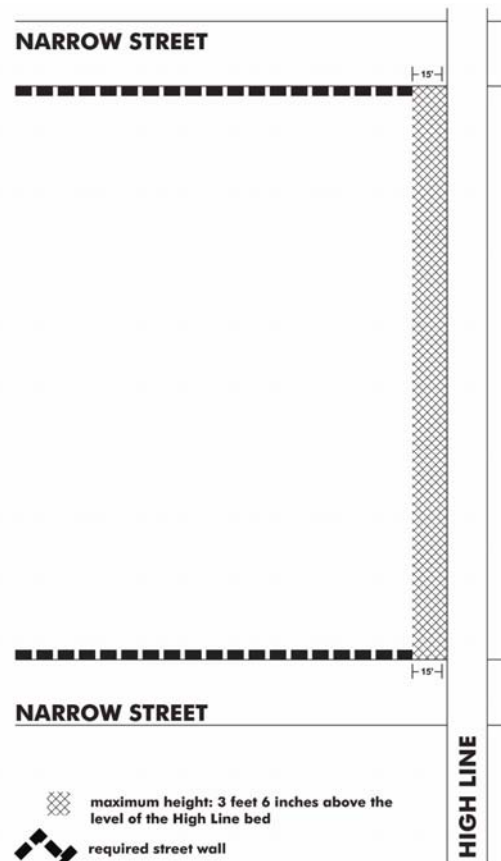


Subarea B

This subarea, located within the midblocks between West 27th and 29th streets, would be mapped with a medium density C6-3 (7.5 FAR) district. The proposed FAR is consistent with the many medium density loft buildings located along these streets. Bulk regulations would mandate streetwalls and setbacks to ensure compatibility with the existing loft context (See *Figure 3*).

- Streetwall: 60 feet to 95 feet
- Setback: 15 feet
- Maximum height limit: 135 feet
- West side of the High Line: Minimum 15 foot setback at the level of the High Line bed.

Figure 3. Subarea B Requirements

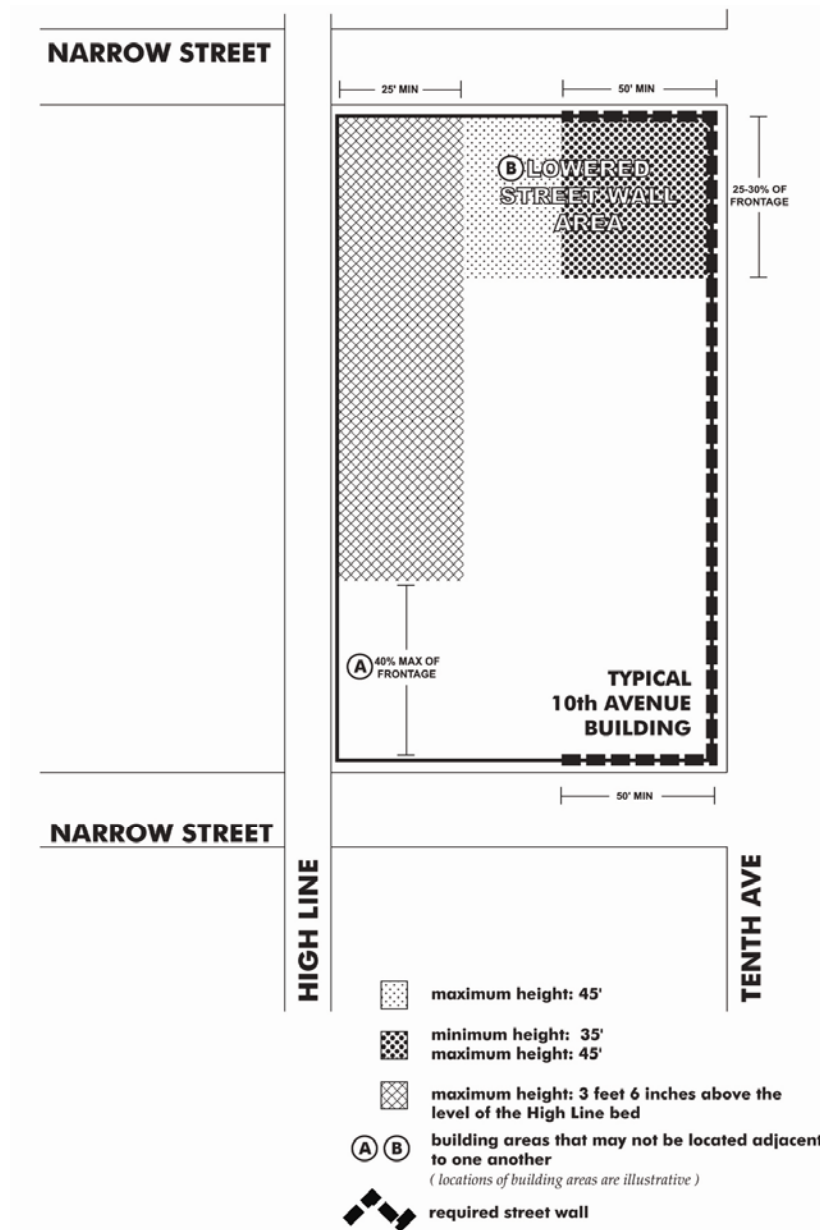


Subarea C

A medium density C6-3 (7.5 FAR) district would also be mapped within Subarea C, located along Tenth and Eleventh avenues between West 24th and 28th streets. Proposed bulk regulations would mandate a high streetwall, consistent with loft buildings located along both Eleventh avenue and Tenth Avenue. To preserve views from the High Line, developments that occupy more than 170 feet of Tenth Avenue frontage would also provide a section of lower streetwall of 35 to 45 feet at the corner of Tenth Avenue and a narrow street (*See Figure 4*).

- Streetwall, for zoning lots with Tenth Avenue frontage: 105 feet to 125 feet
- Streetwall, for zoning lots with Eleventh Avenue frontage: 125 feet to 145 feet
- Setback: 10 feet on wide street; 15 feet on narrow street
- Maximum height limit: 125 for Tenth Avenue lots, 145 feet for Eleventh Avenue lots
- East side of the High Line:
 - Maximum 40% of the aggregate width of the High Line frontage may rise without setback
 - Minimum 60% of the High Line frontage must setback 25 feet from the High Line at the level of the High Line bed.

Figure 4. Subarea C Requirements



Subarea D

A medium density C6-3 District (7.5 FAR) would be mapped along Eleventh Avenue between West 18th and 22nd streets. Bulk regulations would permit slender, tower-on-a-base forms to allow buildings to rise above Chelsea Piers while permitting light and air to penetrate into the midblock gallery district and providing an appropriate terminus for West 23rd Street across from Chelsea Waterside Park.

- Streetwall: 60 to 90 feet
- Setback: 10 feet on wide street; 15 feet on narrow street
- Maximum height: 220 feet

Subarea E

Consisting of the two midblocks between West 18th and 20th streets, Subarea E would be mapped with a lower density C6-2 District (6.0 FAR). The lower density and a required streetwall and height limit would provide a transition between the towers in Subarea D to the west and the Chelsea Historic District to the east. However, a tower form would be permitted, under certain circumstances, along the north side of West 18th Street to provide a transition to the higher density proposed to the south in Subarea H.

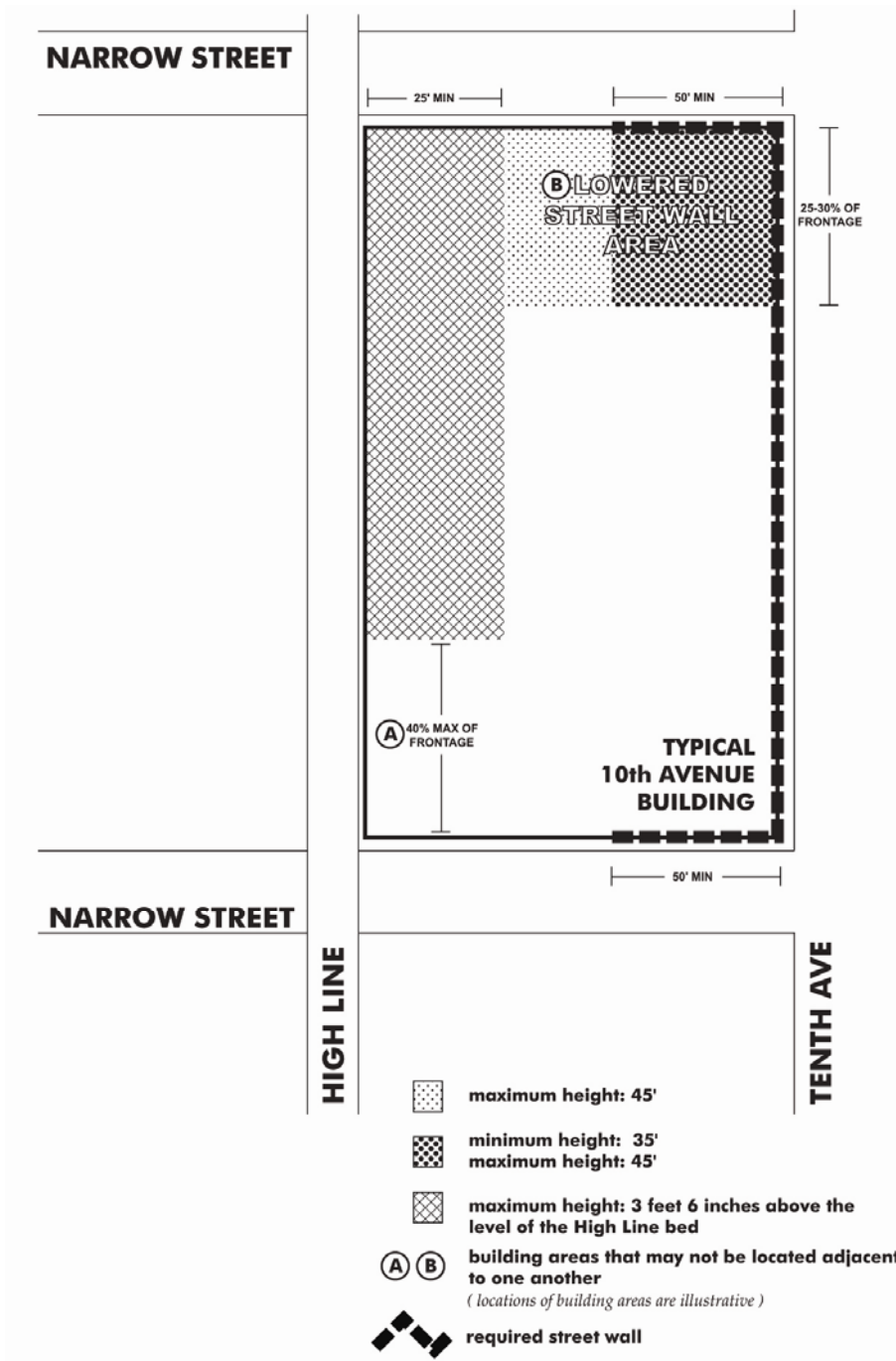
- West 19th and 20th streets:
 - Streetwall: 60 to 105 feet
 - Setback: 15 feet
 - Maximum height: 120 feet
- West 18th Street:
 - Streetwall: 60 to 85 feet (minimum 60% of frontage), within 5 feet of street line
 - Maximum height: 220 feet

Subarea F

Located across from the Chelsea Historic District, the west side of Tenth Avenue between West 20th and 22nd streets would be mapped with the lower density C6-2 District (5.0 FAR). Bulk regulations within Subarea F would ensure consistency with the avenue's loft buildings by requiring a high streetwall and would respect the subarea's proximity to the historic district by limiting density to 5.0 FAR and maximum building height to 80 feet. To preserve views from the High Line, developments that occupy more than 170 feet of Tenth Avenue frontage would also provide a section of lower streetwall of 35 to 45 feet at the corner of Tenth Avenue and a narrow street (*See Figure 5*).

- Streetwall: 60 feet to 80 feet
- Setback: 10 feet on wide street; 15 feet on narrow street
- Maximum height limit: 80 feet
- East side of the High Line:
 - Maximum 40% of the aggregate width of the High Line frontage may rise without setback
 - Minimum 60% of the High Line frontage must setback 25 feet from the High Line at the level of the High Line bed.

Figure 5. Subarea F Requirements

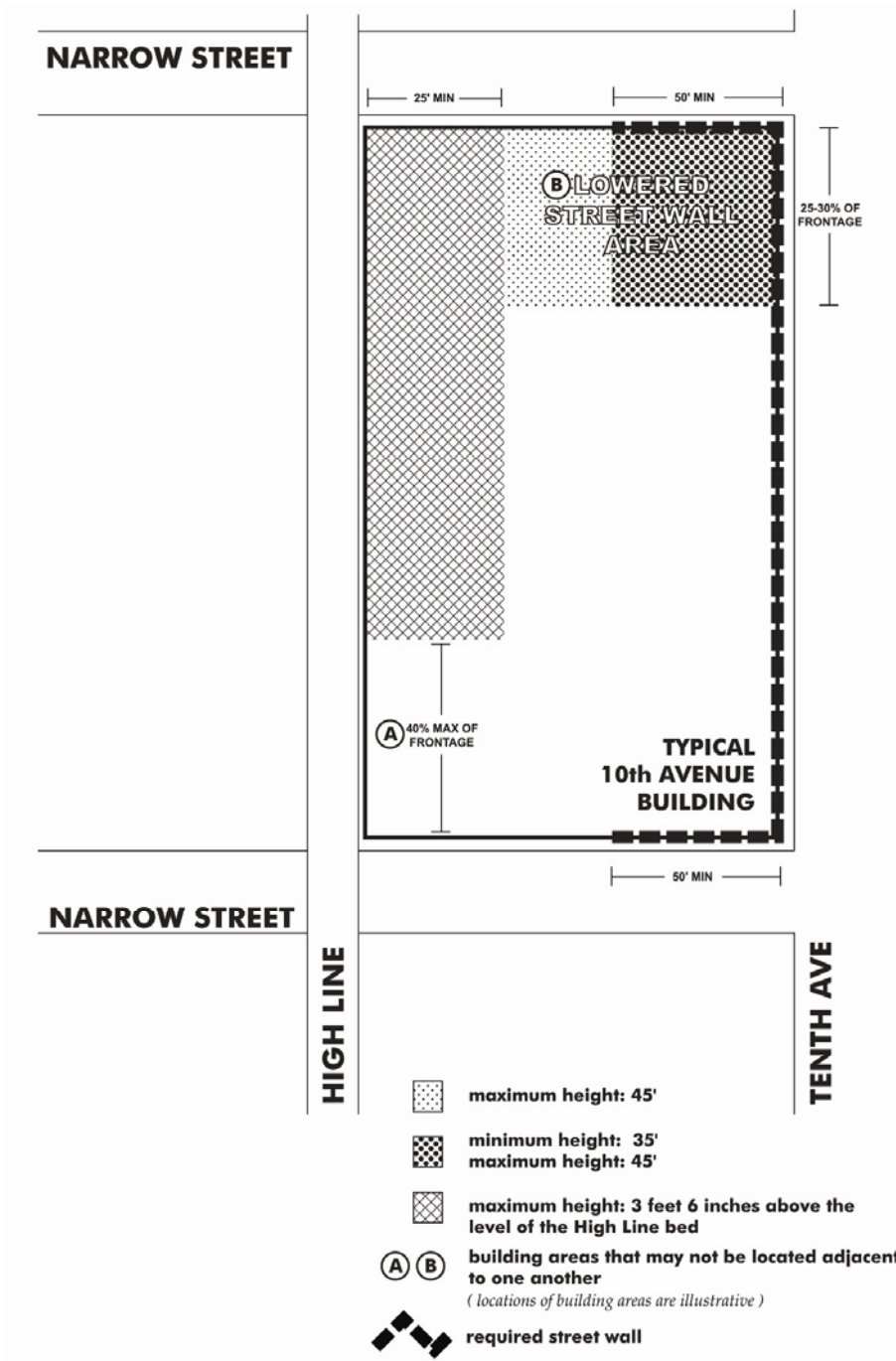


Subarea G

The west side of Tenth Avenue between West 18th and 20th streets would be mapped with a lower density C6-2 District (6.0 FAR). Consistent with the avenue's loft buildings, a high streetwall and maximum building height would be required. To preserve views from the High Line, developments that occupy more than 170 feet of Tenth Avenue frontage would also provide a section of lower streetwall of 35 to 45 feet at the corner of Tenth Avenue and a narrow street (*See Figure 6*).

- Streetwall: 105 feet to 120 feet
- Setback: 10 feet on wide street; 15 feet on narrow street
- Maximum height limit: 120 feet
- East side of the High Line:
 - Maximum 40% of the aggregate width of the High Line frontage may rise without setback
 - Minimum 60% of the High Line frontage must setback 25 feet from the High Line at the level of the High Line bed.

Figure 6. Subarea G Requirements

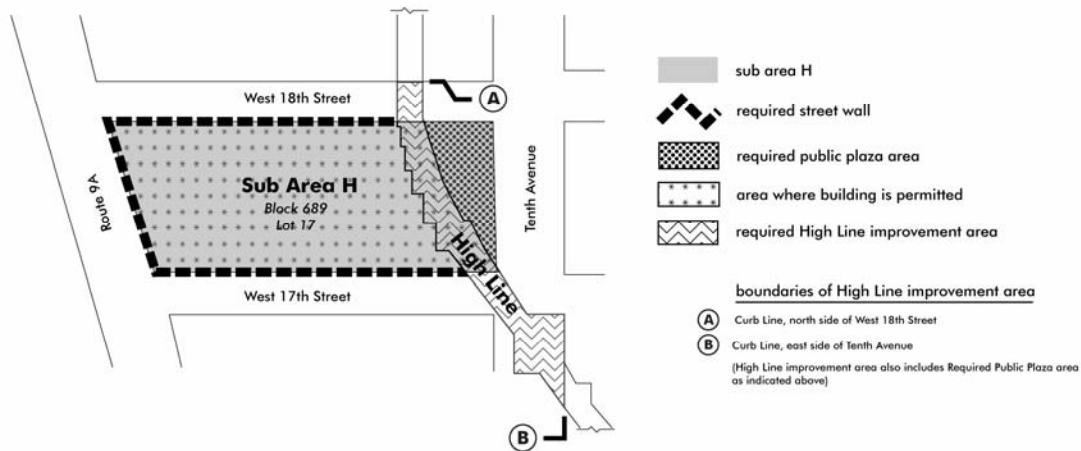


Subarea H

Located immediately north of high density loft buildings, Subarea H, bounded by West 17th and 18th streets, would be mapped with a higher density C6-4 District (10 FAR). The tower-on-a-base form would be permitted on this block, consistent with the regulations proposed for Eleventh Avenue to the north. In addition, development would be restricted to the west side of the High Line, in order to provide for a major High Line access point and at-grade open space along the block's Tenth Avenue frontage (See Figure 7).

- Streetwall: 60 to 120 feet
- Setback: 10 feet on wide street; 15 feet on narrow street
- Maximum height: 280 feet

Figure 7. Subarea H Requirements



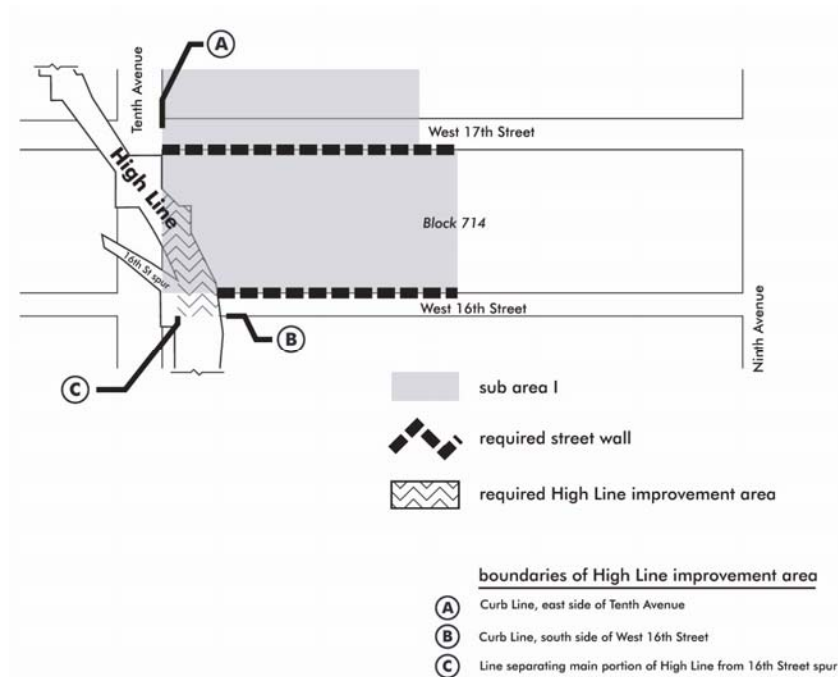
Subarea I

Subarea I would be mapped on two partial blocks east of Tenth Avenue between West 16th and West 18th streets. The subarea would be located south of the Chelsea Historic District, west of the 24-story Fulton Houses, and north of the higher-density Chelsea Market buildings. Subarea I would have a medium density C6-3 (7.5 FAR) district. Bulk regulations would provide a transition between the Historic District and the Fulton House towers, with a height limit required on Tenth Avenue and midblocks and a more flexible tower-on-a-base form allowed between West 16th and West 17th streets within 300 feet of Tenth Avenue (*See Figure 8*).

- West 16th and West 18th streets:
 - Streetwall: 60 to 105 feet
 - Setback: 10 feet on wide street, 15 feet on narrow street
 - Maximum height: 135 feet

- West 16th and 17th streets, within 300 feet of Tenth Avenue:
 - Streetwall: 60 to 85 feet
 - Setback: 15 feet
 - Maximum height within 90 feet of West 17th Street: 220 feet
 - Maximum height elsewhere: 120 feet

Figure 8. Subarea I Requirements



West 23rd Street Corridor

The MX-3 Special District (M1-5/R9A/R8A) located along West 23rd Street and the south side of West 24th Street would be eliminated. Portions of these blocks would be rezoned with the contextual C6-3A (7.52 FAR) and C6-2A (6.0 FAR) to reflect the increasing residential character of these streets.

West 23rd Street:

- Streetwall: 60 to 102 feet
- Setback: 15 feet on narrow street, 10 feet on wide street
- Height limit: 145 feet

West 24th Street:

- Streetwall: 60 to 85 feet
- Setback: 10 feet

- Height limit: 120 feet

M1-5 Districts

Certain M1-5 districts, located in the art gallery core of West Chelsea, would not be rezoned. However, bulk regulations would apply to ensure new development is consistent with the existing built context of the midblocks.

- Streetwall: 40 to 95 feet
- Setback: 15 feet
- Height limit: 135 feet

Regulations to enhance the proposed High Line open space

Adjacent open area requirement

A minimum of 20% of the lot area for developments adjacent to the east side of the High Line would be required to be reserved as a landscaped open area. To provide a visual extension of the High Line, the required open area would be located adjacent to and at a height not to exceed 3 feet 6 inches above the level of the High Line.

Commercial use transparency

Commercial uses located at the level and within 25 feet of the High Line would be subject to transparency requirements; commercial uses with non-transparent areas fronting on the High Line would also be required to provide visual interest, including plantings or art work.

Access easement volumes

An easement for future stair and elevator access to the High Line would be required for developments on zoning lots greater than 5,000 square feet and occupied by the High Line. An easement for future stair access to the High Line would be required as a condition of the transferring of floor area from the High Line Transfer Corridor.

Screening and landscaping requirement for vacant sites

Lots located within the High Line Transfer Corridor that are more than 50 percent vacant are subject to screening and landscaping requirements.

Sign regulations

Within 50 feet of the High Line structure, the signage regulations of a C1 district apply.

Accessory signs, however, would be permitted to be located up to 20 feet above the level of the High Line bed. In addition, no signage would be permitted on the High Line except as specified via a High Line signage master plan, as authorized by the City Planning Commission.

Regulations for developments adjacent to the High Line

Development or excavation within 25 feet of the High Line columns would be reviewed by the Department of Buildings to ensure that the structural integrity of the High Line and the City's ability to inspect and maintain the High Line are preserved.

Additional regulations:

Tenth Avenue ground floor use requirements and transparency requirement

To enliven the pedestrian experience along Tenth Avenue, ground floor commercial, museum, or non-commercial art gallery uses and visual transparency would be required.

Residential location within buildings

To provide for greater flexibility in the design of mixed-use buildings, residential uses would be permitted on the same story as non-residential uses, as long as there is no access between the uses.

Security gate transparency

Security gates would be required to provide at least 75 percent transparency.

Authorization to modify height and setback regulations

The City Planning Commission may authorize the modification of height and setback regulations for portions of lots within 40 feet of the High Line provided the modification enhances the High Line open space and/or results in a superior site plan.

**SITE SELECTION AND ACQUISITION FOR HIGH LINE PUBLIC OPEN SPACE
(C 050163 PCM)**

The New York City Department of Citywide Administrative Services is the applicant for the site selection and acquisition of the High Line rail structure and associated easement, located in Manhattan Community Districts 2 and 4 (Blocks 644 - 646, 712 - 714, and 689 – 702) for the construction of a new public open space facility.

Existing Conditions

The proposed site consists of a portion of an unused, elevated freight rail structure as well its associated rail easement and a portion of a City-owned property located beneath and adjacent to the High Line.

The portion of the rail line that is the subject of the proposed selection and acquisition traverses 22 blocks between Gansevoort Street and the eastern curb line of Eleventh Avenue, just north of its intersection with West 30th Street. Beginning at Gansevoort Street, the High Line runs just to the west of and parallel to Washington Street northwards to West 14th Street. Between West 14th and West 16th streets, the High Line runs along the eastern side of Tenth Avenue. The High Line crosses Tenth Avenue at West 17th Street and then runs approximately 100 feet west of Tenth Avenue north to West 29th Street. At West 29th Street the High Line curves westward, crosses West 30th Street and then runs west to Eleventh Avenue. Several spurs and sidetracks are also included in this site selection and acquisition. The first spur crosses Tenth Avenue

between West 15th and 16th streets and the second spur crosses Tenth Avenue between West 16th and 17th streets. The third and largest spur extends from a point on the midblock of West 30th Street eastward to a point located above the intersection of Tenth Avenue and West 30th Street.

The easement associated with the High Line structure is a box easement that extends generally from the underside of the structure to a point approximately 20 feet above the existing track surface. The rail structure and box easement are generally coterminous and vary in width from approximately 30 to 90 feet.

The High Line structure is generally constructed of steel columns that support a concrete 'bathtub' that rests atop the structure. The concrete bathtub is filled with an aggregate gravel material, into which the ties and rails are set. Other areas of the line have a solid concrete base in place of the gravel ballast. After rail service was discontinued in 1980, the upper surface of the line was colonized by grasses, shrubs, vines, and trees and is now completely covered by vegetation on most portions of the line.

The site also includes a portion of an unoccupied city-owned building located at 820 Washington Street. This area may be needed for construction of a future access point for the High Line and for remediation and construction staging for the High Line open space.

The High Line structure is generally located on and above private property, except at the city-owned Gansevoort Market Building and where the line crosses streets. The properties traversed by the High Line are generally zoned M1-5, with the exception of the portion of the line between West 22nd and West 24th streets, which traverses properties currently within a designated Special Mixed Use (MX-3) district with M1-5/R8A and M1-5/R9A zoning. Land uses beneath the High Line structure are primarily auto-related and include parking lots, vehicle loading spaces, and automobile servicing and repair establishments.

Acquisition of the High Line structure and associated easement would be made pursuant to a voluntary railbanking agreement between the City and CSX Transportation, Inc., the current owner.

Proposed Facility

The proposed public open space facility would include the High Line structure and easement as well as improvements, constructions, and appurtenances typical of a public open space including, but not limited to, walkways, vegetation, seating, lighting, artwork and sculpture, water features and fountains, earthworks, restroom facilities, drinking fountains, trash receptacles, kiosks, stairways, elevators, and ramps.

ENVIRONMENTAL REVIEW

The original applications (N 050161 ZRM, C 050162 ZMM, C 050163 PCM), in conjunction with the modified applications (N 050161(A) ZRM, C 050162(A) ZMM) were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 03DCP069M. The lead agency is the City Planning Commission (CPC).

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on August 20, 2003, and distributed, published and filed. A public meeting on the Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was held on October 2, 2003, and the Final Scope of Work for the DEIS was issued on August 24, 2004.

The lead agency prepared a DEIS and a Notice of Completion for the DEIS was issued on December 20, 2004. Pursuant to the SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on April 6, 2005, in conjunction with the public hearing on this ULURP item (N 050161(A) ZRM) and the related items (N 050161 ZRM, C 050162 ZMM, C 050162(A) ZMM, C 050163 PCM).

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on May 13, 2005. The FEIS included an alternative, Alternative F (the Revised Affordable Housing Alternative), which reflects the modified ULURP application (N 050161(A) ZRM) that was submitted subsequent to the issuance of the DEIS. On May 25, 2005, subsequent to the issuance of the FEIS, a Technical Memorandum was completed which addresses the potential impacts of certain CPC modifications to the modified application (N 050161(A) ZRM), which are discussed later in this report.

The following is a summary of the significant adverse impacts and proposed mitigation measures identified for Alternative F, as set forth in the FEIS. The summary is followed by a discussion of (E) designations, mapped as part of the zoning map amendment and lastly, a description of the conclusions of the Technical Memorandum prepared with respect to the CPC modifications.

IMPACTS

Community Facilities and Services

Alternative F is expected to result in a net increase of 4,561 market-rate dwelling units (DUs) and 768 low-moderate DUs, yielding approximately 9,400 residents.

Elementary and Intermediate Schools

Alternative F would generate 548 elementary school students. As a result, in Region 3 of Community School District (CSD) 2, the utilization rate for elementary schools would increase

over No-Action conditions, from 125 percent with a shortfall of 649 seats, to a utilization rate of 147 percent with a shortfall of 1,197 seats. In CSD 2 as a whole, the elementary school utilization rate would increase over No-Action conditions, from 109 percent with a shortfall of 1,334 seats, to a utilization rate of 112 percent and a deficiency of 1,882 seats. Alternative F would result in a greater than 5 percent increase in the deficiency of available elementary schools seats over No-Action conditions (84 percent and 41 percent, respectively) and, therefore, would result in a significant adverse impact on public elementary schools in Region 3 and CSD 2 as a whole.

With respect to intermediate schools, in CSD 2 as a whole, the utilization rate would increase over No-Action conditions, from 117 percent with a shortfall of 1,164 seats, to a utilization rate of 119 percent with a shortfall of 1,278 seats. Alternative F would result in a greater than 5 percent increase in the deficiency of available intermediate school seats over No-Action conditions (10 percent) and therefore it would result in a significant adverse impact on public intermediate schools in CSD 2.

Publicly Funded Day Care

The 768 affordable housing units projected under Alternative F would generate 92 children under age 12 eligible for publicly funded day care. As a result, the net unmet demand in the study area would increase from 121 under No-Action conditions to 213 slots, a 39 percent increase in demand as a percentage of capacity over No-Action conditions. Alternative F would result in an increase of five percent or more over capacity, and therefore a significant adverse impact to publicly funded day care service in the study area could occur in 2013 as a result of this alternative.

Open Space

In the event that a Certificate of Interim Trail Use (CITU) is not issued, the proposed High Line publicly accessible open space would not be created and the transfer of development rights mechanism and the floor area bonus for High Line Access and Improvement would not be

available, as those provisions of the proposed Special District are contingent on the CITU. Under this scenario, the FEIS discloses the potential for a significant adverse open space impact.

The impact would be due to a substantial decrease of the open space ratio without the High Line open space. With this decrease in the open space ratio and without the lessening of effects provided by a new open space on the High Line, this scenario would result in significant adverse open space impacts.

Potential mitigation measures could include improving existing open spaces in the study area to increase their utility, safety or capacity to meet identified needs in the study area. In this case, such mitigation measures should focus on active open space, given the expected user population; however, all of the active open space resources in the study area are in good or excellent condition, with 14.40 acres of the existing 20.85 acres of active space in excellent condition. Open space to be added in the future without the proposed action is also expected to be in excellent condition, including the 7.96 acres of active open space. As a majority of future No-Action open space is expected to be in excellent condition and no existing open space is in fair condition, mitigating this impact by improving existing open space resources does not appear to be a feasible measure. Therefore, this significant adverse impact would be unmitigated.

Shadows

Alternative F would result in unmitigated significant adverse shadow impacts on two historic resources. Under Alternative F, shadows would be cast on the chapel located on the grounds of the General Theological Seminary (within the Chelsea Historic District) and the stained-glass windows of the Guardian Angel Church. These significant adverse impacts would be remain unmitigated, as there are no feasible means to reduce or eliminate the impacts.

Historic Resources

Architectural Resources

Alternative F would result in significant adverse impacts to eight historic resources, including the demolition of two eligible resources, the E.R. Merrill Spring Company Building (Historic Resource #9) and the Manufacturing Building (Historic Resource #8) from development on Potential Development Sites 38 and 30, respectively, and the conversion of one resource, the Otis Elevator Building (Historic Resource #5), to residential use (Projected Development Site 7). These significant adverse impacts would be unmitigated because development activity on these eligible resources would occur as-of-right. Two of the resources, the Otis Elevator Building (#5) and the E.R. Merrill Spring Co. Building (#9) are located within the boundaries of the area proposed by Manhattan Community Board 4 as a historic district (#39) and deemed eligible by the New York City Landmarks Preservation Commission (LPC) for designation and S/NR listing. The Manufacturing Building (#8) is not located within the boundaries of the proposed historic district.

In addition, inadvertent construction-related damage could potentially occur to five eligible resources including: the Wolff Building and Annex (Historic Resource #13); the Cornell Ironworks (aka Standard Oil Building) (Historic Resource #14); the Reynolds Metal Building (Historic Resource #15); the B&O Terminal (Historic Resource #26); and the Nabisco Complex (Chelsea Market) (Historic Resource #32). These significant adverse impacts would be unmitigated because development activity in the vicinity of these eligible resources would occur as-of-right. Two of the resources, the Reynolds Metal Building (#15) and the B&O Terminal (#26) are located within the boundaries of the area proposed by Manhattan Community Board 4 as a historic district (#39) and deemed eligible by the LPC for designation and S/NR listing.

With respect to construction-related impacts, the five resources would be afforded limited protection under DOB regulations applicable to all buildings located adjacent to construction sites; however, since the resources are not S/NR-listed or LPC-designated, they are not afforded

special protections under DOB's *TPPN 10/88*. The resources would be provided a measure of protection from construction as Building Code section 27-166 (C26-112.4), which requires that all lots, buildings, and service facilities adjacent to foundation and earthwork areas be protected and supported in accordance with the requirements of Building Construction Subchapter 7 and Building Code Subchapters 11 and 19. Additional protective measures afforded under DOB's *TPPN 10/88*, which apply to LPC-designated and S/NR-listed historic resources, would not be applicable in this case, unless the eligible resources are designated in the future prior to the construction activity. If they are not designated, however, they would not be subject to the above construction protection procedures, and may therefore be adversely impacted by nearby development resulting from the proposed action.

Traffic and Parking

Traffic

Under Alternative F, demand from projected development sites would result in significant adverse traffic impacts at 24 different intersections in one or more peak hours over the 2004-2013 period. Of these, 8 intersections were on Route 9A, with 16 intersections spread out in the study area grid. Except for the intersections on Route 9A, where significant adverse impacts are typically on the avenue, all except one of the significant adverse impacts in the grid itself were on cross-streets as these are the locations for the expected new accessory garage entrances on the projected development sites. Further, the avenues in West Chelsea are very lightly traveled, and only one significant adverse impact to the avenues was identified. The 24 impacted intersections are presented in Table 23-10 of the FEIS. Significant adverse impacts would occur at twelve intersections in the AM peak hour, eighteen in the midday peak hour and sixteen in the PM peak hour.

Transit and Pedestrians

Transit - Bus Service

Alternative F would increase net demand by 30 percent in the AM peak hour and 16 percent in

the PM peak hour. The alternative would result in an impact to the westbound M16/M34 bus route in the PM peak hour, with a deficit of 19 persons. No other bus impacts are expected and, as discussed in Chapter 17 of the FEIS, "Transit and Pedestrians," New York City Transit adjusts bus service to meet demand and no project sponsored mitigation is required for this M16/M34 impact in the PM peak hour.

MITIGATION

Community Facilities and Services

Elementary and Intermediate Schools

The Final Generic Environmental Impact Statement (FGEIS) for the *No. 7 Subway Extension - Hudson Yards Rezoning and Development Program* (CEQR No. 03DCP031M, November 2004) discussed the mitigation required for the cumulative school impacts of the West Chelsea and Hudson Yards development programs. As indicated in the Hudson Yards FGEIS, with adoption of the proposed action (or adoption of an alternative resulting in comparable development), a new K-8 elementary/intermediate school would be required by 2013, in addition to a school enlargement (by 2010) and an additional school (by 2025) required as a result of the Hudson Yards rezoning itself. NYC Department Education (DOE) would continue to monitor trends in demand for school seats in the area. The DOE responses to identified demand could take place in stages and include administrative actions and/or enlargement of existing schools, followed by the later construction or lease of new school facilities at an appropriate time.

The proposed March 2005 amendment to the DOE's 2005-2009 Five Year Capital Plan provides funding for two capacity projects in Region 3 of CSD 2 to accommodate the forecasted additional students in the proposed Hudson Yards redevelopment area. In addition to the 110-seat addition for PS 51, a 630-seat PS/IS, for a site near West 37th Street and Tenth Avenue, has been funded in anticipation of the adoption of the West Chelsea rezoning plan. Design

work will be funded in the 2005-2009 Five Year Capital Plan; construction of these projects will be funded in the next capital plan (2010-2014 Capital Plan).

Publicly Funded Day Care

Mitigation for this impact could include adding capacity to existing facilities or providing a new day care facility in or near the proposed action area. At this point, however, it is not possible to know exactly what type of mitigation would be most appropriate and when, because the demand for publicly funded day care depends not only on the amount of residential development in the area, but the proportion of new low-income families eligible for public day care. Therefore, the NYC Administration for Children's Services will monitor development within the proposed action area and respond as appropriate to provide the capacity needed.

Traffic and Parking

Traffic

To address this level of new traffic demand, only very modest mitigation measures would be required, consisting entirely of parking regulation changes on cross-streets plus timing or phasing adjustments to study area signals over the next 10 years, gradually increasing the green time allocated to the cross-streets without adversely affecting the avenues. Mitigation measures for these impacts are identified in Table 22-1 of Chapter 22, "Mitigation." The proposed mitigation would fully address all impacts at twelve intersections in the in the AM peak hour, eighteen intersections in the midday peak hour and sixteen in the PM peak hour. As shown Table 23-11, all traffic impacts under Alternative F would be eliminated with these mitigation measures.

Transit and Pedestrians

Transit - Bus Service

Alternative F would increase the net demand by 30 percent in the AM peak hour and 16 percent in the PM peak hour. The alternative would result in an impact to the westbound M16/M34 bus route in the PM peak hour, with a deficit of 19 persons. No other bus impacts are expected and,

as discussed in Chapter 17 of the FEIS, "Transit and Pedestrians," New York City Transit adjusts bus service to meet demand and no project sponsored mitigation is required for this M16/M34 impact in the PM peak hour.

(E) DESIGNATIONS

As part of the zoning map amendment, (E) Designations would be mapped for hazardous materials, air quality, and noise. (E) Designations are applied to specific properties that could require remediation or other measures, should an owner want to demolish, excavate, or otherwise construct on his/her property. Under Alternative F, as set forth in the FEIS, (E) designations for Hazardous Materials, Air Quality and Noise would be mapped as part of the proposed rezoning, as detailed below.

Hazardous Materials

All of the projected and potential development sites would be mapped with Environmental (E) designations, as indicated in the table below.

Any site that has received an (E) designation for hazardous materials will require that the fee owner of the site conduct a testing and sampling protocol, and develop a remediation plan, where appropriate, to the satisfaction of the New York City Department of Environmental Protection (NYCDEP) before the issuance of a building permit by the Department of Buildings (pursuant to Section 11-15 Zoning Resolution - Environmental Requirements). The (E) designation also includes mandatory construction-related health and safety plans which must be approved by the NYCDEP. The scope of a Phase II Site Investigation is dependent on the nature of the recognized environmental conditions. With the requirements of the (E) designation on development sites, there would be no impact from the potential presence of contaminated materials.

Projected and Potential Development Sites - Preliminary Screening for Hazardous Materials

| Table 23-8, West Chelsea: Hazardous Materials (E) Designation for Alternative F | | | | | | | | |
|---|-------|-----|------------------|--|-----------------------------|--|----------------------|---------------------------|
| Site | Block | Lot | Development Site | Address | Current Land Use | CEQR Reference | Source | (E) Designation Warranted |
| 1 | 701 | 1 | Projected | Manhattan Mini-Storage 541 W29th St | Storage | Appendix A List Automobile Service Station | 1934 Bromley | Yes |
| 2 | 701 | 30 | Projected | Enterprise 30th Street Parking, LLC 505-509 W29th St | Parking Garage | Appendix A List Metal Processing | 1934 Bromley | Yes |
| 2 | 701 | 33 | Projected | 505 W29th St | Storage/Vacant | Appendix A List Metal Processing | 1934 Bromley | Yes |
| 2 | 701 | 35* | Projected | Terminal Food Shop 329 10th Ave | Deli | Appendix A List Metal Processing | 1934 Bromley | No |
| 2 | 701 | 35* | Projected | 501 29th St | Residential / Commercial | Appendix A List Metal Processing | 1934 Bromley | No |
| 2 | 701 | 36 | Projected | 331 Tenth Ave | Parking Lot | Appendix A List Metal Processing | 1934 Bromley | Yes |
| 2 | 701 | 37 | Projected | 333 Tenth Ave | Auto Sales (lot) | Appendix A List Metal Processing | 1934 Bromley | Yes |
| 2 | 701 | 42 | Projected | Enterprise 30th Street Parking, L.L.C. 343 10th Ave | Parking Lot | Appendix A List Metal Processing | 1934 Bromley | Yes |
| 2 | 701 | 43 | Projected | 502 W30th St | Manufacturing /Vacant | Appendix A List Metal Processing | 1934 Bromley | Yes |
| 3 | 700 | 1 | Projected | Kaz Systems 282 11th Ave | Parking Lot | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 3 | 700 | 1 | Projected | Davids Auto Service 282 11th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 3 | 700 | 1 | Projected | Brownfield Auto 298 11th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 4 | 699 | 5 | Projected | 547 W27th St | Art Gallery | Adjacent App A Iron Works | 1897 Bromley | Yes |
| 5 | 699 | 22 | Projected | 517 W27th St | Office Space | Adjacent App A Iron Works | 1897 Bromley | Yes |
| 5 | 699 | 23 | Projected | 515 W27th St | Office Space | Adjacent App A Iron Works | 1897 Bromley | Yes |
| 5 | 699 | 24 | Projected | Colin Construction 513 W27th St | Office Space | Adjacent App A Iron Works | 1897 Bromley | Yes |
| 5 | 699 | 25 | Projected | 511 W27th St | Art Gallery | Adjacent App A Metal Processing | 2004 Field Survey | Yes |

Table 23-8, West Chelsea: Hazardous Materials (E) Designation for Alternative F

| Site | Block | Lot | Development Site | Address | Current Land Use | CEQR Reference | Source | (E) Designation Warranted |
|------|-------|-----|------------------|--|-------------------------|--|-------------------|---------------------------|
| 5 | 699 | 26 | Projected | 509 W27th St | Scrap Metal Processing | Appendix A List Metal Processing | 2004 Field Survey | Yes |
| 5 | 699 | 27 | Projected | Central Iron & Metal 507-9 W27th St | Scrap Metal Processing | Appendix A List Metal Processing | 2004 Field Survey | Yes |
| 5 | 699 | 44 | Projected | Bungalow 8 518 W27th St | Bar/Restaurant | Adjacent App A Iron Works | 1897 Bromley | Yes |
| 5 | 699 | 44 | Projected | Leonard Powers, Inc 514-20 W27th St | Industrial/Storage | Adjacent App A Iron Works | 1897 Bromley | Yes |
| 6 | 699 | 30* | Projected | 503 W27th St | Residential | Adjacent App A Metal Processing | 2004 Field Survey | No |
| 6 | 699 | 30* | Projected | Brite Bar 297 10th Ave | Bar/Restaurant | Appendix A List Motor Freight Station | 1955 Bromley | No |
| 6 | 699 | 31* | Projected | Bongo 299 10th Ave | Residential/Retail | Appendix A List Motor Freight Station | 1955 Bromley | No |
| 6 | 699 | 32* | Projected | Punjabi Food Junction 301 10th Ave | Residential/Retail | Adjacent App A Auto Service | 2004 Field Survey | No |
| 6 | 699 | 33 | Projected | City/Gas Auto Repair 303-309 10th Ave | Auto Gas/Service Repair | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 6 | 699 | 37* | Projected | 10th Ave Gourmet 311 10th Ave | Residential/Retail | Adjacent App A Auto Service | 2004 Field Survey | No |
| 7 | 698 | 1 | Projected | 246-60 11th Ave | Office Space | Adjacent App A Brass Works | 1897 Bromley | Yes |
| 8 | 698 | 32 | Projected | Firestone Bear Auto Center 279 10th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 8 | 698 | 35 | Projected | The Friendly Group 287 10th Ave | Taxi Mgmt | Appendix A List Automobile Rental | 2004 Field Survey | Yes |
| 8 | 698 | 37 | Projected | Marquee 289 10th Ave | Bar/Restaurant | Adjacent App A Auto Service Station | 1934 Bromley | Yes |
| 8 | 698 | 40 | Projected | Paul Kasmin 293 10th Ave | Art Gallery | Adjacent App A Auto Service Station | 1934 Bromley | Yes |
| 8 | 698 | 141 | Projected | 502 W27th St | Residential | Appendix A List Automobile Service Station | 1934 Bromley | Yes |
| 9 | 697 | 27 | Projected | 501-9 W25th St | Parking/auto/vacant | Adjacent App A Iron Works, Lumber Yard | 1897 Bromley | Yes |
| 9 | 697 | 31 | Projected | Kantora Galley 259 10th Ave | Storage/Commercial | Adjacent App A Iron Works, Lumber Yard | 1897 Bromley | Yes |

| Table 23-8, West Chelsea: Hazardous Materials (E) Designation for Alternative F | | | | | | | | |
|---|-------|-----|------------------|--|--|--|--|---------------------------|
| Site | Block | Lot | Development Site | Address | Current Land Use | CEQR Reference | Source | (E) Designation Warranted |
| 10 | 696 | 58 | Projected | 550 W25th St | Auto/Pkg/Vacant | Adjacent App A Coal Yard | 1897 Bromley | Yes |
| 11 | 696 | 28 | Projected | 511 W24th St | Commercial/Auto | Appendix A List Adj to RR ROW | 2004 Field Survey | Yes |
| 11 | 696 | 32 | Projected | Kwik Farms 239 10th Ave | Gas Station | Appendix A List Gasoline Service Station | 2004 Field Survey | Yes |
| 11 | 696 | 33 | Projected | Chandler Auto Repair 245-7 10th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 11 | 696 | 35 | Projected | 249 Parking Corp 249 10th Ave | Parking Garage | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 11 | 696 | 37 | Projected | Pepe Giallo 253 10th Ave | Restaurant | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 11 | 696 | 38 | Projected | World Class Audio 255 10th Ave | Auto Service | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 11 | 696 | 38 | Projected | Marty's Auto Body 500 W25th St | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 12 | 693 | 1 | Projected | 144-50 11th Ave | Building for Lease (office/commercial) | Adjacent lots to the north, lot 64, has a Glass Manufacture past use | 1934 Bromley, Jan 1955 Man Address Direct. | Yes |
| 12 | 693 | 64 | Projected | Chelsea Art Museum 150-54 11th Ave | Art Gallery | Glass Manufacture past use | 1934 Bromley | Yes |
| 13 | 692 | 7 | Projected | 545-7 W20th St | Art Gallery | Adjacent App A Auto Service | Jan 1955 Manhattan Address Directory | Yes |
| 13 | 692 | 7 | Projected | 120 11th Ave | Mixed Use (Residential/Office) | Appendix A List Metal Processing | Jan 1955 Manhattan Address Directory | Yes |
| 13 | 692 | 61 | Projected | Lot 61 550 W21st St | Bar/Restaurant | Appendix A List Metal Processing | Jan 1955 Manhattan Address Directory | Yes |
| 13 | 692 | 63 | Projected | 130 Eleventh Ave | Unknown (appears vacant) | Appendix A List Metal Processing | 2004 Field Survey | Yes |
| 14 | 692 | 53 | Projected | 540 W21st St | Office Space | Appendix A List Metal Processing | Jan 1955 Manhattan Address Directory | Yes |
| 14 | 692 | 57 | Projected | Eyebeam 548 W21st St | Art Gallery | Appendix A List Metal Processing | Jan 1955 Manhattan Address Directory | Yes |
| 15 | 692 | 28 | Projected | 521-527 W20th St | Auto Service Garage | Appendix A Auto Service | 2004 Field Survey | Yes |
| 15 | 692 | 30 | Projected | 169-83 10th Ave | Construction Equipment Leasing | Adjacent App A Auto Service | 2004 Field Survey | Yes |

Table 23-8, West Chelsea: Hazardous Materials (E) Designation for Alternative F

| Site | Block | Lot | Development Site | Address | Current Land Use | CEQR Reference | Source | (E) Designation Warranted |
|------|-------|-----|------------------|--|---|--|-------------------|---------------------------|
| 15 | 692 | 30 | Projected | Manhattan Collision 507 W20th St | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 16 | 691 | 11 | Potential | 100 11th Ave | Parking Lot | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 17 | 691 | 43 | Projected | 516 W20th St | Parking Garage | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 17 | 691 | 50 | Projected | Anton Kern 532 W20th St | Art Gallery | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 18 | 691 | 25 | Projected | W19th Street | Parking Lot | Appendix A List Automobile Service Station | 1934 Bromley | Yes |
| 18 | 691 | 27 | Projected | 505 W19th Street | Parking Lot | Appendix A List Automobile Service Station | 1934 Bromley | Yes |
| 18 | 691 | 29 | Projected | Mendon Truck Leasing 153 Tenth Ave | Retail/Auto | Appendix A List Automobile Service Station | 1934 Bromley | Yes |
| 18 | 691 | 33 | Projected | Edison Park 161-5 Tenth Ave | Parking Lot | Appendix A List Automobile Service Station | 1934 Bromley | Yes |
| 18 | 691 | 35 | Projected | 165 Tenth Ave | Parking Lot | Adjacent Appendix A List Automobile Service Station | 1934 Bromley | Yes |
| 18 | 691 | 37 | Projected | 504 W20th St | Parking Lot | Adjacent Appendix A List Automobile Service Station | 1934 Bromley | Yes |
| 19 | 690 | 12 | Projected | Corner W18th St | New Construction (Residential: Turner Construction) | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 19 | 690 | 20 | Projected | Roxy 515 W18th St | Bar/Restaurant | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 19 | 690 | 20 | Projected | Chelsea MTP Operating, LLC 511-25 W18th St | Parking Lot | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 19 | 690 | 54 | Projected | 96 11th Ave | New Construction (Residential: Turner Construction) | Adjacent Appendix A List Gas Storage | 1897 Bromley | Yes |
| 20 | 690 | 29 | Projected | 131 Tenth Ave | Parking Lot | Appendix A List Adj to RR ROW | 1897 Bromley | Yes |
| 21 | 689 | 17 | Projected | 99-111 10th Ave | Parking Lot | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 22 | 715 | 1* | Projected | 457 W17th St | Residential/Retail | Adjacent App A Gas Storage | 1897 Bromley | No |
| 22 | 715 | 2 | Projected | Red Rock West Saloon 116 10th Ave | Bar/Restaurant | Adjacent App A Gas Storage | 1897 Bromley | Yes |

Table 23-8, West Chelsea: Hazardous Materials (E) Designation for Alternative F

| Site | Block | Lot | Development Site | Address | Current Land Use | CEQR Reference | Source | (E) Designation Warranted |
|------|-------|-----|------------------|---|---|--|---|---------------------------|
| 22 | 715 | 3 | Projected | The Park 118 10th Ave | Bar/Restaurant | Adjacent App A Gas Storage | 1897 Bromley | Yes |
| 22 | 715 | 60 | Projected | Lux 456 W18th St | Art Gallery | Adjacent App A Gas Storage | 1897 Bromley | Yes |
| 22 | 715 | 63 | Projected | 464 W18th | New Development (128 10th Ave: restaurant) | Adjacent App A Gas Storage | 1897 Bromley | Yes |
| 22 | 715 | 63 | Projected | Star on 18 128 10th Ave | Restaurant | Adjacent App A Gas Storage | 1897 Bromley | Yes |
| 22 | 715 | 64 | Projected | 124 10th Ave | Parking Garage | Adjacent App A Gas Storage | 1897 Bromley | Yes |
| 23 | 715 | 5 | Projected | 453 W17th St | Commercial | Adjacent App A Gas Storage | 1897 Bromley | Yes |
| 23 | 715 | 7 | Projected | 447 W17th St | Unknown | Adjacent App A Gas Storage | 1897 Bromley | Yes |
| 24 | 714 | 1 | Projected | Bimmy's 455 W16th St | Deli | Appendix A List Motor Freight Station | 1955 Bromley | Yes |
| 24 | 714 | 1 | Projected | Chelsea Garden Center 455 W16th St | Nursery | Appendix A List Motor Freight Station | 1955 Bromley | Yes |
| 24 | 714 | 1 | Projected | 458 W17th St | Residential/Retail | Appendix A List Motor Freight Station | 1955 Bromley | Yes |
| 24 | 714 | 1 | Projected | Atlantic Theater 453 W16th St | Office Space | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 24 | 714 | 1 | Projected | Heavenly Body Works 441-55 W16th St | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 24 | 714 | 63* | Projected | 112 Tenth Ave | Residential/Retail | Adjacent App A Auto Service | 2004 Field Survey | No |
| 25 | 714 | 14 | Projected | 437 W16th St | Office Space | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 25 | 714 | 16 | Projected | 437 W16th St | Auto Service | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 26 | 701 | 59 | Projected | Eurotech Construction/Pain ting 532 W30th St | Office Space | Appendix A List Adj to RR ROW | Aug 1934 Manhattan Address Directory | Yes |
| 26 | 701 | 62 | Projected | Eastern Connection 534 W30th St | Shipping / Packing | Adjacent App A Sign Painting | 2004 Field Survey | Yes |
| 26 | 701 | 68 | Projected | Cabinetry / Millwork 314 11th Ave | Industrial | Appendix A List Furniture Manufacture | 2004 Field Survey | Yes |

Table 23-8, West Chelsea: Hazardous Materials (E) Designation for Alternative F

| Site | Block | Lot | Development Site | Address | Current Land Use | CEQR Reference | Source | (E) Designation Warranted |
|------|-------|-----|------------------|---|-------------------------|--|--------------------------------------|---------------------------|
| 26 | 701 | 68 | Projected | Midtown Neon Sign Corp 550 W30th St | Retail / Manufacturing | Appendix A List Sign Painting Shops | 2004 Field Survey | Yes |
| 26 | 701 | 70 | Projected | CNC Auto Repair 312 11th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 27 | 701 | 45 | Potential | 506-526 W30th St | Hot Dog Vending/Storage | Appendix A List Metal Processing | 1934 Bromley | Yes |
| 27 | 701 | 52 | Potential | 518-522 W30th St | Auto/Pkg/Storage | Appendix A List Adj to RR ROW | Aug 1934 Manhattan Address Directory | Yes |
| 27 | 701 | 55 | Potential | 524 W30th St | Parking | Appendix A List Adj to RR ROW | Aug 1934 Manhattan Address Directory | Yes |
| 27 | 701 | 56 | Potential | 526-528 W30th St | Parking | Appendix A List Adj to RR ROW | Aug 1934 Manhattan Address Directory | Yes |
| 27 | 701 | 58 | Potential | 530 W30th St | Parking | Appendix A List Adj to RR ROW | Aug 1934 Manhattan Address Directory | Yes |
| 28 | 701 | 16 | Potential | Enterprise 30th St Parking, LLC 529-539 W29th St | Parking Garage | Appendix A List Furniture Manufacture | Aug 1934 Manhattan Address Directory | Yes |
| 28 | 701 | 22 | Potential | Briggs Robinson Gallery 527 W29th St | Art Gallery | Adjacent App A Furniture Manufacture | 2004 Field Survey | Yes |
| 28 | 701 | 23 | Potential | Cabinet Maker 525 W29 St | Industrial / Commercial | Appendix A List Furniture Manufacture | 2004 Field Survey | Yes |
| 29 | 701 | 24 | Potential | Tuck it 517 W29 St | Storage | Adjacent App A Furniture Manufacture | 2004 Field Survey | Yes |
| 29 | 701 | 28 | Potential | Courier Network International Systems 515 W29th St | Retail / Art Gallery | Appendix A List Welding Shops | Aug 1934 Manhattan Address Directory | Yes |
| 30 | 700 | 53 | Potential | Pentacostal Church 534 W29th St | Religious | Adjacent App A List Coal Storage | 1934 Bromley | Yes |
| 30 | 700 | 54 | Potential | John Young Studios 536 W29th St | Art Gallery | Adjacent App A List Coal Storage | 1934 Bromley | Yes |
| 30 | 700 | 55 | Potential | Elite Investigation 538 W29th St | Office Space | Adjacent App A List Coal Storage | 1934 Bromley | Yes |
| 30 | 700 | 56 | Potential | Alona Kagan Gallery 540 W29th St | Art Gallery | Adjacent App A Garbage Reduction | 2004 Field Survey | Yes |
| 30 | 700 | 57 | Potential | Action Carting 542 W29th St | Garbage Disposal | Appendix A List Garbage Reduction | 2004 Field Survey | Yes |
| 30 | 700 | 59 | Potential | 546 W29th St | Auto Service Garage | Adjacent App A Auto Service | 2004 Field Survey | Yes |

Table 23-8, West Chelsea: Hazardous Materials (E) Designation for Alternative F

| Site | Block | Lot | Development Site | Address | Current Land Use | CEQR Reference | Source | (E) Designation Warranted |
|------|-------|-----|------------------|---|--|---|-------------------|---------------------------|
| 30 | 700 | 60 | Potential | Avi Taxi Repair 546-8 W29th St | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 30 | 700 | 61 | Potential | 550 W29th Street | Office Space | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 31 | 700 | 48 | Potential | 524 W29th St | Office / Retail | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 31 | 700 | 49 | Potential | Sean Kelly Art Gallery 526-28 W29th St | Art Gallery | Adjacent App A List Coal Storage | 1934 Bromley | Yes |
| 32 | 700 | 42 | Potential | 512 W29th St | Night Club | Adjacent App A Motor Freight Station | 1955 Bromley | Yes |
| 32 | 700 | 44 | Potential | Technik 1 516 W29th St | Auto Electronics | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 32 | 700 | 45 | Potential | 518 W29th St | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 32 | 700 | 47 | Potential | LA Ideal / Regent Maintenance Corp 522 W29th St | Manufacturing / Commercial | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 33 | 700 | 9 | Projected | NY Builders Supply Corp 545 W28th St | Masonry Yard | Appendix A List Lumber Processing | 2004 Field Survey | Yes |
| 33 | 700 | 9 | Projected | NY SUV Auto Body 547 W28th St | Parking Lot / Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 34 | 700 | 18 | Projected | Kamco Supply Corp 517 W28th St | Lumber Yard | Appendix A List Lumber Processing | 2004 Field Survey | Yes |
| 35 | 700 | 29* | Potential | Taxi Mgmt, Inc 313 10th Ave | Residential/ Office Space | Appendix A List Automobile Service Station | 1934 Bromley | No |
| 35 | 700 | 30* | Potential | Medina 315 10th Ave | Residential / Retail/ Restaurant | Appendix A List Automobile Service Station | 1934 Bromley | No |
| 35 | 700 | 30* | Potential | 315 10th Ave | Residential | Appendix A List Automobile Service Station | 1934 Bromley | No |
| 35 | 700 | 31* | Potential | IMP Mgmt 317 10th Ave | Residential/ Taxi Mgmt | Appendix A List Automobile Rental Establishments | 2004 Field Survey | No |
| 35 | 700 | 31* | Potential | 317 10th Ave | Residential/ Retail Space | Adjacent App A Auto Rental | 2004 Field Survey | No |
| 35 | 700 | 31* | Potential | 317 10th Ave | Residential / Retail Space | Appendix A List Automobile Service Station | 1934 Bromley | No |
| 35 | 700 | 32 | Potential | Evan Auto, Inc 321 10th Ave | Auto / Towing | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |

Table 23-8, West Chelsea: Hazardous Materials (E) Designation for Alternative F

| Site | Block | Lot | Development Site | Address | Current Land Use | CEQR Reference | Source | (E) Designation Warranted |
|------|-------|-----|------------------|--|--------------------------|---|--------------------------------------|---------------------------|
| 35 | 700 | 32 | Potential | Evan Auto, Inc 319 10th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 35 | 700 | 34 | Potential | 323 Tenth Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 35 | 700 | 36 | Potential | 10th Ave Tire Shop 327 10th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 36 | 699 | 1 | Potential | Manhattan Motors 270 11th Ave | Auto Dealer | Appendix A List Automobile Rental | 2004 Field Survey | Yes |
| 36 | 699 | 63 | Potential | 554 W28th St | Commercial / Art Gallery | Adjacent App A Auto Rental | 2004 Field Survey | Yes |
| 37 | 699 | 9 | Potential | 537 W27th St | Vacant Lot | Appendix A List Iron Works | 1897 Bromley | Yes |
| 38 | 699 | 14 | Potential | CTX 538 W28th St | Industrial | Adjacent lot to the east, lot 49, has an Iron Works | 1897 Bromley | Yes |
| 38 | 699 | 49 | Potential | Crobar 531 W27th St | Bar/Restaurant | Appendix A List Iron Works | 1897 Bromley | Yes |
| 38 | 699 | 49 | Potential | Scores 533-35 W27th St | Bar/Restaurant | Appendix A List Iron Works | 1897 Bromley | Yes |
| 39 | 697 | 1 | Potential | 220-40 11th Ave | Parking Lot | Lumber Yard, Adj Iron Works | 1897 Bromley | Yes |
| 40 | 696 | 65 | Potential | 210 Art 210 11th Ave | Art Gallery / Commercial | Appendix A List Coal Yard | 1897 Bromley | Yes |
| 40 | 696 | 65 | Potential | Stricoff Fine Art 564 W25th St | Art Gallery / Commercial | Appendix A List Coal Yard | 1897 Bromley | Yes |
| 41 | 696 | 1 | Potential | 202-8 11th Ave | Storage | Adjacent App A Coal Yard | 1897 Bromley | Yes |
| 42 | 694 | 30* | Potential | 505 W22nd St | Residential | Appendix A List Adj to RR ROW | 2004 Field Survey | No |
| 42 | 694 | 31* | Potential | West Chelsea Veterinary Hospital 203 10th Ave | Residential / Medical | Appendix 5, §24-04a | Jan 1955 Manhattan Address Directory | No |
| 42 | 694 | 32* | Potential | Tia Pol 205 10th Ave | Bar/Restaurant | Adjacent App A Motor Freight Station | 1934 Bromley | No |
| 42 | 694 | 32* | Potential | 205 10th Ave | Residential | Appendix A List Automobile Service | Jan 1955 Manhattan Address Directory | No |
| 42 | 694 | 33 | Potential | 207 10th Ave | Construction / Auto | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 42 | 694 | 39 | Potential | Exxon 215 10th Ave | Gas Station | Appendix A List Gasoline Service Station | 2004 Field Survey | Yes |

Table 23-8, West Chelsea: Hazardous Materials (E) Designation for Alternative F

| Site | Block | Lot | Development Site | Address | Current Land Use | CEQR Reference | Source | (E) Designation Warranted |
|------|-------|-----|------------------|---|----------------------------|---|-------------------|---------------------------|
| 42 | 694 | 40 | Potential | 512 W23rd St | Parking Lot | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 43 | 691 | 15 | Potential | 531 W19th St | Art Gallery | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 43 | 691 | 19 | Potential | David Zwirner 525 W19th St | Art Gallery | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 43 | 691 | 22 | Potential | Sidney Samuels 517 W19th St | Commercial Heating Cooling | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 43 | 691 | 22 | Potential | Chelsea Studio Gallery 518 W19th St | Art Gallery | Appendix A List Gas Storage | 1897 Bromley | Yes |
| 43 | 691 | 24 | Potential | 515 W19th St | Art Gallery / Residential | Adjacent App A Gas Storage | 2004 Field Survey | Yes |
| 44 | 690 | 42 | Potential | 516-22 W19th St | Warehouse / Commercial | Adjacent App A Gas Storage | 1897 Bromley | Yes |
| 44 | 690 | 46 | Potential | 524 W19th St | Art Gallery / Commercial | Adjacent App A Gas Storage | 1897 Bromley | Yes |
| 45 | 715 | 50 | Potential | Midtown Chelsea Center 436 W18th St | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 45 | 715 | 59 | Potential | Verizon 438-54 W18th St | Office/Commercial Space | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 46 | 694 | 58 | Potential | 536 W23rd St | Commercial Space | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 46 | 694 | 60 | Potential | 548 W23rd St | Commercial Space | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 46 | 694 | 61 | Potential | 522 W23rd St | Commercial Space | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 46 | 694 | 65 | Potential | Uhaul 170 11th Ave | Storage | Appendix A List Glass/Furniture Manufacture | 1897 Bromley | Yes |
| 47 | 695 | 1 | Potential | Privilege 182 11th Ave | Bar/Restaurant | Adjacent App A Auto Service | 1934 Bromley | Yes |
| 47 | 695 | 3 | Potential | Chelsea Inn 184 11th Ave | Hotel/Deli | Adjacent App A Auto Service | 1934 Bromley | Yes |
| 47 | 695 | 4 | Potential | 188 11th Ave | Office/Storage Space | Adjacent App A Auto Service | 2004 Field Survey | Yes |
| 48 | 695 | 7 | Potential | New Construction | Residential/Retail | Adjacent App A Lumber Processing | 1897 Bromley | Yes |
| 48 | 695 | 12 | Potential | Bula Gallery 541 W23rd St | Art Gallery | Adjacent App A Lumber Processing | 1897 Bromley | Yes |
| 48 | 695 | 57 | Potential | 536 W24th St | Construction | Adjacent App A Lumber Processing | 1897 Bromley | Yes |
| 49 | 695 | 44 | Potential | MetroVision Production 508 W24th St | Office Space | Appendix A List Adj to RR ROW | 1934 Bromley | Yes |
| 50 | 695 | 47 | Potential | PlexiCraft 514 W24th St | Commercial | Appendix A List Lumber Processing | 1897 Bromley | Yes |
| 51 | 695 | 59 | Potential | W24th St | Construction | Adjacent App A Lumber Processing | 1897 Bromley | Yes |
| 52 | 695 | 67 | Potential | 200 11th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 52 | 695 | 68 | Potential | CC Auto 198 11th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |

| Site | Block | Lot | Development Site | Address | Current Land Use | CEQR Reference | Source | (E) Designation Warranted |
|------|-------|-----|------------------|-------------------------------------|---------------------|--|-------------------|---------------------------|
| 52 | 695 | 69 | Potential | 196 11th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 52 | 695 | 70 | Potential | Apple Auto 194 11th Ave | Auto Service Garage | Appendix A List Automobile Service Station | 2004 Field Survey | Yes |
| 53 | 694 | 47 | Potential | Manhattan Mini-Storage 530 W23rd St | Storage | Appendix A List Gasoline Service Station | 1934 Bromley | Yes |

Air Quality

(HVAC systems)

Air quality analyses for HVAC systems were performed assuming both natural gas and No. 2 fuel oil as the HVAC systems' fuel types. To preclude the potential for significant adverse air quality impacts on other development sites from the HVAC emissions, an (E) designation would be included under Alternative F for the following development sites. The text of the (E) designations is as follows:

“Any new development on the property must either locate the HVAC stack no closer to the edge of roof (on the highest tier) as indicated, or use natural gas as the type of fuel for the HVAC systems.”

Results of HVAC Source Impact Analysis

| HVAC Source Identification | CEQR Screening Results for No. 2 Fuel Oil | CEQR Screening Results for Natural Gas | ISC3 Modeling Results for No. 2 Fuel Oil ⁽¹⁾ | ISC3 Modeling Results for Natural Gas ⁽¹⁾ |
|----------------------------|---|--|---|--|
| Site 1 | 73 feet ⁽¹⁾ | 49 feet ⁽¹⁾ | N/A | N/A |
| Site 2 | Fail ⁽³⁾ | Fail ⁽³⁾ | 79 feet ⁽⁴⁾ | Pass |
| Site 3 | Pass | Pass | --- | --- |
| Site 4 | 62 feet ⁽¹⁾ | 45 feet ⁽¹⁾ | N/A | N/A |
| Site 5 | 83 feet ⁽¹⁾ | 56 feet ⁽¹⁾ | N/A | N/A |
| Site 6 | 48 Feet ⁽¹⁾ | 31 feet ⁽¹⁾ | N/A | N/A |
| Site 7 | 82 feet ⁽¹⁾ | 56 feet ⁽¹⁾ | N/A | N/A |
| Site 8 | Fail ⁽³⁾ | Fail ⁽³⁾ | 63 feet ⁽⁴⁾ | Pass |
| Site 9 | Fail ⁽³⁾ | Pass | 90 feet ⁽⁴⁾ | --- |

| HVAC Source Identification | CEQR Screening Results for No. 2 Fuel Oil | CEQR Screening Results for Natural Gas | ISC3 Modeling Results for No. 2 Fuel Oil ⁽¹⁾ | ISC3 Modeling Results for Natural Gas ⁽¹⁾ |
|----------------------------|---|--|---|--|
| Site 10 | 48 feet ⁽¹⁾ | 34 feet ⁽¹⁾ | N/A | N/A |
| Site 11 | Pass | Pass | --- | --- |
| Site 12 | Pass | Pass | --- | --- |
| Site 13 | Pass | Pass | --- | --- |
| Site 14 | 40 feet ⁽¹⁾ | 25 feet ⁽¹⁾ | N/A | N/A |
| Site 15 | Pass | Pass | --- | --- |
| Site 16 | Pass | Pass | --- | --- |
| Site 17 | 46 feet ⁽¹⁾ | 34 feet ⁽¹⁾ | N/A | N/A |
| Site 18 | 30 Feet ⁽¹⁾ | 18 feet ⁽¹⁾ | N/A | N/A |
| Site 19 | Fail ⁽³⁾ | Fail ⁽³⁾ | 80 feet ⁽⁴⁾ | Pass |
| Site 20 | 50 feet ⁽¹⁾ | 34 feet ⁽¹⁾ | N/A | N/A |
| Site 21 ⁽²⁾ | --- | --- | --- | --- |
| Site 22 | 45 feet ⁽¹⁾ | 30 feet ⁽¹⁾ | N/A | N/A |
| Site 23 | 18 feet ⁽¹⁾ | 13 feet ⁽¹⁾ | N/A | N/A |
| Site 24 | Pass | Pass | --- | --- |
| Site 25 | 24 feet ⁽¹⁾ | 14 feet ⁽¹⁾ | N/A | N/A |
| Site 26 | 85 feet ⁽¹⁾ | 65 feet ⁽¹⁾ | N/A | N/A |
| Site 27 | 64 feet ⁽¹⁾ | 45 feet ⁽¹⁾ | N/A | N/A |
| Site 28 ⁽²⁾ | --- | --- | --- | --- |
| Site 29 | 40 feet ⁽¹⁾ | 25 feet ⁽¹⁾ | N/A | N/A |
| Site 30 | 55 feet ⁽¹⁾ | 38 feet ⁽¹⁾ | N/A | N/A |
| Site 31 | 46 feet ⁽¹⁾ | 30 feet ⁽¹⁾ | N/A | N/A |
| Site 32 | 45 feet ⁽¹⁾ | 30 feet ⁽¹⁾ | N/A | N/A |
| Site 33 | 57 feet ⁽¹⁾ | 41 feet ⁽¹⁾ | N/A | N/A |
| Site 34 | Pass | Pass | --- | --- |
| Site 35 ⁽²⁾ | --- | --- | --- | --- |
| Site 36 | Fail ⁽³⁾ | Pass | 79 feet ⁽⁴⁾ | --- |
| Site 37 ⁽²⁾ | --- | --- | --- | --- |
| Site 38 | 76 feet ⁽¹⁾ | 50 feet ⁽¹⁾ | N/A | N/A |
| Site 39 ⁽²⁾ | --- | --- | --- | --- |
| Site 40 ⁽²⁾ | --- | --- | --- | --- |
| Site 41 | 29 feet ⁽¹⁾ | 17 feet ⁽¹⁾ | N/A | N/A |
| Site 42 ⁽²⁾ | --- | --- | --- | --- |
| Site 43 | 45 feet ⁽¹⁾ | 39 feet ⁽¹⁾ | N/A | N/A |

| HVAC Source Identification | CEQR Screening Results for No. 2 Fuel Oil | CEQR Screening Results for Natural Gas | ISC3 Modeling Results for No. 2 Fuel Oil ⁽¹⁾ | ISC3 Modeling Results for Natural Gas ⁽¹⁾ |
|----------------------------|---|--|---|--|
| Site 44 | 38 feet ⁽¹⁾ | 32 feet ⁽¹⁾ | N/A | N/A |
| Site 45 | 62 Feet ⁽¹⁾ | 45 feet ⁽¹⁾ | N/A | N/A |
| Site 46 | Pass | Pass | --- | --- |
| Site 47 | 31 Feet ⁽¹⁾ | 19 feet ⁽¹⁾ | N/A | N/A |
| Site 52 ⁽²⁾ | --- | --- | --- | --- |

Noise

As described in the *CEQR Technical Manual*, the City has established interior noise values for residential buildings that are 45 dBA or lower. When the ambient noise exceeds these levels, noise attenuation is recommended so that buildings are designed to achieve interior noise levels of 45 dBA or lower. As shown in the table below, a total of 53 projected and potential development sites would be mapped with an (E) designation for noise attenuation. With these attenuation measures, Alternative F would not result in any significant adverse noise impacts.

Required Attenuation Values for Projected Development Site
(the representative monitoring site is shown next to the address)

| Site Number | Address | Block Number | Lot(s) Number | Build Max L ₁₀ (dBA) | Attenuation Required |
|-------------|---------------------------|--------------|---------------|---------------------------------|----------------------|
| 1 ** | 306-310 Eleventh Ave (S1) | 701 | 1 | 75.7 | 40 ** |
| 2 ** | 505 W 29 ST (S4) | 701 | 33 | 79.5 | 40 ** |
| | 329 Tenth Ave (S4) | 701 | 35*** | 79.5 | 40 ** |
| | 331 Tenth Ave (S4) | 701 | 36 | 79.5 | 40 ** |
| | 333 Tenth Ave (S4) | 701 | 37 | 79.5 | 40 ** |
| | 337 Tenth Ave (S4) | 701 | 42 | 79.5 | 40 ** |
| | 502-504 W 30 ST (S4) | 701 | 43 | 79.5 | 40 ** |
| | 509 W 29 ST (S4) | 701 | 30 | 79.5 | 40 ** |
| 3 ** | 282-298 Eleventh Ave (S1) | 700 | 1 | 75.7 | 40 ** |

| Site Number | Address | Block Number | Lot(s) Number | Build Max L ₁₀ (dBA) | Attenuation Required |
|-------------|---------------------------|--------------|---------------|---------------------------------|----------------------|
| | 282-298 Eleventh Ave (S1) | 700 | 1 | 75.7 | 40 ** |
| 4 | 547-559 W 27 ST (S2) | 699 | 5 | 73.9 | 30 |
| 5 | 514-520 W 28 ST (S2) | 699 | 44 | 73.9 | 30 |
| 6 | 503 W. 27th St. (S4) | 699 | 30*** | 79.5 | 35 |
| | 299 Tenth Ave (S4) | 699 | 31*** | 79.5 | 35 |
| | 301 Tenth Ave (S4) | 699 | 32*** | 79.5 | 35 |
| | 303-309 Tenth Ave (S4) | 699 | 33 | 79.5 | 35 |
| | 311 Tenth Ave (S4) | 699 | 37*** | 79.5 | 35 |
| 7 | 246-260 Eleventh Ave (S5) | 698 | 1 | 76.2 | 35 |
| 8 | 279 Tenth Ave (S4) | 698 | 32 | 79.5 | 35 |
| | 285 Tenth Ave (S4) | 698 | 35 | 79.5 | 35 |
| | 289 Tenth Ave (S4) | 698 | 37 | 79.5 | 35 |
| | 293 Tenth Ave (S4) | 698 | 40 | 79.5 | 35 |
| 9 | 259 Tenth Ave (S4) | 697 | 31 | 79.5 | 35 |
| 10 | 550 W 25 St (S2) | 696 | 58 | 73.9 | 30 |
| 11 | 507 W. 24th St (S4) | 696 | 28 | 79.5 | 35 |
| | 239 Tenth Ave (S4) | 696 | 32 | 79.5 | 35 |
| | 245 Tenth Ave (S4) | 696 | 33 | 79.5 | 35 |
| | 249 Tenth Ave (S4) | 696 | 35 | 79.5 | 35 |
| | 253 Tenth Ave (S4) | 696 | 37 | 79.5 | 35 |
| | 255 Tenth Ave (S4) | 696 | 38 | 79.5 | 35 |
| 12 | 144-150 Eleventh Ave (S8) | 693 | 1 | 82.7 | 40 |
| | 154-160 Eleventh Ave (S8) | 693 | 64 | 82.7 | 40 |
| 13 | 130 Eleventh Ave (S8) | 692 | 63 | 82.7 | 40 |
| | 550 W 21 ST (S8) | 692 | 61 | 82.7 | 40 |
| | 550 W 21 ST (S8) | 692 | 7 | 82.7 | 40 |
| 14 | 542 W 21 ST (S6) | 692 | 57 | 73.3 | 30 |
| | 540 W 21 ST (S6) | 692 | 53 | 73.3 | 30 |
| 15 | 169-183 Tenth Ave (S7) | 692 | 30 | 75.4 | 35 |
| | 521-527 W 20 ST (S7) | 692 | 28 | 75.4 | 35 |
| 16 | 100 Eleventh Ave (S8) | 691 | 11 | 82.7 | 40 |
| 17 | 532-534 W 20 ST (S6) | 691 | 50 | 73.3 | 30 |

| Site Number | Address | Block Number | Lot(s) Number | Build Max L ₁₀ (dBA) | Attenuation Required |
|-------------|---------------------------|--------------|---------------|---------------------------------|----------------------|
| | 516-530 W 20 ST (S6) | 691 | 43 | 73.3 | 30 |
| 18 | 153 Tenth Ave (S7) | 691 | 29 | 75.4 | 35 |
| | 161 Tenth Ave (S7) | 691 | 33 | 75.4 | 35 |
| | 165 Tenth Ave (S7) | 691 | 35 | 75.4 | 35 |
| | 510 W 19 ST (S7) | 691 | 25 | 75.4 | 35 |
| | 505 W 19 ST (S7) | 691 | 27 | 75.4 | 35 |
| | 504 W 20 ST (S7) | 691 | 37 | 75.4 | 35 |
| 19 | 96 Eleventh Ave (S8) | 690 | 12 | 82.7 | 40 |
| | 80-92 Eleventh Ave (S8) | 690 | 54 | 82.7 | 40 |
| | 511-525 W 18 ST (S8) | 690 | 20 | 82.7 | 40 |
| | 511-525 W 18 ST (S8) | 690 | 20 | 82.7 | 40 |
| 20 | 131 Tenth Ave (S7) | 690 | 29 | 75.4 | 35 |
| | 131 Tenth Ave (S7) | 690 | 29 | 75.4 | 35 |
| 21 | 99-111 Tenth Ave (S8) | 689 | 17 | 82.7 | 40 |
| 22 | 128 Tenth Ave (S7) | 715 | 63 | 75.4 | 35 |
| | 124 Tenth Ave (S7) | 715 | 64, 65 | 75.4 | 35 |
| | 118 Tenth Ave (S7) | 715 | 3 | 75.4 | 35 |
| | 116 Tenth Ave (S7) | 715 | 2 | 75.4 | 35 |
| | 118 Tenth Ave (S7) | 715 | 1*** | 75.4 | 35 |
| | 456 W 18 ST (S7) | 715 | 60 | 75.4 | 35 |
| 23 | 453 W 17 ST (S9) | 715 | 5 | 74.9 | 30 |
| | 447 W 17 ST (S9) | 715 | 7 | 74.9 | 30 |
| 24 | 112 Tenth Ave (S7) | 714 | 63*** | 75.4 | 35 |
| | 96 Tenth Ave (S7) | 714 | 1 | 75.4 | 35 |
| 25 | 437 W 16 ST (S9) | 714 | 14 | 74.9 | 30 |
| | 437 W 16 ST (S9) | 714 | 16 | 74.9 | 30 |
| 26 | 314-316 Eleventh Ave (S1) | 701 | 68 | 75.7 | 35 |
| | 312 Eleventh Ave (S1) | 701 | 70 | 75.7 | 35 |
| | 534-538 W 30 ST (S1) | 701 | 62 | 75.7 | 35 |
| | 532 W 30 ST (S1) | 701 | 59 | 75.7 | 35 |
| 33 | 529-539 W 28 ST (S2) | 700 | 9 | 73.9 | 30 |
| 34 | 517-527 W 28 ST (S2) | 700 | 18 | 73.9 | 30 |

Required Attenuation Values for Potential Development Sites

(the representative monitoring site is shown next to the address)

| Site Number | Address | Block Number | Lot(s) Number | Build Max L₁₀ (dBA) | Attenuation Required |
|--------------------|----------------------|---------------------|----------------------|---------------------------------------|-----------------------------|
| 27 ** | 530 W 30 ST(S2) | 701 | 58 | 73.9 | 35 ** |
| | 526-528 W 30 ST(S2) | 701 | 56 | 73.9 | 35 ** |
| | 524 W 30 ST(S2) | 701 | 55 | 73.9 | 35 ** |
| | 518-522 W 30 ST(S2) | 701 | 52 | 73.9 | 35 ** |
| | 506 W 30 ST (S2) | 701 | 45 | 79.5 | 35 ** |
| 28 ** | 529-539 W 29 ST(S2) | 701 | 16 | 73.9 | 35 ** |
| | 527 W 29 ST(S2) | 701 | 22 | 73.9 | 35 ** |
| | 525 W 29 ST(S2) | 701 | 23 | 73.9 | 35 ** |
| 29 ** | 527 W 29 ST (S2) | 701 | 24 | 73.9 | 35 ** |
| | 515 W 29 ST (S2) | 701 | 28 | 73.9 | 35 ** |
| 30 ** | 550 W 29 ST (S2) | 700 | 61 | 73.9 | 35 ** |
| | 548 W 29 ST (S2) | 700 | 60 | 73.9 | 35 ** |
| | 546 W 29 ST (S2) | 700 | 59 | 73.9 | 35 ** |
| | 542-544 W 29 ST (S2) | 700 | 57 | 73.9 | 35 ** |
| | 540 W 29 ST (S2) | 700 | 56 | 73.9 | 35 ** |
| | 538 W 29 ST (S2) | 700 | 55 | 73.9 | 35 ** |
| | 536 W 29 ST (S2) | 700 | 54 | 73.9 | 35 ** |
| 31 ** | 526-532 W 29 ST (S2) | 700 | 49 | 73.9 | 35 ** |
| | 524 W 29 ST (S2) | 700 | 48 | 73.9 | 35 ** |
| 32 ** | 522 W 29 ST (S2) | 700 | 47 | 73.9 | 35 ** |
| | 518 W 29 ST (S2) | 700 | 45 | 73.9 | 35 ** |
| | 516 W 29 ST (S2) | 700 | 44 | 73.9 | 35 ** |
| | 512 W 29 ST (S2) | 700 | 42 | 73.9 | 35 ** |
| 33 | 529-539 W 28 ST (S2) | 700 | 9 | 73.9 | 30 |
| 34 | 517-527 W 28 ST (S2) | 700 | 18 | 73.9 | 30 |
| 35 ** | 313 Tenth Ave (S4) | 700 | 29*** | 79.5 | 40 ** |
| | 315 Tenth Ave (S4) | 700 | 30*** | 79.5 | 40 ** |
| | 317 Tenth Ave (S4) | 700 | 31*** | 79.5 | 40 ** |

| Site Number | Address | Block Number | Lot(s) Number | Build Max L ₁₀ (dBA) | Attenuation Required |
|-------------|---------------------------|--------------|---------------|---------------------------------|----------------------|
| | 319-321 Tenth Ave (S4) | 700 | 32 | 79.5 | 40 ** |
| | 323 Tenth Ave (S4) | 700 | 34 | 79.5 | 40 ** |
| | 327 Tenth Ave (S4) | 700 | 36 | 79.5 | 40 ** |
| 36 | 262-280 Eleventh Ave (S1) | 699 | 1 | 75.7 | 35 |
| | 554 W 28 ST (S1) | 699 | 63 | 75.7 | 35 |
| | 526-590 W 28 ST (S1) | 699 | 49 | 75.7 | 35 |
| 37 | 537 W 27 ST (S2) | 699 | 9 | 73.9 | 30 |
| 38 | 535-538 W 27ST (S2) | 699 | 14 | 73.9 | 30 |
| | 526-590 W 28 ST (S2) | 699 | 49 | 73.9 | 30 |
| 39 | 220-240 Eleventh Ave (S5) | 697 | 1 | 76.2 | 35 |
| 40 | 210-216 Eleventh Ave (S4) | 696 | 65 | 79.5 | 35 |
| 41 | 202-208 Eleventh Ave (S5) | 696 | 1 | 76.2 | 35 |
| 42 | 505 W 22 ST (S4) | 694 | 30*** | 79.5 | 35 |
| | 203 Tenth Avenue (S4) | 694 | 31*** | 79.5 | 35 |
| | 205 Tenth Avenue (S4) | 694 | 32*** | 79.5 | 35 |
| | 207 Tenth Avenue (S4) | 694 | 33 | 79.5 | 35 |
| | 500 W 23 ST (S4) | 694 | 39 | 79.5 | 35 |
| | 512 W 23 ST (S4) | 694 | 40 | 79.5 | 35 |
| 43 | 527-533 W 19 ST (S6) | 691 | 15 | 73.3 | 30 |
| | 521-525 W 19 ST (S6) | 691 | 19 | 73.3 | 30 |
| | 517-519 W 19 ST (S6) | 691 | 22 | 73.3 | 30 |
| | 515 W 19 ST (S6) | 691 | 24 | 73.3 | 30 |
| 44 | 524 W 19 ST (S6) | 690 | 46 | 73.3 | 30 |
| | 516-522 W 19 ST (S6) | 690 | 42 | 73.3 | 30 |
| 45 | 442 W 18 ST (S9) | 715 | 59 | 74.9 | 30 |
| | 436 W 18 ST (S9) | 715 | 50 | 74.9 | 30 |
| 46* | 536 W 23 ST | 694 | 58 | 77.5 | 35 |
| | 548 W 23 ST | 694 | 60 | 77.5 | 35 |
| | 522 W 23 ST | 694 | 61 | 77.5 | 35 |
| | 170 Eleventh Ave | 694 | 65 | 77.5 | 35 |
| 47* | 182 Eleventh Ave | 695 | 1 | 77.5 | 35 |
| | 186 Eleventh Ave | 695 | 3 | 77.5 | 35 |
| | 188 Eleventh Ave | 695 | 4 | 77.5 | 35 |
| 48* | 549 W 23 ST | 695 | 7 | 77.5 | 35 |

| Site Number | Address | Block Number | Lot(s) Number | Build Max L ₁₀ (dBA) | Attenuation Required |
|-------------|------------------|--------------|---------------|---------------------------------|----------------------|
| | 543 W 23 ST | 695 | 12 | 77.5 | 35 |
| | 536 W 24 ST | 695 | 57 | 77.5 | 35 |
| 49* | 508 W 24 ST | 695 | 44 | 77.5 | 35 |
| 50* | 514 W 24 ST | 695 | 47 | 77.5 | 35 |
| 51* | 540 W 24 ST | 695 | 59 | 77.5 | 35 |
| 52* | 200 Eleventh Ave | 695 | 67 | 77.5 | 35 |
| | 198 Eleventh Ave | 695 | 68 | 77.5 | 35 |
| | 196 Eleventh Ave | 695 | 69 | 77.5 | 35 |
| | 194 Eleventh Ave | 695 | 70 | 77.5 | 35 |
| 53* | 524 W 23 ST | 694 | 47 | 77.5 | 35 |

PROPOSED CPC MODIFICATIONS TECHNICAL MEMORANDUM

As noted above, subsequent to the issuance of the FEIS, a Technical Memorandum was completed on May 25, 2005 which addresses the potential impacts of certain CPC modifications to the modified applications (N 050161(A) ZRM) and C 050162(A) ZMM), which are discussed in this report. The purpose of this Technical Memorandum was to examine the potential changes to Alternative F and determine whether any of them would result in significant adverse environmental impacts not already identified in the FEIS with respect to Alternative F. The memorandum concludes that the proposed changes would not result in any such impacts. As the proposed modifications would result in the same significant adverse impacts identified under Alternative F, the same mitigation measures for community facility, traffic and transit impacts identified in the FEIS for Alternative F would apply to the proposed modifications.

With respect to air quality, like Alternative F, the proposed modifications would not result in significant adverse air quality impacts associated with stationary sources. As with Alternative F, the proposed modifications require (E) designations on several projected and potential

development sites, including sites 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 17, 18, 19, 20, 22, 26, 27, 29, 30, 31, 32, 33, 36, 38, 41, 43, 44, 45 and 47.

As a result of the height, setback and bulk changes under the proposed modifications, three additional development sites require (E) designations for emissions associated with HVAC systems: Sites 48, 52 and 53.

Provided below is a list of all properties which would receive (E) designations for air quality under the proposed modifications.

- Requires a minimum offset distance for the stack locations for either natural gas or No. 2 fuel oil, as specified in the table below (columns two and three):

Block 701; Lot 1 (Site 1)
Block 699; Lot 5 (Site 4)
Block 699; Lots 22 through 27,44 (Site 5)
Block 699; Lot 30*,31*,32*,33,37* (Site 6)
Block 698; Lot 1 (Site 7)
Block 696; Lot 58 (Site 10)
Block 692; Lot 57 (Site 14)
Block 691; Lots 43,50 (Site 17)
Block 691, Lots 25,27,29,33, 35,37 (Site 18)
Block 690; Lot 29 (Site 20)
Block 715; Lots 1*,2,3,60,63,64,65 (Site 22)
Block 715; Lots 5,7 (Site 23)
Block 714; Lots 14,16 (Site 25)
Block 701; Lots 59,62,68,70 (Site 26)
Block 701; Lots 45, 52,55,56,58 (Site 27)
Block 701; Lots 24,28 (Site 29)
Block 700; Lots 53,54,55,56,57,59,60,61 (Site 30)
Block 700; Lots 48,49 (Site 31)
Block 700; Lots 42,44,45,47 (Site 32)
Block 700; Lot 9 (Site 33)
Block 699; Lots 14,49 (Site 38)
Block 696; Lot 1 (Site 41)
Block 691; Lots 15,19,22,24 (Site 43)
Block 690; Lots 42,46 (Site 44)
Block 715; Lots 50,59 (Site 45)
Block 695, Lots 1,3,4 (Site 47)
Block 695, Lots 67,68,69,70 (Site 52)
Block 694, Lot 47 (Site 53)

- Requires the exclusive use of natural gas or a minimum offset distance for the stack locations, as specified in the table below (column four):

Block 701, Lots 30,33, 35*, 37,42,43 (Site 2)
 Block 698, Lots 32,35,37, 40,41 (Site 8)
 Block 697, Lots 27,31 (Site 9)
 Block 6901, Lots 12,20,54 (Site 19)
 Block 690; Lots 1,63 (Site 36)
 Block 695, Lots 7, 12, 57 (Site 48)

Lots containing existing residential buildings, expected to remain under With-Action conditions, would not be mapped with an (E) designation for air quality. These properties are indicated with an asterisk (*).

The results of the analysis conducted for the proposed modifications are provided in the table below. Like Alternative F, the proposed modifications would cause no violations of applicable air quality standards (i.e., maximum predicted total concentrations of each pollutant, including background, of NO_x, SO₂, and PM₁₀ are less than the corresponding NAAQS).

Results of HVAC Source Impact Analysis with Proposed CPC Modifications

| HVAC Source Identification | CEQR Screening Results for No. 2 Fuel Oil | CEQR Screening Results for Natural Gas | ISC3 Modeling Results for No. 2 Fuel Oil ⁽¹⁾ | ISC3 Modeling Results for Natural Gas ⁽¹⁾ |
|----------------------------|---|--|---|--|
| Site 1 | 73 feet ⁽¹⁾ | 49 feet ⁽¹⁾ | N/A | N/A |
| Site 2 | Fail ⁽³⁾ | Fail ⁽³⁾ | 79 feet ⁽⁴⁾ | Pass |
| Site 3 | Pass | Pass | --- | --- |
| Site 4 | 62 feet ⁽¹⁾ | 45 feet ⁽¹⁾ | N/A | N/A |
| Site 5 | 83 feet ⁽¹⁾ | 56 feet ⁽¹⁾ | N/A | N/A |
| Site 6 | 48 Feet ⁽¹⁾ | 31 feet ⁽¹⁾ | N/A | N/A |
| Site 7 | 82 feet ⁽¹⁾ | 56 feet ⁽¹⁾ | N/A | N/A |
| Site 8 | Fail ⁽³⁾ | Fail ⁽³⁾ | 63 feet ⁽⁴⁾ | Pass |
| Site 9 | Fail ⁽³⁾ | Pass | 90 feet ⁽⁴⁾ | --- |
| Site 10 | 48 feet ⁽¹⁾ | 34 feet ⁽¹⁾ | N/A | N/A |
| Site 11 | Pass | Pass | --- | --- |
| Site 12 | Pass | Pass | --- | --- |

| HVAC Source Identification | CEQR Screening Results for No. 2 Fuel Oil | CEQR Screening Results for Natural Gas | ISC3 Modeling Results for No. 2 Fuel Oil⁽¹⁾ | ISC3 Modeling Results for Natural Gas⁽¹⁾ |
|-----------------------------------|--|---|---|--|
| Site 13 | Pass | Pass | --- | --- |
| Site 14 | 40 feet ⁽¹⁾ | 25 feet ⁽¹⁾ | N/A | N/A |
| Site 15 | Pass | Pass | --- | --- |
| Site 16 | Pass | Pass | --- | --- |
| Site 17 | 46 feet ⁽¹⁾ | 34 feet ⁽¹⁾ | N/A | N/A |
| Site 18 | 30 Feet ⁽¹⁾ | 18 feet ⁽¹⁾ | N/A | N/A |
| Site 19 | Fail ⁽³⁾ | Fail ⁽³⁾ | 80 feet ⁽⁴⁾ | Pass |
| Site 20 | 50 feet ⁽¹⁾ | 34 feet ⁽¹⁾ | N/A | N/A |
| Site 21 ⁽²⁾ | --- | --- | --- | --- |
| Site 22 | 45 feet ⁽¹⁾ | 30 feet ⁽¹⁾ | N/A | N/A |
| Site 23 | 18 feet ⁽¹⁾ | 13 feet ⁽¹⁾ | N/A | N/A |
| Site 24 | Pass | Pass | --- | --- |
| Site 25 | 24 feet ⁽¹⁾ | 14 feet ⁽¹⁾ | N/A | N/A |
| Site 26 | 85 feet ⁽¹⁾ | 65 feet ⁽¹⁾ | N/A | N/A |
| Site 27 | 64 feet ⁽¹⁾ | 45 feet ⁽¹⁾ | N/A | N/A |
| Site 28 ⁽²⁾ | --- | --- | --- | --- |
| Site 29 | 40 feet ⁽¹⁾ | 25 feet ⁽¹⁾ | N/A | N/A |
| Site 30 | 55 feet ⁽¹⁾ | 38 feet ⁽¹⁾ | N/A | N/A |
| Site 31 | 46 feet ⁽¹⁾ | 30 feet ⁽¹⁾ | N/A | N/A |
| Site 32 | 45 feet ⁽¹⁾ | 30 feet ⁽¹⁾ | N/A | N/A |
| Site 33 | 57 feet ⁽¹⁾ | 41 feet ⁽¹⁾ | N/A | N/A |
| Site 34 | Pass | Pass | --- | --- |
| Site 35 ⁽²⁾ | --- | --- | --- | --- |
| Site 36 | Fail ⁽³⁾ | Pass | 79 feet ⁽⁴⁾ | --- |
| Site 37 ⁽²⁾ | --- | --- | --- | --- |
| Site 38 | 76 feet ⁽¹⁾ | 50 feet ⁽¹⁾ | N/A | N/A |
| Site 39 ⁽²⁾ | --- | --- | --- | --- |
| Site 40 ⁽²⁾ | --- | --- | --- | --- |
| Site 41 | 29 feet ⁽¹⁾ | 17 feet ⁽¹⁾ | N/A | N/A |
| Site 42 ⁽²⁾ | --- | --- | --- | --- |
| Site 43 | 45 feet ⁽¹⁾ | 39 feet ⁽¹⁾ | N/A | N/A |
| Site 44 | 38 feet ⁽¹⁾ | 32 feet ⁽¹⁾ | N/A | N/A |
| Site 45 | 62 Feet ⁽¹⁾ | 45 feet ⁽¹⁾ | N/A | N/A |
| Site 46 | Pass | Pass | --- | --- |

| HVAC Source Identification | CEQR Screening Results for No. 2 Fuel Oil | CEQR Screening Results for Natural Gas | ISC3 Modeling Results for No. 2 Fuel Oil ⁽¹⁾ | ISC3 Modeling Results for Natural Gas ⁽¹⁾ |
|----------------------------|---|--|---|--|
| Site 47 | 31 Feet ⁽¹⁾ | 19 feet ⁽¹⁾ | N/A | N/A |
| Site 48 | Fail ⁽³⁾ | Fail ⁽³⁾ | 79 feet ⁽⁴⁾ | Pass |
| Site 52 | 24 feet ⁽¹⁾ | 17 feet ⁽¹⁾ | N/A | N/A |
| Site 53 | 46 feet ⁽¹⁾ | 35 feet ⁽¹⁾ | N/A | N/A |

Notes:

1. Some sites are immediately adjacent to each other and the analysis could not be further refined without additional design data; therefore the minimum distance for which the source would pass the CEQR screening procedures was provided for these sites using CEQR monographs. The following (E) designation would be placed on these development sites: Any new development on the property must locate the HVAC stack no closer to the edge of roof than the distance indicated.
2. Building is taller than nearby buildings; no analysis is required.
3. For sites that failed the CEQR screening procedures, a detailed ISC3 modeling analysis was performed.
4. The following (E) designation would be placed on these development sites: Any new development on the property must either locate the HVAC stack no closer to the edge of roof (on the highest tier) as indicated or use natural gas as the type of fuel for the HVAC systems.

UNIFORM LAND USE REVIEW

On December 20, 2004, the original application (N 050161 ZRM) was duly referred to Manhattan Community Board 4 and the Manhattan Borough President in accordance with the Commission’s policy for non-ULURP items. Concurrently, on December 20, 2004, the related applications (C 050162 ZMM, C 050163 PCM), were certified as complete by the Department of City Planning in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

On April 4, 2005, the modified application (N 050161(A) ZRM) was duly referred to Manhattan Community Board 4 and the Manhattan Borough President for information and review. The modified application for the related zoning map change (C 050162(A) ZMM) was also referred on that date to Manhattan Community Board 4 and the Manhattan Borough President in accordance with section 2-06(c)(1) of the Uniform Land Use Review Procedure.

Community Board Review

Community Board 4 held a public hearing on the original application (N 050161 ZRM) and related applications (C 050162 ZMM, C 050163 PCM) on January 6, 2005, and on February 2, 2005, adopted resolutions on these applications. The Board voted to recommend disapproval of the application (N 050162(A) ZRM), with conditions. The Board also voted 33 in favor, 0 opposed, 1 abstaining, and 1 present but not eligible to vote to recommend disapproval with conditions of application C 050162(A) ZMM and voted 34 in favor, 0 opposed, 0 abstaining, and 1 present but not eligible to vote to recommend approval with conditions of application C 050163 PCM.

Community Board 4 provided a 22 page (plus graphics) letter on the project that sets forth overall concerns about the West Chelsea/High Line proposal, as well as individual comments and recommendations with respect to each application. The Board articulated five goals that underpin its conditions: preservation of historic character and diversity, development of housing for people with a broad range of incomes, protection of the High Line and the character of Tenth Avenue, protection for the non-residential portions of Chelsea, and preservation of significant historic structures. The Board grouped its concerns with respect to the West Chelsea/High Line proposal under six headings:

1. *Community Character, Buildings and Boundaries*: The Board expressed concern related to proposed heights and distribution of densities within the Special West Chelsea District. The Board felt that maximum heights permitted throughout the Special District should be no higher than either the Fulton Houses (220 feet) or the Starett-Lehigh Building (280 feet). The Board recommended that base FAR's throughout the Special District should be set at 5.0. The Board also recommended specific bulk and density regulations for each subarea within the Special District.
2. *Affordable Housing*: The Board recommended that the Special West Chelsea District proposal should include an affordable housing plan that generates low to moderate-income housing

representing 30 percent of all newly constructed units. The Board suggested several mechanisms for achieving the 30 percent goal, including the reduction in base FAR's in certain subareas, the elimination of the High Line Transfer Corridor Bonus, extension of the 421(a) exclusion zone to include West Chelsea, and utilization of nearby publicly-owned sites for construction of new affordable housing. The Board also recommended extension of the Inclusionary Housing program to lower density districts and modification of this program to require 'blended' use of High Line development rights and creation of affordable housing. The Board also recommended that regulations that prevent the demolition of residential buildings and harassment of residential tenants should be included in the proposed zoning.

3. *The High Line*: The Board stated its support for the conversion of the High Line into a new public open space while also expressing reservations about the impact of High Line-related mechanisms on neighborhood character. The Board recommended elimination of the High Line Transfer Corridor Bonus and, in its place, suggested that property owners be required to retain 1.0 FAR on-site for uses compatible with and complementary to the High Line open space. The Board recommended that the High Line Improvement Bonus mechanism require performance of High Line improvements rather than payment into the High Line Improvement Fund. The Board stated that the community should play an active part in the ongoing maintenance and operation of the High Line and should be represented in any High Line governing entity.

4. *Preservation of M Zones*: The Board supported the retention of two M1-5 districts on the midblocks of West Chelsea as a mechanism to enhance the existing gallery district. The Board suggested that a more restrictive, 100-foot height limit coupled with possible MX zoning would further reinforce the gallery midblocks.

5. *Preservation of Historic Architectural Resources*: The Board called on the City Planning Commission to support further study of historic resources in West Chelsea. The Board proposed creation of a historic district and nomination to the State and National Historic Registers as possible preservation measures.

6. *Fourteenth Street Rezoning*: The Board expressed concern that the area of Fourteenth Street between Seventh and Ninth avenues has not been included in the subject rezoning.

The complete Community Board 4 resolution is attached to this report.

Community Board 2 held a public hearing on the related application (C 050163 PCM) on January 13, 2005, and on January 20, 2005, adopted resolutions approving applications C 050163 PCM by a vote of 31 in favor, 0 opposed, and 0 abstentions.

The complete Community Board 2 resolution is attached to this report.

Borough President Review

The original application (N 050161 ZRM) and related applications (C 050162 ZMM and C 050163 PCM) were considered by the Manhattan Borough President. On March 29, 2005, the Borough President issued a recommendation approving applications N 050161 ZRM, C 050162 ZMM, and C 050163 PCM with conditions.

The Manhattan Borough President provided comments with the recommendations. The comments fall under six headings:

1. *Zoning Map*: The Borough President identified the area west of Eleventh Avenue, between West 22nd and West 29th streets, and the area west of Tenth Avenue, between West 15th and West 17th streets, as areas that should be included within the Special West Chelsea District. The Borough President suggested that these areas would be appropriate extensions of the Special District and that the area between West 22nd and West 29th streets, in particular, would be an appropriate location for arts-related uses and housing. The Borough President also recommended that split lot conditions between manufacturing and non-manufacturing districts be minimized through alterations to the district boundaries or through a unique split lot rule.

2. *Density and Height*: The Borough President generally supported the recommendations of Community Board 4 with regard to densities and height, while stating that the proposed height limit of 290 feet and 390 feet within Subarea H is appropriate.

3. *Affordable Housing*: The Borough President supported the Community Board 4 position that 30 percent of newly constructed units be permanently affordable. The Borough President also expressed concern that the provision of affordable housing through a modified inclusionary program would not be mandatory and recommended that the first third of the increment between the base and maximum FAR come from a modified Inclusionary Housing Bonus and that the remaining two-thirds come from High Line Transfer Corridor development rights. The Borough President also put forward additional recommendations related to mandating affordable housing, utilization of publicly-owned sites for new construction, and other provisions specified in the attached full resolution.

4. *The High Line*: The Borough President supported the conversion of the High Line into a new, public open space while noting several areas of concern. The Borough President recommended that the construction of High Line access points and the placement of all signage within direct view of the High Line be subject to discretionary review. The Borough President noted that the sale of all development rights from High Line Transfer Corridor properties is appropriate, provided that such property owners construct landscaped pedestrian walkways on the resulting vacant lots. The Borough President also supported Community Board 4 recommendations to eliminate the High Line Transfer Corridor Bonus and to ensure that the Borough President and affected community boards be represented in the High Line governing entity.

5. *Manufacturing Zoning Districts*: The Borough President noted the presence of illegal loft tenants in West Chelsea and recommended a process whereby such units that have been in place at least one year prior to the certification date could be permitted by special permit. The

Borough President also recommended that all nightclubs with capacities of more than 199 persons be permitted only through a special permit that is valid for a five-year time period.

Borough Board Review

The related application (C 050163 PCM) was considered by the Manhattan Borough Board. On March 17, 2005, the Borough Board unanimously adopted a resolution to approve (C 050163 PCM).

On March 17, 2005, the Manhattan Borough Board also adopted two additional resolutions. The additional resolutions do not concern application C 050163 PCM but instead acknowledge the filing of modified applications (N 050161(A) ZRM and C 050162(A) ZMM), recognize that the modified applications include many of the Community Board recommendations, and urge the Department of City Planning to continue to work with the community to resolve remaining concerns.

The full Manhattan Borough Board recommendation is attached.

City Planning Commission Public Hearing

On March 16, 2005 (Calendar Nos. 23 and 24 respectively), the City Planning Commission scheduled April 6, 2005, for a public hearing on the original application (N 050161 ZRM) and the modified application (N 050161(A) ZRM). The hearings were duly held on April 6, 2005, (Calendar Nos. 1 and 2 respectively), in conjunction with the public hearing on the related applications (C 050162 ZMM, C 050162(A) ZMM, C 050163 PCM).

There were 14 speakers in favor of the application and related actions and 28 speakers in opposition.

Those speaking in favor included representatives of the Friends of the High Line, the Municipal Arts Society, the American Institute of Architects, Manhattan Community Board 2, the Real

Estate Board of New York, the Regional Plan Association, a representative of the New York State Assembly member from the 75th District, representatives of local block associations, several local business owners and neighborhood residents.

Those speaking in favor highlighted the innovative nature of the proposal and of the detailed controls intended to tailor development by subarea. Speakers noted that the Commission had calendared changes in response to comments and community recommendations. Several speakers also stated their support for the conversion of the High Line into a public open space and for the zoning mechanisms that would facilitate the conversion. These speakers noted, in particular, their support for the creation of the High Line Transfer Corridor, required setbacks for developments adjacent to the High Line, and provisions requiring dedication of access easement volumes for High Line stairway and elevator construction. The representative from the Regional Plan Association noted their support for High Line-related zoning mechanisms including access requirements as well as support for areas of transitional densities. Several speakers in favor also expressed concern about the amount of affordable housing that would be created in West Chelsea and urged the Commission to introduce mechanisms designed to provide a higher percentage of affordable housing in new development.

The representative of the Real Estate Board of New York stated that the City of New York has been a national leader in the provision of affordable housing. The representative indicated that the Real Estate Board feels that density bonuses provide sufficient incentives for the provision of affordable housing and cautioned that additional measures may hurt housing production without additional financial commitments from the government.

Those speaking in opposition included representatives of Manhattan Community Board 4, including the Chair, the Pratt Institute, Afford Chelsea, the Partnership for the Homeless, the Hudson Guild, a representative of the Public Advocate for the City of New York, and neighborhood residents.

Many speakers in opposition noted their support for zoning changes that would permit residential and commercial development within West Chelsea and for the conversion of the High Line into a public open space but expressed concern related to the amount of density permitted, the distribution of density, and permitted building heights. Representatives from Community Board 4 noted their strong support for the modified applications (N 050161(A) ZRM and C 050162(A) ZMM) and stated that the modifications address many of the Board's concerns. Representatives of Board 4 also reiterated concerns and recommendations put forward in their letter on the proposed actions, including capping building heights at 220 and 280 feet, extending the Special District boundaries to include blocks west of Eleventh Avenue and south of 17th Street, lowering the base FAR's throughout the Special District to 5.0, elimination of the High Line Transfer Corridor Bonus, implementation of additional regulations related to large retail and nightclub establishments, and the provision of affordable housing within West Chelsea. The representative from the office of the Public Advocate for the City of New York stated their strong support for the reuse of the High Line but also expressed concern that permitted building heights would impair the success of the High Line open space and that additional measures were necessary to protect light industry in Manhattan.

Many speakers expressed concern that the plan did not provide for sufficient affordable housing and that additional mechanisms were needed that would mandate the construction or preservation of affordable housing representing at least 30 percent of all new units within West Chelsea. Representatives from Community Board 4 stated their support for a broader affordable housing mechanism and indicated their desire for a minimum of 30 percent affordable housing for people earning between 80 and 165 percent of the Area Median Income. Representatives from Community Board 4 also called for the reduction in the base FAR to 5.0, the extension of the Special District Boundaries, and the implementation of the Special Clinton District anti-harassment and anti-demolition provisions as methods to preserve and create additional affordable housing. Representatives from Afford Chelsea stated that any affordable housing mechanism should also involve extension of the 421(a) exclusion zone to include West

Chelsea and should require provision of affordable housing in tandem with the use of High Line Transfer Corridor development rights.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with those for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 04-096. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the amendments to the zoning map (C 050162(A) ZMM), amendments to the zoning resolution (N 050161(A) ZRM), as further modified herein, and the site selection and acquisition for the High Line open space (C 050163 PCM) are appropriate.

The Commission applauds the plan to transform West Chelsea into a vibrant, mixed-use neighborhood. The three actions that comprise the West Chelsea/High Line plan would create opportunities for the development of new residential and commercial buildings on Tenth and Eleventh avenues and appropriate midblocks, enhance Manhattan's most significant concentration of art galleries, and facilitate the transformation of the High Line elevated rail structure into New York City's most unique and exciting public open space. These actions would transform a district characterized by large amounts of underutilized land into a dynamic

neighborhood that commingles residential development with commercial and arts-related uses and an innovative, elevated public open space atop the High Line.

The creation of new housing opportunities is one of New York City's most pressing needs. New residential development would be permitted along Tenth and Eleventh Avenues, in the northern and southern midblocks of the Special District, and along the east side of Tenth Avenue between West 16th and West 18th streets. The introduction of these new residential uses would strengthen the character of Tenth Avenue and provide for new retail and commercial opportunities for area residents, including those within the Chelsea Historic District and New York City Housing Authority developments. New residential uses on the West Chelsea midblocks and along Eleventh Avenue would ensure that the neighborhood maintains an active and vibrant street life with a pronounced pedestrian presence.

The West Chelsea/High Line plan is consistent with the City's commitment to provide significant amounts of new affordable housing throughout New York City. The Commission recognizes that the issue of affordable housing is of paramount importance to the community and notes the substantial testimony heard on this subject. The Commission notes that the modified applications adopted herein would greatly increase the amount of affordable housing provided in conjunction with new development in West Chelsea. The affordable housing component of this zoning proposal would extend the applicability of the Inclusionary Housing Bonus to medium density districts, allowing for the provision of new affordable housing units throughout the Special West Chelsea District. This provision would help create an economically-diverse community within West Chelsea.

The Commission notes the extraordinary care with which the planning effort has addressed conditions on a block-by-block basis. The Department of City Planning has worked with the community, the Friends of the High Line, local citizens, civic organizations, elected officials and property owners to develop a plan that introduces new development opportunities into the fabric of a thriving arts district in a way that will reinforce and strengthen West Chelsea's

position as a dynamic urban neighborhood. The Commission recognizes that the plan has been tailored to respond to a number of unique contextual conditions, including the proximity of West Chelsea to the Chelsea Historic District, the presence of the High Line located generally 100 feet west of Tenth Avenue, the densities permitted within the Hudson Yards Special District to the north of the site, and the varied existing built character of West Chelsea, including walk-up residential buildings, high-streetwall loft buildings and tower-in-the-park developments.

The Commission notes that the controls intended to guide the form of buildings adjacent to the High Line are particularly innovative. The Commission believes that the High Line presents a unique opportunity to connect three vital West Side neighborhoods, including the Gansevoort Meat Market district to the south and the Hudson Yards district to the north. The design of the High Line, which is proceeding on a separate but parallel track to the West Chelsea plan, proposes to create a new open space unlike any other in the city. The Commission recognizes that the form and use of new buildings constructed adjacent to the High Line will greatly influence the experience of being in the High Line open space. The Commission believes that the adjacency controls will help to create a more successful and inviting open space that will be more exciting, varied, safe, and secure than would otherwise be possible. At the same time, the Commission recognizes that the creation of the High Line Transfer Corridor (HLTC) is a pivotal component of this plan. The HLTC and the associated development rights transfer mechanism will allow High Line property owners to utilize their development rights while at the same time providing for the needs of the High Line. The transfer of development rights would open a corridor of light, air, and views around the High Line open space that will improve users' enjoyment.

While manufacturing uses and jobs in West Chelsea have declined, a vibrant arts district has grown in its place. The Commission believes that the West Chelsea/High Line plan will enhance the existing gallery district and will encourage its future growth and development. Retaining two M1-5 districts on the midblocks between West 20th and 22nd streets and West 24th and 27th streets would provide locations for the existing gallery district to develop free of

residential pressures. At the same time, new residential development would only be permitted along the avenues and northern and southern midblocks, where galleries are not located today. The Commission notes that, even today, new arts-related developments are planned for the M1-5 midblocks and that new residential buildings developed pursuant to the existing zoning along the West 23rd Street corridor contain art galleries. This healthy market for gallery and arts-related space indicates that West Chelsea can continue to evolve as a mixed-use residential and arts district.

AMENDMENTS TO THE ZONING MAP AND ZONING RESOLUTION

(N 050161(A) ZRM and C 050162(A) ZMM)

The Commission believes that the amendments to the zoning map (C 050162(A) ZMM) and amendments to the zoning text (N 050161(A) ZRM), as further modified herein, are appropriate to facilitate the development of a dynamic, mixed-use neighborhood that provides new residential and commercial opportunities while enhancing the art-gallery district and facilitating the rehabilitation of the High Line into a new public open space. These modified applications were filed on March 3, 2005. The modified applications reflect comments made during the Community Board review period with respect to the original applications (N 050161 ZRM and C 050162 ZMM) which included recommendations for reduced density and building height adjacent to the Chelsea Historic District, increased density between West 17th and 18th streets east of Tenth Avenue, tower-on-a-base building forms across from Chelsea Waterside Park, and imposition of maximum building heights throughout the Special District. The Commission has fully considered and analyzed each of the comments reflected in the modified applications (N 050161(A) ZRM and C 050162(A) ZMM) and believes that certain provisions of the modified applications strengthen and improve the plan while others are not consistent with the goals and objectives of the Special District. The Commission therefore adopts the modified applications, as further modified herein.

Special West Chelsea District

The Special West Chelsea District would be a new special zoning district that would be further

subdivided into nine subareas, labeled A through I. The subareas would differ from one another in their permitted densities, height and setbacks. The Special District would also contain a High Line Transfer Corridor, generally 100 feet in width and located around and to the west of the High Line structure.

The Commission notes that each individual subarea, as well as certain areas within the Special District but not within a designated subarea, has unique bulk, density, and massing controls. These controls tailor the permitted envelope of new development to a fine-grained level based on contextual site conditions and the existing built context. These controls respond to conditions found in areas within and adjacent to the Special District, such as the High Line, the Chelsea Historic District, high-streetwall loft buildings, the Special Hudson Yards District and the Fulton and Chelsea/Elliott Houses. Where appropriate, the regulations of the Special District permit non-contextual, tower-on-a-base development to maximize light and air on the midblocks and create an urban form that is more sympathetic to the presence of Chelsea Waterside Park and the High Line open space.

Subarea A

Subarea A would serve as a transition area between the medium-density districts of West Chelsea to the south and the higher densities planned for the areas within the Special Hudson Yards district to the north. Subarea A would be located along Tenth and Eleventh Avenues between West 28th and West 30th streets and along the south side of West 30th Street. The area is currently zoned M1-5 and would be rezoned to C6-4 with a base density of 7.5 FAR and a maximum density of 10.0 FAR (12.0 FAR through the utilization of the Inclusionary Housing Bonus). Bulk controls would require tower-on-a-base building forms that provide an appropriate transition between West Chelsea and Hudson Yards. Additional controls would govern the form of buildings adjacent to the High Line and the proximity of towers to one another on the West 30th Street midblock.

The Commission heard testimony related to the configuration of the subarea boundaries in Subarea A. The Commission notes that Community Board 4 recommended reconfiguring the subarea to encompass only the full block between West 29th and 30th streets and Tenth and Eleventh avenues. The Commission believes that the subarea boundaries as defined in the modified application are appropriate. Subarea A is one of only two locations in the Special District where densities could reach 10.0 or 12.0 FAR. The resulting building form, with towers located on bases between 40 and 85 feet in height, is appropriate for avenue frontages with wide streets. The Commission does not believe that a tower-on-a-base form lends itself to narrow street, midblock conditions except along West 30th Street, where the presence of the High Line and the planned open space over the Eastern Rail Yards effectively increase the openness of West 30th Street.

The Commission also heard testimony related to the lack of a designated maximum building height within Subarea A. The Commission believes that the controls specified in the modified application – namely, the requirement that buildings that penetrate the sky exposure plane occupy between 30 and 40 percent of the lot area – would sufficiently limit building heights. The Commission notes that several speakers recommended limiting buildings within Subarea A to a maximum height of 280 feet. This limitation, coupled with the permitted density, would result in buildings with excessively high bases that would create an unpleasant and foreboding pedestrian environment along West 30th Street. The Commission feels that the use of tower coverage controls will effectively limit building heights and provide for envelopes that are appropriate for 12.0 FAR buildings. In addition, the Commission believes that the controls to limit tower width to 150 feet above a height of 220 feet will help ensure slender towers along West 30th Street.

Subarea B

Subarea B would be located on the midblocks between West 27th and West 29th streets in an area characterized by high-streetwall, loft buildings. The area is currently zoned M1-5 and would be rezoned to a C6-3 district with a base density of 5.0 FAR and a maximum density of 7.5 FAR.

Required base heights would range from 60 to 95 feet and the maximum permitted building height would be 135 feet. Additional bulk controls would require setbacks from the west side of the High Line at the level of the High Line bed. The Commission believes that these densities and bulk controls are appropriate and that new development constructed pursuant to the Subarea B controls would complement the existing built context of these midblock locations.

Subarea C

As specified in the modified applications, Subarea C would be located along the Tenth and Eleventh avenue frontages between West 24th and West 28th streets. The controls for this subarea would reflect the predominant built context of bulky loft buildings such as the Williams Warehouse and the Otis Elevator Building. Currently zoned M1-5, this area would be rezoned to a C6-3 district with a base density of 5.0 FAR and a maximum density of 7.5 FAR. Base heights of between 105 and 125 feet would be required along Tenth Avenue and along Eleventh Avenue base heights would be between 125 and 145 feet. Maximum permitted building heights would be 125 feet for the Tenth Avenue frontage and 145 feet for the Eleventh Avenue frontage. Additional controls would require developments that occupy most of the Tenth Avenue blockfront to provide a lowered streetwall at one corner of the building to provide a variety of building form and to maximize light, air, and views for the High Line open space. Buildings constructed on lots adjacent to the High Line would also be required to set back 25 feet for a portion of their High Line frontage and to reserve 20 percent of lot area as landscaped open space.

The Commission notes that the modified application limited the maximum building heights along Tenth Avenue to 125 feet and that this height resulted from testimony heard during the public review process. The Commission further acknowledges that the Community Board recommended a C6-2 zoning district along Tenth Avenue with a maximum FAR of 6.0. The Commission believes that a C6-3 zoning district with a maximum FAR of 7.5 is appropriate for this location and is consistent with the surrounding context of loft buildings and Chelsea/Elliot and London Terrace developments. The Commission recognizes the concerns related to

building height in this location and believes that 125 feet is an appropriate maximum base height that generally matches the height of the dominant Williams Warehouse building. The Commission believes that this avenue frontage can accommodate additional height, however, and that the maximum permitted building height, after setback, should be 145 feet. This building height would permit the location of additional density on Tenth Avenue rather than forcing buildings to locate floor area within the High Line frontage. The Commission therefore accepts the modification to this application that would establish the maximum base height at 125 feet and the maximum building height at 145 feet.

Subarea D

Subarea D would be located along Eleventh Avenue, between West 18th and West 24th streets. The area between West 18th and West 22nd Street is currently zoned M1-5. The area between West 22nd and West 24th streets is currently located with a Special Mixed Use District (MX-3) and is zoned M1-5/R9A. The entirety of Subarea D would be rezoned to a C6-3 district and the Special Mixed Use District would be eliminated. The zoning district depth would be 140 feet between West 18th and the midpoint between West 21st and West 22nd streets, 150 feet along the south side of West 22nd Street, and 100 feet between West 22nd and West 24th streets. Bulk controls would require base heights of between 60 and 90 feet and maximum building heights of 220 feet. Additional controls would limit maximum tower widths and provide additional flexibility for buildings that do not exceed the maximum base height.

The Commission notes that Community Board 4 recommended extension of Subarea D to the area between West 22nd and West 24th streets and for the application of tower-on-a-base regulations in place of contextual bulk regulations. The Commission acknowledges that the modified applications incorporate these recommendations and believes that a C6-3 district with tower-on-a-base controls is appropriate for this location across from Chelsea Waterside Park. Tower building forms would serve as a gateway to West Chelsea and West 23rd Street when viewed from the west and would appropriately terminate West 23rd Street and signify the location of the waterfront when viewed from the east.

The Commission also heard testimony related to the depth of Subarea D and the corresponding C6-3 zoning district. Community Board 4 recommended reducing the depth of the subarea to 100 feet between the midpoint of West 19th and 20th streets and West 22nd Street. The Commission acknowledges the community concerns related to potential building massing that would result from a 140-foot zoning depth along Eleventh Avenue. The Commission notes that the alignment of Eleventh Avenue at an angle to the narrow streets and the bulk of the zoning lot lines create inevitable split lot conditions when a zoning district boundary is drawn parallel to the avenue. The 140-foot depth generally matches the zoning lot depth along two blocks of Subarea D and minimizes split lot conditions throughout the remainder of the subarea. The Commission also believes that the bulk regulations, as modified herein, would ensure an appropriate built form.

The Commission notes that the Community Board also recommended limiting the maximum height within Subarea D to 190 feet. The Commission also notes that the original application (N 050161 ZRM) did not specify a maximum height for this subarea and that a maximum height of 220 feet was incorporated into the modified application for consideration. As stated previously, the overriding goals of the Subarea D bulk controls are to maximize light and air on the West Chelsea midblocks and to create an appropriate gateway to the neighborhood at West 23rd Street. The Commission believes that a tower-on-a-base form with slender towers is the appropriate building form for this location and for the proposed density of 7.5 FAR. Limiting building heights to 190 or 220 feet would require that towers become excessively wide in order to fully utilize floor area. The Commission believes that a 250 foot height limit, in combination with further controls that would limit the length of towers to 150 feet, will ensure that towers remain slender and appropriately proportioned and therefore accepts the modification to this application that would establish the 250 foot maximum building height and limit tower length.

Subarea E

Subarea E would be located on the midblocks between West 18th and West 20th streets and would serve as a transition between higher densities proposed within Subarea D and the lower scale area of Chelsea east of Tenth Avenue. The area is currently zoned M1-5 and would be rezoned to a C6-2 district with a base density of 5.0 FAR and a maximum density of 6.0 FAR. Required base heights would range between 60 and 105 feet and the maximum building height would be 120 feet. Additional controls would require setbacks of 15 feet from the High Line structure above the level of the High Line bed.

The Commission heard testimony that the boundary of Subarea E should be drawn at the midpoint between West 19th and West 20th streets, thereby preserving the existing M1-5 district on both sides of West 20th Street. While the north side of West 20th Street houses a significant number of galleries and arts-related uses, the south side of West 20th Street is primarily characterized by auto-related uses. The Commission therefore believes that it is appropriate to distinguish between the north and south sides of West 20th Street in delineating the zoning district boundary.

The Commission notes that the portion of Subarea E between West 18th and West 19th streets could, if certain criteria are met, take advantage of the High Line Improvement Bonus (HLIB) and that unique bulk controls would then apply. Specifically, if a zoning lot were to occupy the entire West 18th Street frontage and be located partially within Subareas D, E, and G, the site could be considered a HLIB site and the maximum building height on the portion of the zoning lot within Subarea E would become 250 feet. Additional provisions would allow the transfer of excess floor area from Subarea D to Subarea E and would restrict the width of the midblock tower to 120 feet. The HLIB mechanism would require a contribution into a High Line Improvement Fund (HLIF) commensurate with the amount of floor area used above the base density. The HLIF contribution would be used for improvements to the High Line, including structural repair and remediation and implementation of the High Line open space design

between West 18th and West 20th streets. The HLIB property would also be required to construct stair and elevator access from ground level to the High Line as a condition of the HLIB.

The Commission notes that Community Board 4 expressed concern that the HLIB mechanism would supersede the underlying zoning controls within Subarea E and indicated that a uniform, 160 foot height limit would be appropriate throughout the subarea. The Commission acknowledges that High Line Improvement Bonus sites are designated in three locations within West Chelsea. These sites are so designated due to unique opportunities afforded by the location and alignment of the High Line and the ability of these sites to interact with the High Line in unique ways. At the location of the HLIB site in Subareas D, E, and G, the High Line transitions from its curving, irregular path south of West 18th Street to a more uniform and straight condition between West 18th and West 30th streets. This transition heralds the 'arrival' of the High Line in West Chelsea and is an appropriate location for stair and elevator access and a significant architectural expression that indicates the gateway to West Chelsea. At the same time, this HLIB site, taken together with the HLIB site within Subarea I, frames the planned major entry point for the High Line in Subarea H and defines what will likely become an active and unique section of the High Line open space. The Commission further recognizes that the unique controls permitted by the HLIB provisions would take effect only if a significant portion of the block including the entire West 18th Street frontage was assembled into single ownership. The assemblage of a large parcel of land at this particular location creates significant opportunities to improve the High Line, provide stairway and elevator access to the open space, and to identify this unique location where the High Line moves to its typical midblock location 100 feet west of Tenth Avenue. The Commission believes that the 250 foot height would provide a transition between the taller buildings permitted to the south and the lower scale (maximum 120 foot height) buildings permitted to the north. The Commission believes that the availability of the High Line Improvement Bonus in Subareas D, E, and G and the bulk controls for the site are therefore appropriate.

Subarea F

Subarea F occupies the Tenth Avenue frontage between the south side of West 20th Street and the north side of West 22nd Street. This subarea is located directly west of the Chelsea Historic District, which is characterized primarily by walk-up residential buildings that range between 3 and 5 stories in height. The maximum permitted density within Subarea F would be 5.0 FAR and the maximum building height would be 80 feet. The district, currently zoned M1-5, would be rezoned to a C6-2 district. Additional controls would require developments that occupy most of the Tenth Avenue blockfront to provide a lowered streetwall at one corner of the building to provide a variety of building form and to maximize light, air, and views for the High Line open space. Buildings constructed on lots adjacent to the High Line would also be required to set back 25 feet for a portion of their High Line frontage and to reserve 20 percent of lot area as landscaped open space.

The Commission heard much testimony related to building heights and densities across from the Chelsea Historic District, including recommendations that the Commission adopt the calendared provisions that would establish a density of 5.0 FAR and a maximum height of 80 feet within Subarea F. The Commission acknowledges that building forms in this location must respect the lower-scale nature of the historic district and should not present a character that differs dramatically from the existing context of Tenth Avenue. The Commission believes that the density of 5.0 FAR and the maximum permitted building height of 80 feet, as specified in the modified application, are appropriate for this subarea. The resulting building form will allow for provision of new housing and commercial uses that will activate Tenth Avenue and create an appropriate pedestrian environment both on the avenue and on the High Line while limiting building heights in a manner consistent with the existing context.

Subarea G

Subarea G would occupy one and one-half blocks of the Tenth Avenue frontage between West 18th Street and the north side of West 19th Street. This area is currently zoned M1-5 and would be rezoned to a C6-2 zoning district with a base density of 5.0 FAR and a maximum density of

6.0 FAR. Maximum permitted building heights would be 120 feet within Subarea G. Additional controls, consistent with those in Subareas C and F, would require portions of the Tenth Avenue frontage to be kept low and would require setbacks from the High Line for a portion of a building's High Line frontage.

The Commission acknowledges that the Community Board's testimony distinguished between that portion of the Tenth Avenue frontage located across from the Chelsea Historic District (Subarea F) and that portion located to the south (Subarea G). The Commission therefore concludes that the density and bulk controls, as proposed in the modified application, are appropriate.

Subarea H

Subarea H occupies a full block site between West 17th and West 18th streets and Tenth and Eleventh avenues. The site is bisected by the High Line, which curves across the eastern portion of the site, leaving a triangular area on Tenth Avenue separated from the bulk of the site. The subarea is currently zoned M1-5 and would be rezoned to a C6-4 district with a base density of 7.5 FAR and a maximum permitted density of 10.0 FAR. Required base heights would range between 60 and 120 feet. Additional bulk controls would permit two towers on the site with maximum heights of 280 feet. The full block site would also be considered a High Line Improvement Bonus (HLIB) site, which only permits the achievement of the maximum permitted density through satisfaction of specific High Line-related conditions. The HLIB requirements would include a contribution to the High Line Improvement Fund for use in the remediation, repair and implementation of the open space design for the High Line as well as construction of a significant at-grade plaza between the High Line and Tenth Avenue and construction of a 'grand' stair and elevator access point to the High Line open space.

The Commission notes that speakers testified that building heights proposed in the original application (N 050161 ZRM) of 290 and 390 feet were excessively high and that a uniform 280 foot height limit should apply to this site. The Commission believes that bulk controls that

would require two towers on the site are appropriate and that the eastern tower should have a maximum permitted height of 290 feet and that the maximum height of the western tower should be set at 390 feet. The Commission does not believe that a maximum base height of 120 feet is appropriate and instead concludes that 85 feet should define the maximum base height.

Any reduction in height of the two towers would necessitate the relocation of floor area into the base of the building. Reducing the tower heights to 280 feet would result in a base height that is excessively high and would impair the character of West 17th and West 18th streets, both important corridors to the waterfront. Additionally, the reduction in tower height would also result in squat, ungainly tower forms that are unacceptably wide. The provision of slender towers is especially important, given that a major entry point to the High Line open space and a new, at-grade public plaza will be provided on the site. The combination of a 120 foot base with especially wide towers would compromise the character of the High Line, the public plaza, and adjoining streets. The Commission therefore accepts modifications to the application that would establish a maximum building height of 290 feet and 390 feet and a maximum base height of 85 feet.

Subarea I

Subarea I would be located east of Tenth Avenue, between West 16th and West 18th streets. The area is currently zoned M1-5 and would be rezoned to a C6-3 district with a base density of 5.0 FAR and a maximum density of 7.5 FAR. Controls for Subarea I would require a base height of between 60 and 105 feet and a maximum building height of 135 feet, except for that portion of Subarea I within 300 feet of Tenth Avenue between West 16th and West 17th streets. This portion of Subarea I would be considered a High Line Improvement Bonus (HLIB) site and would be subject to specific High Line-related requirements in exchange for an increase in density of 1.5 FAR and the applicability of unique bulk controls. The HLIB conditions would require a contribution to a High Line Improvement Fund for use in the structural repair and remediation and implementation of the High Line open space design between West 16th Street and Tenth Avenue. The HLIB requirements would provide for the construction of public restrooms at the

High Line level and provision of storage space and a trash chute to assist in the maintenance and operations of the High Line open space. Bulk controls for the HLIB site specify a base height of between 60 and 85 feet and permit a building 220 feet in height to be located on West 17th Street.

The Commission heard testimony that the proposed building height of 220 feet was appropriate for the Subarea I HLIB site and that the remainder of Subarea I should be a C6-3 district with a maximum permitted density of 7.5 FAR. The Commission agrees that a C6-3 district is appropriate for the entirety of Subarea I. However, the Commission does not believe that a 220 feet height limit is appropriate for the HLIB site within Subarea I. Instead, the Commission believes that a 250 foot height limit is appropriate along West 17th Street and results in a building form that would be generally consistent with the Fulton Houses towers to the east and would optimize conditions on the High Line and along West 16th Street. The Commission recognizes that any reduction in height along West 17th Street would necessitate the relocation of floor area to that portion of the site adjacent to the High Line or along West 16th Street. The Commission believes that the proposed base height of 120 feet adjacent to the High Line is appropriate and is consistent with the loft buildings that occupy the other three corners of the West 16th Street intersection with Tenth Avenue. At the same time, the Commission believes that an addition to the base height along West 16th Street would, in combination with the very high streetwall of the Chelsea Market building on the south side of 16th Street, compromise the pedestrian experience. The Commission therefore accepts the modification to the application that would establish the maximum building height of 250 feet within Subarea I.

M1-5 Districts

The Commission notes the Community Board recommendation that building heights be limited to 100 feet in the M1-5 midblocks of the Special District. The Commission believes that these midblocks, which contain the bulk of the galleries and arts-related uses in West Chelsea, are critical to the success of the West Chelsea plan and that sufficient flexibility should be provided to encourage additional investment in building rehabilitation and new construction. In

addition, the Commission recognizes that the existing context of these midblocks is highly varied and that there are numerous buildings that exceed 100 feet in height as well as equally numerous low buildings and vacant lots.

The Commission believes controls for the M1-5 midblocks should permit freedom in massing and architectural expression that reflects the diverse context and that a 135 foot height limit is appropriate. At the same time, the Commission finds that the proposed 60 foot minimum base height is overly restrictive and could result in overly bulky bases. The Commission therefore believes that a 50 foot minimum base height is appropriate within the M1-5 districts and accepts the modification to this application that would establish the minimum base height as 50 feet.

The Commission also heard testimony that new residential and commercial zoning in the perimeter of the Special District would place pressure on uses within the M1-5 districts of West Chelsea and that mixed-use zoning should be explored. The Commission recognizes the degree of analysis which has gone into the delineating of the zoning district boundaries in West Chelsea and firmly believes in the ongoing integrity of the M1-5 districts to remain. The M1-5 midblocks will provide a location where galleries, arts-related uses, and other commercial uses will be able to locate without the pressure of residential development and conversions that have characterized West Chelsea in the past. The Commission believes that allowing as-of-right residential use within the M1-5 midblocks would not be compatible with the gallery district.

The High Line and the High Line Transfer Corridor

The Commission recognizes that creation of the High Line open space is integral to the success of the West Chelsea rezoning. The Commission applauds the efforts of the Friends of the High Line, various city agencies, and the High Line design team in proposing the creation of an innovative and unique public space for the residents of New York City. The Commission believes that the High Line-related mechanisms in the West Chelsea/High Line plan will facilitate the conversion of the High Line from a disused industrial artifact into a vibrant neighborhood amenity. These mechanisms include specific bulk controls for buildings adjacent

to the High Line, the creation of the High Line Transfer Corridor (HTLC), the designation of three High Line Improvement Bonus sites, and additional regulations including High Line access easement requirements, signage and lighting provisions, and transparency requirements for High Line building frontages. The Commission believes that these provisions are integral elements of the West Chelsea plan and will result in a successful, vibrant open space and neighborhood.

High Line Transfer Corridor

The Special District provisions contain unique regulations related to High Line properties. To maximize a sense of openness and access to light and air from the High Line open space, properties within the High Line Transfer Corridor (HLTC) would be permitted to transfer floor area from the zoning lot within the HLTC to designated receiving sites within the Special District. Receiving sites may increase their base density to a maximum density by purchasing these HLTC property development rights. As a condition for such transfer of floor area, and to assure that the City's interest in the restoration and reuse of the High Line as a public open space is protected, execution of a declaration of restrictions and related agreements would be required. The matters expected to be required in such declaration and agreements have been defined in consultation with the Office of the Corporation Counsel, and are as generally described in Exhibit A.

Certain additional properties are designated High Line Improvement Bonus (HLIB) sites. These sites are identified in locations where the presence and alignment of the High Line provides unique opportunities for open space design and architectural expression. These sites may increase their base density to a maximum density through contributions to a High Line Improvement Fund (HLIF) and through performance of certain High Line improvements intended to facilitate the rehabilitation of the High Line structure, increase opportunities for public access from ground level to the High Line, and provide amenities that will improve the attractiveness of the open space and simplify its operation and maintenance. Additional provisions require the dedication of access easement volumes on certain High Line lots,

transparency of building facades adjacent to the High Line, and variation in the permitted adjacency of neighboring buildings. The Commission believes that these High Line-related provisions are critical to the success of the West Chelsea/High Line plan.

High Line setbacks

The Commission believes that the bulk controls that require setbacks for buildings located adjacent to the High Line are a critical component of the West Chelsea/High Line plan. The Commission believes that the required 25 foot setback on the east side and 15 foot setback on the west side of the High Line are appropriate. The Commission also believes that additional openness is warranted on the west side of the High Line and that an additional setback should be required on certain zoning lots. The Commission therefore believes the further modifications proposed herein that would require an additional 15 foot setback on the west side of the High Line at a building's base height are appropriate. This 'streetwall wraparound' would create a more open condition around the High Line open space and would provide for additional architectural expression and visual relief by further articulating buildings' eastern, High Line-facing facades. This requirement would only apply to lots that have more than 60 feet of street frontage to the west of the High Line, thereby exempting narrow lots where such a requirement would unduly restrict development. The Commission therefore accepts the modification that would require a second setback from the west side of the High Line for certain zoning lots.

Authorization to waive height and setback requirements

The Commission believes that changes to the proposed authorization to waive height and setback requirements set forth in the modified application are appropriate. The authorization, as modified, would allow properties located entirely within 75 feet of the east side of the High Line to seek waiver of height, setback, and transparency requirements specified in the West Chelsea/High Line plan, in order to reflect narrow lot conditions. The Commission therefore accepts the further modifications that would limit applicability of the authorization to lots within 75 feet of the High Line.

High Line Improvement Bonus

The Commission heard testimony that the High Line Improvement Bonus should require property owners to perform all High Line improvement work in lieu of the required financial contribution to the High Line Improvement Fund (HLIF). The Commission notes that the HLIB mechanism requires a HLIF contribution as a precondition to the receipt of building permits and that the contribution amount is commensurate with the amount of floor area sought above the base density. The HLIB mechanism, while requiring a contribution, also provides additional flexibility for the property owner to perform High Line improvements such as remediation and repair of the High Line structure and construction of the open space amenities, while mandating the performance of other defined improvements. The Commission believes this structure reflects an appropriate delineation of which improvements may be performed by either the City or owner, and which must be performed by owner, and is well-designed to ensure that the High Line improvements are completed.

High Line Transfer Corridor Bonus

Community Board 4 also recommended elimination of the High Line Transfer Corridor Bonus and introduction of a provision that would require retention of 1.0 FAR on every HLTC site. The Commission believes that the creation of High Line Transfer Corridor and the ability of HLTC property owners to sell development rights to receiving sites in the Special District are of paramount importance in ensuring the preservation of the High Line and success of the resulting open space. This mechanism achieves a dual purpose in providing an alternate location for development rights that would otherwise remain underutilized while, at the same time, pulling floor area away from the High Line and creating a more open corridor around the new open space. The Commission acknowledges that one result of this mechanism may be the creation of vacant lots under and around the High Line after all development rights are sold from the HLTC lots. The West Chelsea/High Line plan contains landscaping and screening requirements for vacant lots within the HLTC, which the Commission believes will help to ameliorate the vacant condition of these lots. The Commission believes that additional measures are necessary to foster a variety of conditions under and adjacent to the High Line.

The High Line Transfer Corridor Bonus will incentivize development of new commercial uses that will enhance the pedestrian experience on narrow streets around the High Line. The HLTC Bonus would also limit development constructed pursuant to the bonus to the height of the High Line bed, thereby ensuring that these new buildings do not conflict with the goal of moving floor area away from the High Line open space. The Commission therefore believes the provisions related to the High Line Transfer Corridor Bonus are appropriate and that they would further the goals and objectives of the Special District and the High Line.

High Line design process

The Commission notes that Community Board 4 provided testimony that the High Line design process should remain open and transparent and that the community should have a role in the decision making process. While the design process is not the subject of these applications, the Commission notes that the High Line design process has already incorporated extensive community input and that the City, the Friends of the High Line, and the design team have repeatedly expressed their willingness to continue to solicit community feedback and respond to concerns. In addition, the Commission fully agrees that every measure should be taken to ensure that the High Line is a safe and secure public space that responds to the varying conditions along the length of the line.

Inclusionary Housing Program

The Commission believes that it is important to ensure an economically diverse community in West Chelsea. In response to extensive comments throughout the public review process, the Commission strongly supports the modified application to extend the Inclusionary Housing Program, currently only available in C6-4 districts, to the C6-2 and C6-3 districts in the Special West Chelsea District. The Commission notes that this proposal would create significantly more affordable housing than the proposal included in the certified application, and that more of this affordable housing will be permanent.

The Commission notes that the modified application would allow for the creation of additional affordable housing in exchange for bonus floor area consisting of a portion of the increment between the base and the maximum FAR. After two-thirds of the increment between the base and the maximum FAR is achieved through the transfer of floor area from the High Line Transfer Corridor, the remaining one-third could be achieved through either additional transfer, or in exchange for providing new or preserving existing affordable housing. The Commission further notes that the entire floor area increment could be achieved through inclusionary housing, after 90 percent of the total development rights from the High Line Transfer Corridor have been transferred.

The Commission recognizes that the modified application (N 050161(A) ZRM) contains Inclusionary Housing provisions which relate to the option to preserve existing affordable housing to obtain a floor area bonus. The current preservation program is little used because of the difficulty in finding eligible buildings based on tenant income requirements. To encourage the use of the preservation option, eligibility requirements based on income would be replaced by average rent formulas. In addition, the maximum income would be increased from 80 percent of the Area Median Income (AMI) to 125 percent of AMI. Higher incomes would result in higher rents, providing for more flexible financing and a lower ratio of bonused floor area to preserved floor area.

The Commission believes that these changes, which are consistent with the recently adopted program in the Special Hudson Yards District, would encourage the use of this option by increasing both the number of eligible buildings and eligible households. Increased use of this option would address the need for permanent affordable housing through preserving existing units. Since preservation is less costly than new construction, and eligible properties are more widely available than sites for new buildings, the Commission considers these changes to be an effective means of providing affordable housing.

Testimony was given recommending additional modifications for providing affordable housing, including requiring that any transfer of floor area from the High Line Transfer Corridor be made in conjunction with the use of the Inclusionary Housing Program, reducing the base FAR in the C6-4 districts from 7.5 to 5, and requiring the retention of 1 FAR within the High Line Transfer Corridor.

The Commission believes that it would not be appropriate to “blend” the floor area transfer with the Inclusionary Housing Bonus. The Commission recognizes that this “blended” use of the High Line transfer and the Inclusionary Housing bonus has the potential to result in some additional affordable housing units; however, the West Chelsea rezoning necessarily reflects a balancing of goals, of which preservation of light and air around the High Line open space is fundamental to the plan.

The Commission is also concerned regarding the implications of reducing the base FAR in the C6-4 districts in the form recommended by Community Board 4. Providing bonus floor area from 5 to 12 FAR would represent a nearly 60 percent bonus. Such an increment is inconsistent with the concept of a floor area “bonus” as an increase above an as-of-right, base FAR as an incentive for the provision of public amenities.

The Commission applauds the work of the Department’s of City Planning and Housing Preservation and Development in crafting stronger voluntary inclusionary housing incentives as part of the zoning text modifications adopted by the Commission. The Commission encourages HPD to make further use of the resources it has available to increase the affordable housing component and promote a mixed-income community in West Chelsea.

Uses

The Commission heard testimony related to nightclub and large retail establishments in West Chelsea. The Commission notes that Community Board 4 recommended that all nightclubs with a capacity greater than 199 persons be required to obtain a special permit from the Board

of Standards and Appeals before locating in West Chelsea. The Commission recognizes that West Chelsea has become a popular nightlife district and that a number of large nightclubs are located within West Chelsea and in the immediate surroundings. Nightclubs are an important part of the Manhattan experience and are significant contributors to the New York City economy. The Commission believes that nightclub use is consistent with the nature of manufacturing and commercial zoning districts and that it is appropriate to allow such uses to locate as-of-right within these districts. At the same time, the Commission recognizes concerns related to noise and code enforcement in and outside of nightclubs, but believes that proper enforcement of existing regulations and codes is the most appropriate way to ensure that such uses do not become nuisances.

The Commission is adopting herein a modification to the zoning text providing that the provisions of Section 52-77 of the Zoning Resolution would not apply to any adult establishment currently located within the Special West Chelsea District which was established following adoption of the adult use regulations in 1995 and prior to the date of this Report at a location at which adult uses are currently permitted. This modification recognizes the special situation where an adult establishment has opened at a lawful location in reliance upon the 1995 regulations, but would become subject to the one year amortization provisions of the adult use regulations as a result of a zoning map change. The effect of this change would be treat such adult establishments as a non-conforming use, subject to all provisions governing non-conforming uses under Section 52-80.

The Commission also acknowledges Community Board 4's recommendation that retail establishments be limited to 10,000 square feet on the midblocks and 20,000 square feet elsewhere. The Commission believes that retail uses are essential components of a successful and vital urban neighborhood. In addition, the Commission believes that large retail uses play an important role in providing goods and services that will benefit the mixed-use neighborhood planned for West Chelsea as well as the larger community.

The Commission notes testimony heard that existing, non-conforming residential units be permitted to continue after adoption of the Special District. The Commission notes that legal non-conforming residential uses in the M1-5 districts will be permitted to continue. The Commission believes that the issue of any other residential uses in these districts is best addressed at the state level, where legislation would be needed to establish a fair process for identifying and legalizing these units.

Special District boundaries

The Commission notes that Community Board 4 called for the inclusion of two additional areas within the boundaries of the Special West Chelsea District. The Board recommended the inclusion of the area west of Eleventh Avenue between West 22nd and 29th streets as well as the two blocks south of Subarea H, between West 15th and 17th streets. The Commission recognizes that it is not within the scope of its current review to further modify the boundaries of the Special District.

Historic Preservation

The Commission notes the request from Community Board 4 that analysis be conducted to determine the feasibility of the creation of a Chelsea Waterfront or Chelsea Industrial Historic District. The Commission recognizes that Community Board 4 has identified a collection of buildings that it believes merit consideration by the Landmarks Preservation Commission and that the Board has defined preliminary boundaries for such a historic district. The Commission notes that recommendations related to historic district designation fall under the purview of the Landmarks Preservation Commission.

SITE SELECTION AND ACQUISITION OF THE HIGH LINE

(C 050163 PCM)

The Commission believes that the application for site selection and acquisition of the High Line elevated rail structure and associated easements located within Community Districts 2 and 4 (Blocks 644 - 646, 712 - 714, and 689 – 702) and a portion of the building located at 820

Washington Street (Block 644, portion of Lot 10) for the construction of a new public open space is appropriate.

The proposed site consists of a portion of an unused, elevated freight rail structure as well its associated rail easement and a portion of a City-owned property located beneath and adjacent to the High Line. The portion of the rail line that is the subject of the proposed selection and acquisition traverses 22 blocks between Gansevoort Street and the western curb line of Eleventh Avenue, just north of its intersection with West 30th Street. The easement associated with the High Line structure is a box easement that extends generally from the underside of the structure to a point approximately 20 feet above the existing track surface. The rail structure and box easement are generally coterminous and vary in width from approximately 30 to 90 feet. The site also includes a portion of an unoccupied City-owned building located at 820 Washington Street. This area may be needed for construction of a future access point for the High Line and for remediation and construction staging for the High Line open space. The Commission acknowledges that this site includes only that portion of the 820 Washington building necessary for construction related to the High Line open space.

The Commission notes that the site selection and acquisition of the High Line and associated easements and property is necessary to facilitate the conversion of the High Line into a new, public open space. The plans for the High Line envision a unique and innovative mix of landscaped and paved surfaces that reference the nature of the High Line as an industrial artifact while providing for a usable, enjoyable, and safe user experience. The Commission believes the High Line will help to transform the neighborhoods through which it runs and will provide a valuable amenity for these neighborhoods as well as the community and city as a whole. The Commission therefore supports the rehabilitation and reuse of the High Line as a public open space and believes that the site selection and acquisition measures provided for herein are appropriate.

CONCLUDING COMMENTS

The Commission recognizes the extraordinary level of public review and comment which has characterized the ULURP process for the West Chelsea/High Line plan. The modified application, inclusive of the further modifications adopted herein, reflects many of the comments and recommendations put forward by Community Board 4, the Borough President, the Manhattan Borough Board, elected officials, local civic organizations, and the public at large. The Commission believes that the resulting West Chelsea/High Line plan has been made stronger and more responsive to local conditions as a result.

The Commission acknowledges the ongoing effort to rehabilitate and convert the High Line into a new public open space and believes that the West Chelsea/High Line plan will significantly further this effort. The High Line open space will transform a disused industrial artifact into a valuable and critical new amenity for west side communities and for New York City as a whole and this Commission eagerly awaits the completion of final designs for the length of the High Line. The Commission recognizes the importance of active and regular community feedback and participation in the planning of the High Line and believes this input can only result in a more successful and enjoyable open space.

Finally, West Chelsea is an area of tremendous variety. This variety is expressed in the district's built form – where loft buildings rise side-by-side with walk-up residential buildings, small galleries, and the High Line – as well as in the varied uses found throughout the district. The Commission believes that this variety is the key to the success of the West Chelsea/High Line plan. The presence of underutilized land and parking lots and the High Line provide a unique opportunity to introduce new use and new life into the fabric of an already varied and vibrant area. The implementation of the West Chelsea/High Line plan will facilitate the creation of significant new housing and employment opportunities, the enhancement of an already thriving gallery and arts district, the creation of an urban fabric that is sensitive to and responds to a wide variety of contextual conditions, and the conversion of the High Line into New York City's most exciting new public open space. This Commission believes that, taken together,

these actions will help to create a unique and vibrant neighborhood that benefits local residents as well as the larger community and city as a whole.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion ratified herein was issued on May 13, 2005, with respect to this application (CEQR No. 03DCP069M), together with the Technical Memorandum, dated May 25, 2005, prepared with respect to the further modifications adopted by the City Planning Commission herein, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that, consistent with social, economic and other essential considerations:

1. Consistent with social, economic and other essential considerations, including the provision of affordable housing, from among the reasonable alternatives thereto, Alternative F set forth in the FEIS and the Technical Memorandum, dated May 25, 2005, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. Adverse environmental impacts disclosed in the FEIS with respect to Alternative F will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS and the Technical Memorandum dated May 25, 2005, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determinations and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in Underline is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within ## is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

* * *

**11-12
Establishment of Districts**

* * *

Establishment of the Special United Nations Development District

* * *

Establishment of the Special West Chelsea District

In order to carry out the special purposes as set forth in Article IX, Chapter 8, the #Special West Chelsea District# is hereby established.

* * *

**12-10
DEFINITIONS**

* * *

Special United Nations Development District

* * *

Special West Chelsea District

The “Special West Chelsea District” is a Special Purpose District designated by the letters “WCh” in which special regulations set forth in Article IX, Chapter 8, apply. The #Special West Chelsea District# appears on #zoning

maps# superimposed on other districts and, where indicated, its regulations supplement or supersede those of the districts on which it is superimposed.

* * *

32-44
Air Space over a Railroad or Transit Right-of-way or Yard

32-441
Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section or in Section 98-01.

32-442
Use of railroad or transit air space

C1 C2 C3 C4 C5 C6 C7 C8

* * *

(c) Notwithstanding the above, the #High Line#, as defined in Section 98-01 of this Resolution shall be governed by the provisions of Section 98-17 (Air Space Over a Railroad or Transit Right of Way or Yard).

* * *

42-462
Use of railroad or transit air space

M1 M2 M3

* * *

(c) In an M1-1 District, on the #block# bounded by Vanderbilt Avenue, Atlantic Avenue, Carlton Avenue and Pacific Street in the borough of Brooklyn, the City Planning Commission may authorize the #use# of #railroad or transit air space# for an open vehicle storage establishment provided the Commission makes the following findings:

* * *

(d) Notwithstanding the above, the #High Line#, as defined in Section 98-01 of this Resolution shall be governed by the provisions of Section 98-17 (Air Space Over a Railroad or Transit Right of Way or Yard).

* * *

All of the following text is new but not underlined.

Article IX - Special Purpose Districts

Chapter 8

Special West Chelsea District

98-00

GENERAL PURPOSES

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

- (a) to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;
- (b) to encourage the development of residential uses along appropriate avenues and streets;
- (c) to encourage and support the growth of arts-related uses in West Chelsea;
- (d) to facilitate the restoration and reuse of the #High Line# elevated rail line as an accessible, public open space through special height and setback regulations, #High Line# improvement bonuses and the transfer of development rights from the #High Line# Transfer Corridor;
- (e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and the #High Line# open space;
- (f) to create and provide a transition to the lower-scale Chelsea Historic District to the east;
- (g) to create and provide a transition to the Hudson Yards area to the north; and
- (h) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

98-01

Definitions

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).

High Line

The "High Line" shall for the purposes of this resolution refer to the elevated rail line structure and associated elevated easement located between Gansevoort Street and West 30th Street.

High Line bed

The "High Line bed" is the highest level of the horizontal surface (platform) of the #High Line# elevated rail line structure as of (the effective date of amendment), as shown in Diagram 7, in Appendix C of this Chapter. For the purposes of this Chapter, the level of the #High Line bed# is the average level of the #High Line bed# on a #zoning lot# over which the #High Line# passes.

High Line frontage

"High Line frontage" is that portion of a #building# that faces and is located within 15 feet of the west side and 25 feet of the east side of the #High Line#.

High Line Transfer Corridor

The "High Line Transfer Corridor" is an area within which the #High Line# is located, as specified in Appendix B of this Chapter, where development rights may be transferred to receiving sites in certain Subareas in the #Special West Chelsea District#, pursuant to the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-02

General Provisions

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Section 98-17 (Air Space over a Railroad or Transit Right-of-way or Yard) and Section 98-11 (Special Regulations for #Developments# and #Enlargements# Above, Beneath or Adjacent to the #High Line#) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

The provisions regarding the transfer of #floor area# set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, and the #High Line Improvement Bonus# in Subareas D, E, and F, and G and I set forth in Section 98-25 shall be effective upon the issuance of a final and binding Certificate of Interim Trail Use (CITU) by the Federal Surface Transportation Board and the execution of a trail use agreement between the City and CSX Transportation, Inc., or its successor, with respect to the #High Line#, or upon a determination by the Office of the Corporation Counsel that the restoration and reuse of the #High Line# as an accessible, public open space has been obtained pursuant to an alternative mechanism which protects the interests of the city.

Upon transfer of the #High Line# to the City pursuant to ULURP application C 050163 PCM and in accordance with such CITU and trail use agreement, the following shall apply:

- (a) the provisions regarding the issuance of building permits set forth in Section 98-26 (Special Regulations for #Developments# and #Enlargements# Above, Beneath or Adjacent to the #High Line#) shall be effective; and
- (b) any area within the tax lot located at Section 3, Block 8224, Lot 111, as of (effective date of amendment), which is separated from other portions of such tax lot by bounding streets, shall be considered a separate #zoning lot#; and
- (c) Underlying #use# and bulk regulations shall not apply to #uses# and #buildings and other structures# constructed on the #High Line# specifically in connection with its use as a public open space.

98-03

District Plan and Maps

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

The District Plan includes the following maps and illustrative diagrams in Appendices A, B, and C:

| | |
|------------|--|
| Appendix A | Special West Chelsea District and Subareas |
| Appendix B | High Line Transfer Corridor Location and Floor Area Ratio |
| Appendix C | Illustrative Diagrams of the High Line and Building Envelopes for Sites Adjacent to the High Line |
| | Diagram 1 Street wall and High Line frontage regulations in Subareas C, F, and G |
| | Diagram 2 Street wall and High Line frontage regulations in Subarea A |
| | Diagram 3 Subarea H requirements |
| | Diagram 4 High Line Improvement Area for Zoning Lots Divided by District Boundaries in Subareas D, E and G |
| | Diagram 5 Subarea I requirements between West 16 th and West 17 th streets |
| | Diagram 6 High Line Access Easement Volume Parameters |

Diagram 7 High Line bed and frontages

Appendix D Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

Appendix E Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E and G, or within Subarea I

The maps and diagrams are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

98-04

Subareas and High Line Transfer Corridor

In order to carry out the provisions of this Chapter, nine Subareas (Subareas A through I), and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

Within each of the Subareas and the #High Line Transfer Corridor#, certain special regulations apply that do not apply within the remainder of the #Special West Chelsea District#. The locations of the nine Subareas are detailed in Appendix A of this Chapter. The location of the #High Line Transfer Corridor# is detailed in Appendix B of this Chapter,

The Subareas and the #High Line Transfer Corridor# are subject to all other regulations of the #Special West Chelsea District# and the underlying district regulations except as otherwise specified in this Chapter.

98-05

Applicability of District Regulations

98-051

Applicability of Chapter 1 of Article 1

- (a) Within the #Special West Chelsea District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:
 - (1) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
 - (2) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.
- (b) Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on (effective date of amendment), such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than (one year after effective date of amendment).

98-10

SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

98-11

Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line

The Commissioner of Buildings shall not issue any building permit for demolition, excavation or foundation work to be performed above or beneath the #High Line# or within 25 feet of support structures of the #High Line#, except by determination by such Commissioner that such work would not adversely affect the structural integrity of the #High Line# and by determination by the City agency or official designated by the Office of the Mayor for such purpose, that such work would not adversely affect the City's ability to inspect and maintain as necessary to ensure the structural integrity of the #High Line#.

98-12

Modification of Use Regulations in C6 Districts

98-121

In Subarea H

In Subarea H, the provisions of Section 32-25 (Use Group 16), paragraph D. (Heavy Service, Wholesale, or Storage Establishments) are modified to permit, in #C6 Districts#, warehouse #uses# only in #cellars# located wholly below #curb level#.

98-122

Location Within Buildings

In any #C6 District# in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by non-residential uses) are modified to permit non-#residential uses# on the same #story# as a #residential use# or on a story higher than that occupied by #residential uses#, provided that the non-#residential uses#:

- (a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#, and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
 - (1) #residential# lobby space below or on the same #story# as non-#residential uses#; or
 - (2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

98-123

Adult Establishments

The provisions of Section 52-77 (TERMINATION OF ADULT USE ESTABLISHMENTS) shall not apply to any #adult establishment# that located within the Special West Chelsea District after October 25, 1995 and prior to May 25, 2005, and which, as of May 25, 2005 and (day prior to effective date of amendment), was an existing #use# and conformed to all provisions of Section 42-01 (SPECIAL PROVISIONS FOR ADULT ESTABLISHMENTS) applicable to M1-5 districts.

98-13

Modification of Use Regulations in M1 Districts

In the #Special West Chelsea District#, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT) and 42-30 (USES PERMITTED BY SPECIAL PERMIT) are modified to permit, as-of-right, without limitation, in M1 Districts, museums and non-commercial art galleries as listed in Use Group 3.

98-14

Ground Floor Use and Transparency Requirements on Tenth Avenue

The special ground floor #use# and glazing regulations of this Section apply to that portion of a #building or other structure# fronting on Tenth Avenue in the #Special West Chelsea District#.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 25 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district or museums or non-commercial art galleries as listed in Use Group 3. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space or entryways. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 50 percent of the building's total #street# frontage, whichever is less.

For any #development# or #enlargement#, each ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of such ground floor #street wall# surface. The lowest point at any point of transparency that is provided to satisfy the requirements of this Section shall be not higher than two feet above the level of the adjoining sidewalk or public access area and shall be no less than eight feet in height measured from such lowest point. Not less than 50 percent of such ground floor #street wall# surface shall be glazed with transparent materials, and up to 20 percent of such ground floor #street wall# may be glazed with translucent materials.

98-141

Transparency requirements within Subareas H and I

The transparency requirements of this Section shall apply to all portions of #developments# and #enlargements# within the #High Line frontage# of Subareas H and I, except for such portions that contain #dwelling units#. At least 70 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-15

Security Gates

All security gates installed after (effective date of amendment) that are swung, drawn, or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the façade area covered by such gate, when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking facilities.

98-16

Signs

The #sign# regulations of the underlying districts in the #Special West Chelsea District# shall not apply to #signs# located within 50 feet of the #High Line#, except for signs located entirely below the level of the #High Line# bed. In lieu thereof, the #sign# regulations of a C1 district shall apply, except that #accessory signs# located within the #High Line frontage# may have a maximum height of 20 feet above the level of the #High Line bed#.

No signs affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

- (a) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;
- (b) provide, at a minimum, directional, informational, and interpretive signage consistent with the use of the #High Line# as a public open space;
- (c) be integrated with the design of the #High Line# open space; and
- (d) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood

98-17

Air Space Over a Railroad or Transit Right-of-way or Yard

For the purposes of this Resolution, the #High Line# shall not be considered a railroad or transit right-of-way and the provisions of Sections 32-44 (Air Space over a Railroad or Transit Right-of-way or Yard) and 42-462 (Air Space over a Railroad or Transit Right-of-way or Yard) shall not apply.

98-18

Parking Regulations in Subarea H

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level# and that no more than 377 spaces are provided within such facility. For purposes of this Section, the governmental offices on Block 688, Lots 1001-1002 (as of the effective date) may have up to 377 #accessory# off-street parking spaces in such facility.

98-19

Lighting

All exterior light sources located within the #High Line frontage# shall be shielded from direct view from the #High Line#.

98-20

FLOOR AREA AND LOT COVERAGE REGULATIONS

The #floor area# provisions of this Section 98-20, inclusive, shall apply. Furthermore, special #floor area# transfer provisions are set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-21

Maximum Floor Area Ratio outside of Subareas

For all #zoning lots# or portions thereof located outside of Subareas A through I, the maximum #floor area ratios# of the applicable underlying district shall apply.

98-22

Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots# or portions thereof located in Subareas A through I, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, and #residential uses#, separately or in combination, shall be as specified in the following table. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#, except that no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

TABLE A
Maximum Floor Area Ratio by Subarea

| Subarea | Basic maximum #floor area ratio# | Increase in FAR pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR) | Increase in FAR pursuant to Section 98-25 (High Line Improvement Bonuses) | Inclusionary Housing | | Maximum permitted #floor area ratio# |
|-------------------|----------------------------------|---|---|---|---|--------------------------------------|
| | | | | Minimum FAR required to be transferred (note 1) | Increase in FAR pursuant to Section 98-26 (Modifications to Inclusionary Housing Program) | |
| A | 7.5 | 2.5 | (note 2) | 1.65 | 2.85 | 12.0 |
| B | 5.0 | 2.5 | (note 2) | 1.65 | 0.85 | 7.5 |
| C | 5.0 | 2.5 | NA | 1.65 | 0.85 | 7.5 |
| D (note 5) | 5.0 | 2.5 (note 3) | 2.5 (note 3) | 1.65 | 0.85 | 7.5 |
| E | 5.0 | 1.0 (note 3) | 1.0 (notes 2 & 3) | 0.65 | 0.35 | 6.0 |
| F | 5.0 | NA | NA | NA | NA | 5.0 |
| G | 5.0 | 1.0 (note 3) | 1.0 (note 3) | 0.65 | 0.35 | 6.0 |
| H | 7.5 | NA | 2.5 | NA | NA | 10.0 |
| I | 5.0 | 2.5 | NA | 1.65 | 0.85 | 7.5 |
| I (note 4) | 5.0 | 1.0 | 1.5 | 0.65 | 0.35 | 7.5 |

Note 1

Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized.

Note 2

In Subareas A, B, and E, the applicable basic maximum #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus).

Note 3

For certain zoning lots located in Subareas D, E, and G, the provisions of Section 98-25 (#High Line# Improvement Bonus) may apply in lieu of the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), subject to the provisions of Section 98-24 (Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E, and G).

Note 4

For #zoning lots# over which the #High Line# passes.

Note 5

For #zoning lots# between West 22nd Street and West 24th Street, the maximum #floor area ratio# shall be 7.5, and no #floor area# increases shall be permitted.

98-23

Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

#Lot coverage# requirements shall not apply to the portion of the #zoning lot# that lies directly beneath the #High Line#. The remaining portion of the #zoning lot# shall be considered a separate #zoning lot# for the purposes of calculating maximum #lot coverage#. Easement volumes provided in accordance with the provisions of Section 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS) and access structures constructed therein, as well as any structure required pursuant to Appendix D or E in relation to an increase in the basic maximum #floor area # ratio of a #zoning lot# pursuant to Section 98-25 (#High Line# Improvement Bonus), shall not be considered #floor area# or #lot coverage#.

However, at or above the level of the #High Line bed#, #lot coverage# requirements shall apply to the entire #zoning lot#.

98-24

Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E and G

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea G, #floor area# may be transferred across zoning district and subarea boundaries without restriction. Either the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR) or Section 98-25 (High Line Improvement Bonus) may apply to such #zoning lot#, as applicable, and the maximum permitted #floor area ratio# specified in the table in Section 98-22 shall apply, as applicable, for each subarea.

98-25

High Line Improvement Bonus

For #zoning lots# located between West 16th and West 19th streets over which the #High Line# passes, the applicable basic maximum #floor area ratio# of the #zoning lot# may be increased up to the amount specified in Section 98-22 (Maximum #Floor Area Ratio# in Subareas), provided that:

- (a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that anticipates using #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that: (1) a contribution has been deposited into an escrow account or similar fund established by the City (the #High Line # Improvement Fund), or such contribution is secured by letter of credit or other cash equivalent instrument in a form acceptable to the City. Such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#. Such contribution shall be made in accordance with the provisions of Appendix D or E, as applicable; and (2) a declaration of restrictions executed by all #parties in interest# to the #zoning lot# as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10 (DEFINITIONS), including and incorporating such other instruments as are necessary to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, is filed and recorded in the Office of the Register of the City of New York; and (3) all

additional requirements of Appendix D or E, as applicable with respect to issuance of a building permit, have been met.

- (b) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot # located between West 17th and West 18th streets over which the #High Line# passes that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished by a certification by the Chairperson of the City Planning Commission that:
- (1) if required pursuant to agreement with the City under Appendix D, #High Line# improvements within the #High Line# improvement area for such #zoning lot# have been performed in accordance such agreement;
 - (2) if elected by the Owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix D;
 - (3) At-Grade Plaza Work has been performed on such #zoning lot# in the area shown in Diagram 3 of Appendix C, in accordance with Appendix D;
 - (4) stairway and elevator access work has been performed on such #zoning lot# in the At-Grade Plaza area shown in Diagram 3 of Appendix C, or that an additional contribution to the #High Line# Improvement Fund to fund performance of such work has been made, in accordance with Appendix D; and
 - (5) all other applicable requirements of Appendix D have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this subsection, no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix D.

- (c) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot # located between West 16th and 17th streets or between West 18th and 19th streets over which the #High Line# passes that incorporates #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished by a certification by the Chairperson of the City Planning Commission that:
- (1) if required pursuant to agreement with the City under Appendix E, #High Line# improvements within the #High Line# improvement area for such #zoning lot# have been performed in accordance such agreement;
 - (2) if elected by the Owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix E;
 - (3) stairway and elevator access work has been performed on such #zoning lot #, in accordance with Appendix E;
 - (4) for #zoning lots# located between West 16th and 17th streets over which the #High Line# passes, #High Line# Service Facility Work has been performed, in accordance with Appendix E; and
 - (5) all other applicable requirements of Appendix E have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this subsection, no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix E.

**98-26
Modifications of Inclusionary Housing Program**

The provisions of Section 23-90 (INCLUSIONARY HOUSING) are modified within the #Special West Chelsea District#, as set forth in this Section.

**98-261
Definitions**

For the purposes of Section 23-943 (Preservation option), the following definitions in Section 23-92 shall be modified:

Fair Rent

“Fair rent” shall include, in addition to that rent permitted pursuant to Section 23-92, the payment of principal and interest on mortgage debt, and #lower income housing# may secure such debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-94(c) of this Resolution.

Lower Income Household

A “lower income household” is a #family# having an income equal to or less than the following proportion:

$$\frac{125}{80}$$

of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

#Lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City and State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Section 23-93 shall be modified so that the applicable ratio for Preservation in Column B shall be 1.5:1.

Section 23-943, paragraph (a) shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

98-262

Floor area increase

In accordance with the provisions set forth in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), the maximum permitted #residential floor area ratio# for #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 may further increase their permitted #floor area# through the provision of Inclusionary Housing, as modified in this Section 98-26, to the maximum amount specified in such table.

However, in those subareas or portions thereof where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of the #development# or #enlargement# may be increased by up to 1.0 in Subareas E and G, and on any #zoning lot# located in Subarea I over which the #High Line# passes; up to 2.5 in Subareas B, C, and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 4.5 in Subarea A.

98-30 HIGH LINE TRANSFER CORRIDOR

98-31 Purposes

The #High Line Transfer Corridor#, established within the #Special West Chelsea District#, is intended to enable the transfer of development rights from properties over which and immediately to the west of where the #High Line# passes and thereby permit light and air to penetrate to the #High Line# and preserve and create view corridors from the #High Line# bed.

98-32 General Provisions

The location of the #High Line Transfer Corridor# is specified in Appendix B of this Chapter.

In the #High Line Transfer Corridor#, special regulations relating to the transfer of #floor area# are set forth in Sections 98-33 through and 98-35 inclusive.

98-33 Transfer of Development Rights From the High Line Transfer Corridor

In the #Special West Chelsea District#, a “granting site” shall mean a #zoning lot#, or portion thereof, in the #High Line Transfer Corridor#. A “receiving site” shall mean a #zoning lot#, or portion thereof, in any subarea other than Subareas F and H. #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

(a) Notification

Prior to any transfer of #floor area#, the Department of City Planning shall be notified in writing of such intent to transfer #floor area#. Such notification shall be made jointly by the owners of the granting and receiving sites and shall include:

- (1) #floor area# zoning calculations for the granting and receiving site, and

- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, and
- (3) if applicable, a certified copy of the instrument creating a secondary #High Line# access easement volume, pursuant to the provisions of Section 98-63.

Notices of restrictions in a form acceptable to the Department of City Planning shall be filed by the owners of the granting and receiving sites in the Office of the Register of the City Of New York, indexed against the granting and receiving sites, certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit for any #development# or #enlargement# on the receiving site.

(b) #Floor area#

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a #commercial use# on such granting site, less any existing #floor area# to remain on such granting site.

The maximum amount of #floor area# transferred from a granting site located in a subarea shall not exceed the basic maximum #floor area ratio# specified for the applicable subarea in the Table in Section 98-22 (Maximum Floor Area Ratio in Subareas), less any existing #floor area# to remain on such granting site.

Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred.

The amount of #floor area# transferred to a receiving site from a granting site in the #High Line Transfer Corridor# shall not exceed the #floor area ratio# permitted on the receiving site through such transfer, pursuant to the Table in Section 98-22 (Maximum Floor Area Ratio in Subareas).

(c) #Use#

#Floor area# transferred from a granting site within the #High Line Transfer Corridor# may be used for any #use# allowed on the receiving site in accordance with the underlying zoning designation and the provisions of this Chapter.

(d) Stairway easement requirement

As a condition for the transfer of #floor area#, an easement volume to facilitate pedestrian access to the #High Line# via stairway shall be provided in accordance with the provisions of Section 98-60 (SPECIAL ACCESS REGULATIONS FOR ZONING LOTS OVER WHICH THE HIGH LINE PASSES OR ADJACENT TO THE HIGH LINE) and Section 98-63 (Recording of the #High Line# Access Easement Volume).

(e) Restrictive Declaration

As a condition for the transfer of #floor area#, and in order to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, a declaration of restrictions, executed by all #parties in interest# of the granting lot as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10 (DEFINITIONS), and including and incorporating such other instruments as are necessary to accomplish such purposes, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, shall be filed and recorded in the Office of the Register of the City of New York. Notice by the Department of City Planning of receipt of certified copies of such recorded declaration shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit, including any foundation or alteration permit, for any #development# or

#enlargement# on the receiving site. Such recorded declaration shall be in addition to the Notice of Restrictions required pursuant to subdivision (a) of this Section.

98-34 Screening and Landscaping Requirements for Vacant Sites

Any #zoning lot# within the #High Line Transfer Corridor# that has transferred #floor area# pursuant to Section 98-33 (Transfer of Development Rights From the #High Line# Transfer Corridor), and is 50 percent or more vacant shall be screened from the street and/or landscaped in accordance with the provisions of this Section; except that #zoning lots# occupied by #buildings# that extend along at least 85 percent of the #street# frontage of the #zoning lot# and are located within five feet of the #street line# are not required to provide screening or landscaping.

Such open or vacant areas on #zoning lots# shall be screened from the street by a fence or gate with a surface that is at least 75 percent open, extending not less than six feet and not higher than eight feet above finished grade; or alternatively, by a planting strip at least four feet wide and densely planted with evergreen shrubs at least four feet high at the time of planting or of a variety expected to reach a height of six feet within three years, or by both. Chain link and fences containing barbed wire or razor wire shall be prohibited. For portions of #zoning lots# located beneath the #High Line# planting strips shall be prohibited.

98-35 #High Line Transfer Corridor# Bonus

For #zoning lots#, or portions thereof, within the #High Line Transfer Corridor#, the applicable basic maximum #floor area ratio# of that portion of a #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, for an amount of #floor area# equivalent to the area of that portion of the #zoning lot# located within the #High Line Transfer Corridor#, provided the Chairperson of the City Planning Commission has certified that:

- (a) all the permitted #floor area# on that portion of the #zoning lot# that is within the #High Line Transfer Corridor# has been transferred to an eligible receiving site, in accordance with the provisions of Section 98-33 (Transfer of Development Rights From the #High Line# Transfer Corridor);
- (b) that such granting site is vacant; and
- (c) a contribution has been deposited into the #High Line# Improvement Fund established under Section 98-25, to be used at the direction of the Chairperson of the City Planning Commission to assure that the #High Line# is restored and reused as a public accessible open space.

No #building# permit for any #development# or #enlargement# that anticipates using such increased #floor area# may be issued unless and until such certification has been made.

Such contribution amount shall be \$50.00 per square foot of #floor area# as of (the effective date of amendment) and shall be adjusted July 1 of the following year and each year thereafter, by the City or its designee, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

Such bonus #floor area# shall only be used for a permitted #commercial use#, which shall be located in that portion of the #zoning lot# that is within the #High Line Transfer Corridor#; however, #public parking lots# and #public parking garages# at or above #curb level# shall not be permitted; and the height of any #development# or #enlargement# within the #High Line Transfer Corridor# shall not exceed a height of 3 feet 6 inches above the level of the #High Line bed#.

98-40

SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

98-41

Special Rear Yard Regulations

The #yard# regulations of the underlying district shall apply, except that no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of the #street#.

98-42

Special Height and Setback Regulations

The height and setback regulations of the underlying district shall not apply, except as set forth in this Section 98-42, inclusive. Furthermore, for any #zoning lot# located within or adjacent to the #High Line Transfer Corridor#, the provisions of Section 98-50, inclusive, shall also apply. All heights shall be measured from the #base plane#, unless otherwise specified.

98-421

Obstruction over the High Line

Within the #Special West Chelsea District#, the #High Line# shall remain open and unobstructed from the #High Line bed# to the sky, except for improvements constructed on the #High Line# in connection with the use of the #High Line# as a public open space.

98-422

Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District# except as modified as follows:

(a) Permitted Obstructions

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a #sky exposure plane# or a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). However, dormers may not exceed the maximum #building# height in Subareas F, C and G where the maximum base height and maximum #building# height are the same.

(b) Ventilation and mechanical equipment

All mechanical equipment located within 15 feet of the level of the #High Line# bed that is within 25 feet of the #High Line#, measured horizontally, or within the #High Line frontage#, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the #High Line#.

98-423

Street wall location, minimum and maximum base heights and maximum building heights

The provisions set forth in paragraph (a) of this Section shall apply to all #developments# and #enlargements#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (f) of this Section.

- (a) On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section. On #corner lots# with both #wide# and #narrow street# frontage, a #street wall# with a minimum height of 15 feet shall be located on a #narrow street line# beyond 50 feet of its intersection with a #wide street# and extend along such entire #narrow street# frontage of the #zoning lot#. On all other #narrow street# frontages, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section. The #street wall# location provisions of this Section shall not apply along that portion of any #street# frontage:

- (1) over which the #High Line# passes;
- (2) occupied by existing #buildings# to remain, unless such #buildings# are vertically #enlarged#, or
- (3) between the #High Line# and a #side lot line#, where such frontage measures less than 20 feet.

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in Table A shall provide a setback at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of permitted recesses in the #street wall#.

No #building or other structure# shall exceed the maximum #building# height specified in Table A.

- (b) Subareas A and D

- (1) #Street wall# location

In Subarea D, for #buildings# that do not include towers as set forth in paragraph (b)(3) of this Section, the #street wall# location provisions set forth in paragraph (a) shall not apply to any #zoning lot# that occupies the entire Eleventh Avenue #block# front. In lieu thereof, #street walls# with a minimum base height of 60 feet shall be located within ten feet of all #street lines# bounding such #zoning lot# and extend along at least 70 percent of each #street# frontage of the #zoning lot#.

- (2) Setback provisions

The setback provisions for portions of #buildings# above the maximum base height set forth in paragraph (a) of this Section shall not apply. In lieu thereof, no portion of a #building or other structure# that exceeds the applicable maximum base height shall penetrate a #sky exposure plane# that begins above the #street line# at the maximum base height and rises over the #zoning lot# at a ratio of 2.7 feet of vertical distance to one foot of horizontal distance on a #narrow street#; and 5.6 feet of vertical distance to one foot of horizontal distance on a #wide street#.

(3) Tower provisions

Any #building#, or portion thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of the #zoning lot# and penetrates the #sky exposure planes# set forth in paragraph (b)(2) of this Section is hereinafter referred to as a “tower”. Such towers are permitted provided they are set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#, and provided no other portion of the #building# exceeds the applicable maximum base height. In addition, the following rules shall apply:

- (i) For #zoning lots# with less than 20,000 square feet of #lot area#, such tower may occupy more than 40 percent of the #lot area# of the #zoning lot# in accordance with the provisions of Section 33-454 (Towers on small lots).
- (ii) Any #story# within the highest 40 feet of such tower (the penthouse portion), shall not exceed 85 percent of the gross area of the highest #story# directly below such penthouse portion
- (iii) In Subarea A, such tower shall occupy at least 30 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall be reduced to 25 percent above a height of 220 feet. However, no minimum #lot area# requirement shall apply to the highest four #stories# or 40 feet of such #building#, whichever is less.
- (iv) In Subarea A, the maximum length of any #story# located above a height of 220 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 220 feet. Any side of such rectangle shall not exceed 150 feet.
- (v) In Subarea A, for any #zoning lot# with more than 75 feet of #narrow street# frontage in which a #side lot line# is located within an area bounded by a line 200 feet east of and parallel to Eleventh Avenue and a line 410 feet east of and parallel to Eleventh Avenue, no tower portion of a #building# shall be located closer than 25 feet to such #side lot lines#.
- (vi) In Subarea D, the maximum #building# height shall be 250 feet, and the maximum length of any #story# located above the maximum base height shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# wholly or partially above the maximum base height. Any side of such rectangle shall not exceed 150 feet. However, for #zoning lots# that occupy the entire Eleventh Avenue #block# front, a portion of the #street wall# may rise above the maximum base height without setback from Eleventh Avenue provided the aggregate width of the Eleventh Avenue #street wall# does not exceed 100 feet.

(c) Subareas C, F and G

In Subareas C, F and G, for #zoning lots# with wide and narrow street frontage, no #street wall# is required beyond 50 feet of a wide street. Furthermore, for any #development# or #enlargement# that occupies at least one corner of the Tenth Avenue #block# front and extends along the Tenth Avenue frontage of the #zoning lot# for at least 170 feet, exclusive of existing #buildings# to remain, a lowered #street wall# shall be provided for any #building# that exceeds 45 feet in height. Such lowered #street wall# shall have a

maximum height of 45 feet and a minimum height of 35 feet and extend along the Tenth Avenue frontage for a width not less than 25 percent and not more than 30 percent of the #aggregate width of street walls# facing Tenth Avenue. Such lowered #street wall# portion of the Tenth Avenue frontage shall be located at the intersection of Tenth Avenue and a #narrow street#. Such lowered #street wall# shall extend along such #narrow street line# for a distance of at least 50 feet from Tenth Avenue. Beyond 50 feet of Tenth Avenue, excluding the #High Line frontage# of a #building#, such portion of the #building# shall not exceed a height of 45 feet.

The provisions of this Section, relating to the location and height of the lowered #street wall# portion of the Tenth Avenue frontage of a #development# are illustrated in Diagram 1 (Street Wall and #High Line# Frontage Regulations in Subareas C, F and G), in Appendix C of this Chapter.

(d) Subarea E

The #street wall# location provisions set forth in paragraph (a) shall not apply to any #development# or #enlargement# on a #zoning lot# fronting on West 18th Street and located partially in Subareas D, E and G, where #floor area# has been transferred pursuant to Section 98-24. A maximum of 60 percent of the West 18th Street frontage within Subarea E may rise without setback to a maximum #building# height of 250 feet and a minimum of 20 percent of the West 18th Street frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the #street line#.

(e) Subarea H

No #building or other structure# shall be located east of the #High Line#.

No portion of a #building or other structure# shall exceed a height of 85 feet except for two #buildings#, or portions of #buildings#, hereinafter referred to as Tower East and Tower West. At or above the base height, both such towers shall be set back at least 10 feet from any #street wall# facing a #wide street# and at least 15 feet from any #street wall# facing a #narrow street#. Such set backs shall be provided at a height not lower than 60 feet, except that such set backs may be provided at a height not lower than 40 feet, provided at least 65 percent of the #aggregate width of street walls# facing #narrow streets# and at least 60 percent of the #aggregate width of street walls# facing #wide streets# have a minimum base height of 60 feet.

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue #street line#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue #street line#. Tower East shall not exceed a height of 290 feet and Tower West shall not exceed a height of 390 feet. No portion of Tower East shall be located closer than 25 feet to any portion of Tower West.

A maximum of 50 percent of the #street wall# of Tower West may rise without setback from a #narrow street line#. Such portion of the #street wall# shall be located a minimum of 15 feet and a maximum of 20 feet from the #narrow street line#.

(f) Subarea I

In that portion of Subarea I located within 300 feet of Tenth Avenue between West 16th Street and West 17th Street, the #street wall# location provisions set forth in paragraph (a) shall not apply along Tenth Avenue, as illustrated in Diagram 5 (Subarea H Requirements), of Appendix C of this Chapter, but shall apply along a minimum of 85 percent of the West 16th Street and West 17th Street frontages. No portion of a #building or other structure# located within 300 feet of Tenth Avenue shall exceed a height of 120 feet, except for one #building# which may have a height not to exceed 250 feet provided such #building# is located in its entirety between 10 feet and 90 feet of West 17th Street and has a length that does not exceed 175 feet when measured parallel to the West 17th Street #street line#.

In all other portions of Subarea I, the provisions of paragraph (a) shall apply.

TABLE A
Minimum and Maximum Base Height and Maximum Building Height
by District or Subarea

| District or Subarea | Minimum Base Height (in feet) | Maximum Base Height (in feet) | Maximum Building Height (in feet) |
|---|--------------------------------------|--------------------------------------|--|
| C6-2A | 60 | 85 | 120 |
| C6-3A | 60 | 102 | 145 |
| A within 100 feet of a #wide street# | 60 | 85 | See paragraph (b) |
| A beyond 100 feet of #wide street# | 40 | 60 | See paragraph (b) |
| B | 60 | 95 | 135 |
| M1-5 | 50 | 95 | 135 |
| C for #zoning lots# with only #narrow street# frontage | 60 | 110 | 110 |
| C for #zoning lots# with Tenth Avenue frontage | 105 See paragraph (c) | 125 See paragraph (c) | 145 See paragraph (c) |
| C for #zoning lots# with Eleventh Avenue frontage | 125 See paragraph (c) | 145 See paragraph (c) | 145 See paragraph (c) |
| D | 60 | 90 | 250 See paragraph (b) |
| E | 60 | 105 See paragraph (d) | 120 See paragraph (d) |
| F | 60 See paragraph (c) | 80 See paragraph (c) | 80 See paragraph (c) |
| G for #zoning lots# with only #narrow street# frontage | 60 | 95 | 95 |
| G for #zoning lots# with #wide street# frontage | 105 See paragraph (c) | 120 See paragraph (c) | 120 See paragraph (c) |
| H | 60 See paragraph (e) | 85 See paragraph (e) | See paragraph (e) |
| I within 300 ft of Tenth Ave between W. 16 th St. and W. 17 th St. | 60 | 85 | 120 See paragraph (f) |
| I all other areas | 60 | 105 | 135 |

98-424

Authorization to modify height and setback regulations

For #zoning lots# located entirely within 75 feet of the west side of the #High Line#, the City Planning Commission may authorize the modification of height and setback regulations set forth in Section 98-40 and 98-50, inclusive, and the transparency requirements set forth in Sections 98-141 and 98-54. The Commission shall find that such modification will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public areas.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the surrounding area.

98-43

Special Distance Between Buildings Regulations

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

98-50

SPECIAL HEIGHT AND SETBACK, OPEN AREA AND TRANSPARENCY REGULATIONS FOR ZONING LOTS WITHIN OR ADJACENT TO THE HIGH LINE TRANSFER CORRIDOR

98-51

Height and Setback Regulations on the East Side of the High Line

- (a) Subarea A

At least 60 percent of the aggregate length of the eastern #High Line frontage# of a #building# shall set back at the level of the #High Line bed#. Not more than 40 percent of the aggregate length of such #High Line frontage# may rise above the level of the #High Line bed#. No portion of such #High Line frontage# shall exceed a maximum height of 20 feet above the level of the #High Line bed#, as illustrated in Diagram 2 (Street Wall and #High Line# Frontage Regulations in Subarea A) in Appendix C, of this Chapter.

- (b) In C6-3A Districts, and in Subareas C, F and G

For #zoning lots# extending less than 120 feet along the eastern side of the #High Line#, no portion of the eastern #High Line# frontage of a #building# shall exceed a height of 3 feet 6 inches above the level of the #High Line bed#.

For #zoning lots# that extend for at least 120 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of the #building# shall exceed a height of 3 feet 6 inches above the level of the #High Line bed#, except that a maximum of 40 percent of such #High Line frontage# may rise without setback above a height of 3 feet 6 inches above the level of the #High Line bed# provided such portion of the #building# is not located directly between the #High Line# and any #street wall# of a #building# that is subject to a maximum height of 45 feet in accordance with paragraph (a) (Subareas C, F and I) of Section 98-441 (Street wall location and minimum base heights).

However, the provisions of this paragraph (b) shall not apply to any #zoning lot# existing on (the effective date of amendment) where the greatest distance between the eastern side of the #High Line# and a #side lot line# east of the #High Line# is 35 feet when measured parallel to the nearest #narrow street line#.

98-52

Height and Setback Regulations on West Side of High Line

In C6-2A, C6-3A and M1-5 Districts, and in Subareas A, B and E, no portion of the western #High Line frontage# of a #building#, including parapets, shall exceed a height of 3 feet 6 inches above the level of the #High Line bed#.

For any #zoning lot# or portion thereof with more than 60 feet of width measured perpendicular to the west side of the #High Line#, the following rules shall apply to any #building# containing #residences#:

- (a) At least 60 percent of the aggregate length of that portion of the #building# located above a height of 3 feet six inches above the level of the #High Line bed# and facing the #High Line# shall be located between 15 and 20 feet of the west side of the #High Line# and extend up to at least the applicable minimum base height specified in Table A of Section 98-423, and
- (b) No #building# or portion thereof that exceeds the applicable maximum base height specified in Table A of Section 98-423 shall be located within 30 feet of the #High Line#.

Chain link fences and razor wire shall not be permitted within the western #High Line frontage#.

98-53

Required Open Areas on the East Side of the High Line

At least 20 percent of the #lot area# of any #development# or #enlargement# on a #zoning lot#, or portion thereof, within C6-3A Districts or within Subareas A, C, F or G and over which the #High Line# passes or adjacent to a #zoning lot# over which the #High Line# passes, shall be landscaped open area, pursuant to the requirements of paragraph (a) (Open area requirements), and (b) (Permitted obstructions) of this Section. Such open area shall be located directly adjacent to the #High Line# with its longest side adjacent to the #High Line# and shall be located at an elevation not to exceed a height of 3 feet 6 inches above the level of the #High Line bed# adjacent to the #zoning lot#. At no point shall such open area be located within 50 feet of Tenth Avenue.

(a) Open area requirements

All required open areas shall:

- (1) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;
- (2) be landscaped with shrubs, vines, flowers, ground cover, trees, and/or plants in planters over a minimum of 25 percent of the required open area;
- (3) be maintained by the building owner who shall be responsible for the maintenance of the open area including, but not limited to, the repair of all amenities, litter control and the care and replacement of vegetation within the zoning lot; and
- (4) have all mechanical equipment which is located at the same elevation as the open area, or within 15 feet of the level of the open area, screened and buffered with no intake or exhaust fans facing directly onto the required open area.
- (5) Open area screening

Required open areas may be screened from the public areas of the #High Line# by a wall, fence, or plantings extending not higher than 8 feet above the average elevation of the open area. All screening materials must be substantially transparent. For the purposes of this Section, substantially transparent screening is defined as transparent, or non-opaque, in an evenly distributed fashion for at least 75 percent of its area. Chain link fences and razor wire shall not be permitted. Vegetated screening, such as shrubs, vines, and other plantings, may be completely covered by vegetation and opaque, provided that any underlying surface is substantially transparent.

In addition, such screening material shall be maintained in good condition at all times, may be interrupted by normal entrances and/or exits, and shall have no signs hung or attached thereto, other than those permitted in Section 98-16 (Signs).

(b) Permitted obstruction

Only the following shall be permitted to obstruct a required open area:

- (1) Any #High Line# access structure providing pedestrian access to the #High Line#, by stairway or elevator;

- (2) Those items listed in paragraph (g)(1)(Permitted obstructions) of Section 37-04 (Requirements for Urban Plazas); and
- (3) Open air cafes and kiosks, provided that open air cafes may occupy in the aggregate no more than 75 percent of such required open area.

98-54

Transparency Requirements on the East Side of the High Line

The transparency requirements of this Section shall apply to the #High Line frontage# portion of #developments# and #enlargements# located in C6-3A Districts and within Subareas A, C, F and G except for such portions that contain #dwelling units#. At least 50 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-55

Requirements for Non-Transparent Surfaces on the East Side of the High Line

Any portion of such #High Line frontage# that is 40 feet or more in length and contains no transparent element between the level of the #High Line bed# and an elevation of twelve (12) feet above the level of the #High Line bed#, shall be planted with vines or other plantings or contain artwork. Such elements shall substantially cover the applicable non-transparent portion of the #High Line frontage#.

98-60

SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS

98-61

High Line Access Easement Volume Requirement

For all #developments# or #enlargements# within the Special West Chelsea District, an easement volume to facilitate public pedestrian access to the #High Line# via stairway and elevator (hereinafter referred to as “primary access”), shall be provided on any #zoning lot# over which the #High Line# passes that, on or after (the date of referral of zoning text amendment) has more than 5,000 square feet of #lot area#.

In the #High Line Transfer Corridor#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway (hereinafter referred to as “secondary access”), shall be provided on any #zoning lot# from which #floor area has been transferred pursuant to Section 98-33 unless a primary access easement has been provided pursuant to this Section 98-61.

However, a primary access easement shall not be required if a primary access easement is already provided on the same #block# and a secondary access easement shall not be required if a primary or secondary access easement has already been provided on the same #block#. Furthermore, primary and/or secondary access easements shall not be required where the Chairperson of the City Planning Commission certifies that:

- (a) the minimum dimensions required for the access easement volume pursuant to paragraph (a) of Section 98-62 cannot be accommodated within 33 feet six inches of a #street line# for primary access easements and 40 feet of a #street line# for secondary access easements; or
- (b) in the case of a primary easement, a secondary easement is already provided on the same #zoning lot# and such easement is sufficient in size or has been enlarged to be sufficient in size to accommodate the provisions for primary access easements as specified in Section 98-62; or

- (c) for primary or secondary easements, access has already been constructed, or, an access volume has been dedicated, on the same #block# or on the same #street# frontage, and that such access or access volume meets the location and access requirements for primary or secondary access easements, as specified in Section 98-62(a) and (b), and meets all standards, as applicable, for persons with disabilities; or
- (d) for primary or secondary easements, construction documents for the #High Line# open space have been developed by the City that specify the same #street# frontage as an access location; or
- (e) such #development# or #enlargement# is located wholly within an M1-5 district and no portion of such #development# or #enlargement# has more than 10,000 square feet of #floor area# and is located within 5 feet of the #High Line#.

98-62

High Line Access Easement Regulations

The provisions of this Section shall apply to any #zoning lot# providing an access easement volume, as follows:

(a) Location and Minimum Dimensions

(1) Primary access easement volume

A primary access easement volume may be located within a #building# or within open areas on the #zoning lot#, including open areas required pursuant to Section 98-53 (Required Open Areas on the East Side of the High Line), provided such volume is within 15 feet of a #narrow street line#. The minimum length of such volume shall be 18 feet six inches and the minimum width shall be ten feet; however, the minimum area of such volume shall be 350 square feet. The height of such volume shall extend from a point at least ten feet below #curb level# to a point at least 15 feet above the level of the #High Line bed#. A primary access easement volume may also replace a previously provided secondary access easement volume, and such secondary access easement volume may be terminated pursuant to Section 98-64. Such minimum dimensions are illustrated in Diagram 6 (#High Line# Access Easement Volume Parameters) of Appendix C of this Chapter.

(2) Secondary access easement volume

A secondary access easement volume shall be located within 15 feet of a #narrow street line# and directly adjacent to the #High Line# for a minimum length of 25 feet. Such volume shall have a minimum width of ten feet. The height of such volume shall extend from #curb level# to a point at least ten feet above the level of the #high Line bed#.

(b) Access

All access easement volumes shall be accessible either directly from a public sidewalk or through a publicly traversable way through the #zoning lot# directly connecting with a public sidewalk. Such publicly traversable way shall meet the following requirements:

- (1) The required width of the publicly traversable way shall be a minimum of eight feet.
- (2) No portion of the publicly traversable way shall be interrupted or occupied by an off-street parking or loading area.
- (3) The access easement volume shall be visible from the public sidewalk or the publicly traversable way.
- (4) The publicly traversable way shall be maintained by the property owner in good repair.

- (5) The publicly traversable way shall be fully accessible to persons with disabilities.
- (6) The publicly traversable way shall be open and accessible to the public at all times when a stairway and/or elevator located within the associated access easement volume is open and accessible to the public.

(c) Permitted obstructions

Any access structure within the access easement volume, or any weather protection provided by an overhang or roofed area over such access easement volume, accessory to the access structure, shall be considered permitted obstructions within required #yards# or open areas.

(d) Permitted #uses#

An access easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of such #zoning lot# for any permitted #use# until such time as required by the City of New York or its designee for access purposes. Such permitted use shall be limited to non-residential #uses# where such access easement volume is within a #building#. Where such access easement volume is within an open area, such area shall be landscaped, or may be improved in accordance with the provisions of sub-paragraphs (g)(1), (g)(2) and (g)(3) (Permitted obstructions), of Section 37-04 (Requirements for Urban Plazas), except that in the case of open air cafes and kiosks the provisions of paragraph (g) (3) shall be modified as follows: a certification shall not be required pursuant to paragraphs (g)(5) and (g)(6).

Improvements or construction of a temporary nature within the easement volume shall be removed by the owner of such #zoning lot# prior to the time at which public use of the easement areas is required. A minimum notice of six months in writing shall be given by the City of New York or its designee to the owner of the #zoning lot#, in order to vacate the tenants of such temporary #uses#.

(e) Legally Required Windows

The minimum distance between any legally required window in a portion of a #building# used for #residential use# and an access easement volume shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

98-63

Recording of High Line Access Easement Volume

An instrument in a form acceptable to the Department of City Planning creating a #High Line# access easement volume shall be recorded in the Office of the City Register; a certified copy of which shall be submitted to the Department of City Planning.

Notice by the Department of City Planning of its receipt of a certified copy of an instrument establishing any access easements required pursuant to this Chapter shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# of #enlargement# on a site pursuant to Section 98-60 for primary access easements. Receipt of a certified copy of an instrument creating a secondary access easement shall be provided in conjunction with notification, pursuant to Section 98-33(a).

98-64

Termination of High Line Access Easement Volume

In the event that the City Planning Commission notifies the Department of Buildings and the owner in writing that a #High Line# access easement volume is not required on a #zoning lot# under the final construction plans for the restoration and reuse of the #High Line# as an accessible, public open space, the restrictions imposed on such

#zoning lot# by the provisions of Section 98-61 (High Line Access Easement Volume Requirement) shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the City Planning Commission to the extinguishment of the easement volume. On termination of the #High Line# access easement volume requirement which has been certified pursuant to this Section, any area reserved for such easement within a #building or other structure# may be used for any #use# permitted pursuant to the provisions of this Chapter and such area shall not be considered #floor area#; and any open area reserved for such easement shall be maintained as an open area and shall be subject to the open area requirements of Section 98-53 (Required Open Areas on the East Side of the High Line).

APPENDIX D

Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea H between West 17th and 18th streets over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum #Floor Area Ratio# in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to subparagraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to subparagraph (b) of Section 98-25 for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term “parties in interest” as used herein shall mean “parties-in-interest”, as defined in paragraph f(4) of the definition of #zoning lot# under Section 12-10 .

(a) Requirements for Issuance of Building Permit Under Paragraph (a) of Section 98-25

(1) As a condition of issuance of a building permit under Paragraph (a) of Section 98-25:

- (i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix D, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of \$50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22;
- (ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and use of the At-Grade Plaza and the stairway and elevator that will provide access to the #High Line#, as shown in Diagram 3 of Appendix C, such easement area for the At-Grade Plaza to include the entire area of the #zoning lot# east of the #High Line# and such easement area as it relates to such stairway and elevator to be at least 2,500 square feet and in a location and configuration acceptable to the City; access for the potential performance by the City of work under the provisions set forth below; and maintenance and repair of the stairway and elevator . Such declaration shall incorporate by reference the maintenance and operating agreement referred to in paragraph (iii) below; and
- (iii) Owner shall execute a maintenance and operating agreement for the At-Grade Plaza,

The easements and agreement described herein shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (b).

- (2) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area on such #zoning lot# and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement by Owner, approved by the Chair of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from

the contribution to the #High Line# Improvement. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.

- (3) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

(b) Requirements for Issuance of Certificates of Occupancy Under Paragraph (b) of Section 98-25

(1) Structural Remediation Work Under Paragraph (b)(2) of Section 98-25

- (i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area on such #zoning lot and over #streets# contiguous thereto in accordance with the provisions of this subparagraph. Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (iv) and (v) below (unless such dates are extended by mutual agreement of the City and Owner, but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next twenty-four months. In that event, the amount of contribution to the #High Line # Improvement Fund shall be reduced by \$21.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner , as applicable, for any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (b)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of any temporary certificate of occupancy, and of final completion with respect to issuance of any final certificate of occupancy.
- (ii) Such Structural Remediation Work shall include work on or under the #High Line# and above , at, and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to public view versus those that will not be so exposed) and shall include, but not be limited to, the following:
 - (a) Removal and disposal of all lead-based products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
 - (b) Repair of all damaged portions of the entire steel structure, including but not limited to railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;
 - (c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City ;
 - (d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the City, all in accordance

with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

- (e) Removal of any or all portions of the ballast material on the #High Line#, including but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including , but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped , as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and
 - (f) Any work required to be performed below-grade for the anticipated improvements of the #High Line# for reuse as open space.
- (iii) Subject to the Not-To-Exceed Limit set forth in section (c) of this Appendix, if Owner exercises the option to perform the Structural Remediation Work, it shall reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone).
 - (iv) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to delays outside the reasonable control of the City (including , without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.
 - (v) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following the (effective date of amendment) or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control and , in addition, for any time during which Owner is unable to gain access in order to perform the Structural Remediation Work due to the actions of a tenant occupying the #zoning lot# (or portion thereof) upon (date of referral of application). .
 - (vi) In the event that the City does not provide the specifications for the Structural Remediation Work , within the timeframe set forth in paragraph (iv) of this section, Owner may exercise the option to perform such work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays as described in paragraph (v) above, but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.
- (2) At-Grade Plaza Work Under Section 98-25 (b)(3)
 - (i) Owner shall perform At-Grade Plaza Work within the area on the #zoning lot# shown in Diagram 3 of Appendix C. For any temporary certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of substantial completion of the At-Grade Plaza Work (i.e., the At-Grade Plaza shall be open and accessible to the public). For any permanent certificate of occupancy, certification pursuant to Section 98-25,

paragraph (b)(3), shall be of final completion of the At-Grade Plaza Work. Substantial completion of the At-Grade Plaza Work shall also require execution by all parties-in-interest of the declarations, easements and maintenance and operating agreement described in paragraph (a) of Section (1) of this Appendix, if not previously provided in connection with issuance of a building permit.

- (ii) At-Grade Plaza Work shall include, but not be limited to:
 - (a) remediation work; and
 - (b) all paving, plantings, surface treatments, lighting, trees, seating, fountains and other site amenities; and
 - (c) infrastructure work, including conduits, drainage, water line, electrical connections, and other utility work serving the At-Grade Plaza.
- (iii) The At-Grade Plaza Work shall be performed by Owner pursuant to construction documents provided by the City by September 30, 2006, subject to delays outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not exceed more than 180 days), and to such extension as the City and Owner may mutually agree. The At-Grade Plaza Work shall be completed within one year following the later of the (effective date of amendment) or the receipt of such documents, subject to reasonable extension for any delays beyond Owner's reasonable control and to such extension as the City and Owner may mutually agree, and, in addition, for any time during which Owner is unable to gain access in order to perform the At-Grade Plaza Work due to the actions of a tenant occupying the #zoning lot# (or portion thereof) upon (date of referral of application), or for any time needed to perform any necessary remediation work on the #zoning lot#.
- (iv) In no event shall Owner be required to complete the At-Grade Plaza Work until the #High Line# improvements within the portion of the #High Line# Improvement Area adjacent to the #zoning lot# (and, as applicable, over such Improvement Area, as shown on Diagram 3 of Appendix C, are substantially complete (i.e., open to the public but for the work needed to complete the At-Grade Plaza Work). Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (b)(3), until the Chairperson determines that the At-Grade Plaza Work is substantially complete.
- (v) The cost to Owner of the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (3) of this Section) shall not exceed \$2,300,000. The amount of contribution to the #High Line# Improvement Fund under subdivision a of section 1 of this Appendix made for purposes of Section 98-25, paragraph (a), shall be reduced by such amount at the time it is made. In addition to the costs of the At-Grade Plaza Work, subject to the Not-To-Exceed Limit set forth section (c) of this Appendix, Owner shall be required to reimburse the City for:
 - (a) the reasonable cost of developing the plans and construction documents for the At-Grade Plaza Work; and
 - (b) the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).
- (vi) In the event that construction documents for the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (3) of this Section) are not delivered to Owner within the timeframe set forth in paragraph 3 of this subsection,

Owner shall not be required to perform the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (3) of this Section) consistent with such documents. Instead, Owner shall perform Alternate At-Grade Plaza Work which shall include all necessary remediation work, all necessary below-grade work (including related infrastructure work necessary to support the #High Line#), and at-grade improvements pursuant to the standards set forth in Section 37-04, paragraphs (g) through (n) of the Zoning Resolution, except that open-air cafes and kiosks shall not be permitted. Permitted obstructions, whether as described in the City's Specifications for the At-Grade Plaza Work or as specified in Section 37-04, paragraph (g), for the Alternate At-Grade Plaza Work, shall not count towards # lot coverage#.

(vii) The cost to the Owner of the Alternate At-Grade Plaza Work shall not exceed \$1,400,000. In addition, Owner shall , subject to the Not-To Exceed Limit of Section (c) of this Appendix, be required to reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Alternate At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).

(viii) Upon substantial completion of the At-Grade Plaza and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4): Owner shall provide the City with the declarations, easements and maintenance and operating agreement described in subsection a of section 1 of this Appendix ,if not already provided in connection with the issuance of a building permit; such At-Grade Plaza shall be open and accessible to the public during at least the same hours during which the #High Line# is open and accessible to the public, subject to the terms of the maintenance and operating agreement; and Owner shall maintain the At-Grade Plaza pursuant to the terms of the maintenance and operating agreement.

(3) Stairway and Elevator Access Work Under Paragraph (b)(4) of Section 98-25

(i) Except as provided in subparagraph (iii) of this paragraph, Owner shall perform Stairway and Elevator Access Work within the At-Grade Plaza area as shown in Diagram 3 of Appendix C in conjunction with performance of the At-Grade Plaza Work. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (b)(4), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification pursuant to such Section shall be of final completion of the work.

(ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator, shall be included in the construction drawings for the At-Grade Plaza Work described above, and shall be performed by Owner within the time period for performance of the At-Grade Plaza Work described in subsection c of this section. The location for the stairway and elevator shall take into account the viability of any retail spaces fronting the At-Grade Plaza.

(iii) Owner shall not be responsible for performance of the Stairway and Elevator Access Work where it performs the Alternate At-Grade Plaza Work in accordance with paragraph (b) of this section. In that event, prior to commencing the Alternate At-Grade Plaza Work and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4):

(a) Owner shall deposit into the #High Line# Improvement Fund a contribution of \$900,000.00 (the Access Contribution), to be used at the direction of the Chairperson of the City Planning Commission for construction of stairway and elevator facilities on the #zoning lot#; and

- (b) Owner shall provide the City with the declarations, easements, and maintenance and operating agreement described in paragraph (1) of Section (a) of this Appendix, if not previously provided in connection with issuance of a building permit.
- (4) City Performance of Work In the Event of Failure to Perform
 - (i) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under Section (a) of this Appendix, Structural Remediation Work (where Owner has exercised the option under paragraph (1) of Section (b) of this Appendix), the At-Grade Plaza Work or Alternate Plaza Work, as applicable, and the Stairway and Elevator Access Work (where required to do so under paragraph (3) of Section (b) of this Appendix), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area for the #zoning lot#, as shown on Diagram 3 of Appendix C, and a relevant deadline for performance of such work under paragraphs (1), (2) or (3) of Section (b) above has passed, subject to the provisions of such subsections relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.
 - (ii) The City may proceed with performance and/or completion of the work following such notice unless Owner:
 - (a) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total), unless such date is extended by mutual agreement between the City and Owner, for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City; and
 - (b) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, any time in which Owner is unable to gain access in order to perform the At-Grade Plaza Work or Alternate Plaza Work due to the actions of a tenant occupying the #zoning lot# (or portion thereof) upon (date of referral of application) or, or for any time during which remediation work is in progress on the #zoning lot#.
 - (iii) In the event Owner does not comply with the requirements paragraph (4)(ii) of this Section (b):
 - (a) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (1) of Section (a) of this Appendix;
 - (b) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and
 - (c) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor any temporary or permanent certificate of occupancy may be issued pursuant to Section 98-25, paragraph (b), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

(c) Reimbursement Not-To- Exceed Limits

Reimbursement of the City by Owner of costs pursuant to this Appendix shall not exceed a total of \$450,000.00.

APPENDIX E

Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E, G or I

This Appendix sets forth additional requirements governing #zoning lots# located partially within Subareas D, E and G or within Subarea I between West 16th and 17th streets over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (c) of Section 98-25 for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term “parties in interest” as used herein shall mean “parties-in-interest”, as defined in paragraph f(4) of the definition of #zoning lot# under Section 12-10.

(a) Requirements for Issuance of Building Permit Under Paragraph (a) of Section 98-25

(1) As a condition of certification under Paragraph (a) of Section 98-25:

- (i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix E, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of \$50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22; and
- (ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and from a stairway and elevator on the #zoning lot# that will provide access to the #High Line# and for maintenance and repair by the City of such stairway and elevator; and the potential performance by the City of work under the provisions set forth below. In the case of #zoning lots# between West 16th and 17th streets, Owner shall also provide the City with easements providing for City access to and from and for public use of the #High Line# Service Facilities on the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities. All easements described herein shall be in a form acceptable to the City and shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (c); and
- (iii) submit plans for Stairway and Elevator Access Facilities and, where applicable, #High Line# Service Facilities that demonstrate compliance with the provisions of this Appendix and are consistent with New York City Department of Parks and Recreation standards and best practices governing materials life cycle and maintenance for review and approval by the Chairperson of the City Planning Commission.

- (2) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area on such #zoning lot # and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement, approved by the Chair of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the #High Line# Improvement Fund contribution to reflect the cost of such improvements. Such agreement

may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.

- (3) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

(b) Requirements for Issuance of Certificates of Occupancy Under Paragraph (c) of Section 98-25

(1) Structural Remediation Work Under Paragraph (c)(2) of Section 98-25

- (i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area on such #zoning lot and over #streets# contiguous thereto in accordance with the provisions of this subparagraph. Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (iv) and (v) below (unless such dates are extended by mutual agreement of the City and Owner, but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next twenty-four months. In that event, the amount of contribution to the #High Line # Improvement Fund shall be reduced by \$21.00 for each square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for any excess from or against the #High Line# Improvement Fund , In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (c)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of temporary certificates of occupancy, and of final completion with respect to issuance of final certificates of occupancy.
- (ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at, and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life, and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to the public versus those that will not be so exposed) and shall include, but not be limited to, the following:
 - (a) Removal and disposal of all lead-based products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
 - (b) Repair of all damaged portions of the entire steel structure, including but not limited to railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;
 - (c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;
 - (d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the City, all in accordance

with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

- (e) Removal of any or all portions of the ballast material on the #High Line#, including but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped, as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and
 - (f) Any work required to be performed below-grade for the anticipated improvements of the #High Line# for reuse as open space.
- (iii) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to such delays as are outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.
 - (iv) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following the (effective date of amendment) or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control.
 - (v) In the event that the City does not provide the specifications for the Structural Remediation Work within the timeframe set forth in paragraph (iii) of this subsection, Owner may exercise the option to perform such work and proceed with the Structural Remediation Work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control, but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.
 - (vi) If Owner exercises the option to perform the Structural Remediation Work, Owner shall reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone), such reimbursement not to exceed \$115,000.
- (2) Stairway and Elevator Access Work Under Paragraph (c)(3) of Section 98-25
 - (i) Owner shall perform Stairway and Elevator Access Work subject to the provisions of subparagraph 2 of this paragraph. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(3), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification shall be of final completion of the work.

- (ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator located directly adjacent to or below the #High Line#. Except as approved by the Chairperson of the City Planning Commission pursuant to paragraph (1)(iii) of Section (a) of this Appendix, #curb level# entrances to such access facilities must be located at the #street line#. Such access facilities shall be harmonious with the design of the #High Line# on the #zoning lot# and shall be visible and identifiable as #High Line# access facilities when viewed from Tenth Avenue. Such access facilities may be unenclosed or enclosed. When such access facilities are enclosed and located at the #street line#, any wall or façade separating the access facility from the #street# shall be substantially glazed and fully transparent from ground level to the full height of the access facility. Any wall or façade separating the access facility from the #High Line# shall be substantially glazed and fully transparent from the level of the #High Line bed# to the full height of the access facility. Stairways shall have a clear path of not less than 6 feet in width. Such access facilities shall be identified with signage placed at the #High Line# level and at street level that is consistent with guidelines specified in the signage plan as authorized by the City Planning Commission pursuant to the provisions of Section 98-16.
 - (iii) The Stairway and Elevator Access Work shall be completed within 1 year following the later of the (effective date of amendment) or the Chairperson’s review and acceptance of the plans and specifications that demonstrate compliance with the provisions of paragraph (2)(ii) of this Section, subject to reasonable extension for any delays beyond Owner’s reasonable control, unless such date is extended by mutual agreement between the City and Owner.
 - (iv) In no event however shall Owner be required to complete the Stairway and Elevator Access Work until the #High Line# improvements in the portion of the #High Line# improvement area adjacent to the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (c)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.
- (3) #High Line# Service Facility Work Under Paragraph (c)(4) of Section 98-25
- (i) For #zoning lots# located between West 16th and 17th streets, Owner shall perform #High Line# Service Facility Work subject to the provisions of this section. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(4), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.
 - (ii) #High Line# Service Facilities shall consist of satellite maintenance and operations space for the #High Line# open space as well as public restrooms, in accordance with the following standards:
 - (a) Location

Such facilities shall have a component located at the level of the #High Line bed#, or within 5 feet of such level (hereinafter referred to as the “upper service facility”). Such facilities shall also have a component located no higher than #curb level# (hereinafter referred to as the “lower service facility”). The upper facility must be located directly above the lower facility to enable placement of a trash chute connecting the upper and lower facilities. Where the upper facility is not located exactly at the level of the #High Line bed#, a fully accessible ramp must connect such level with the level of the upper facility. Where the lower facility is not located exactly at #curb level#, a means acceptable to the City of connecting the lower service facility to a #street# frontage shall be provided.

(b) Program and dimensions

(1) Lower service facilities

Lower service facilities shall contain a room which is accessible from #street# level and is no less than 50 square feet in area. Such facility shall contain the outlet of a trash chute from the upper service facility and shall also have a minimum of one electrical outlet furnishing a wattage consistent with its intended use within a maintenance and operations facility.

(2) Upper service facilities

Upper service facilities shall be no less than 350 square feet in area and shall contain, at a minimum one public restroom not less than 250 square feet in area with separate restroom spaces for each gender, one storage room not less than 70 square feet in area, and one waste disposal room not less than 30 square feet in area and containing a trash chute to the lower service facility

Each room within such upper service facilities shall have a minimum of one electrical outlet furnishing wattage consistent with its intended use within a maintenance and operations facility.

(iii) The #High Line# Facility Work shall be completed within 1 year following the later of the (effective date of amendment) or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the standards of paragraph (ii) of this subsection, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.

(iv) In no event however shall Owner be required to complete the #High Line# Facility Work until the #High Line# improvements in the portion of the #High Line# improvement area adjacent to the #zoning lot#, as shown on Diagram 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (c)(4), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.

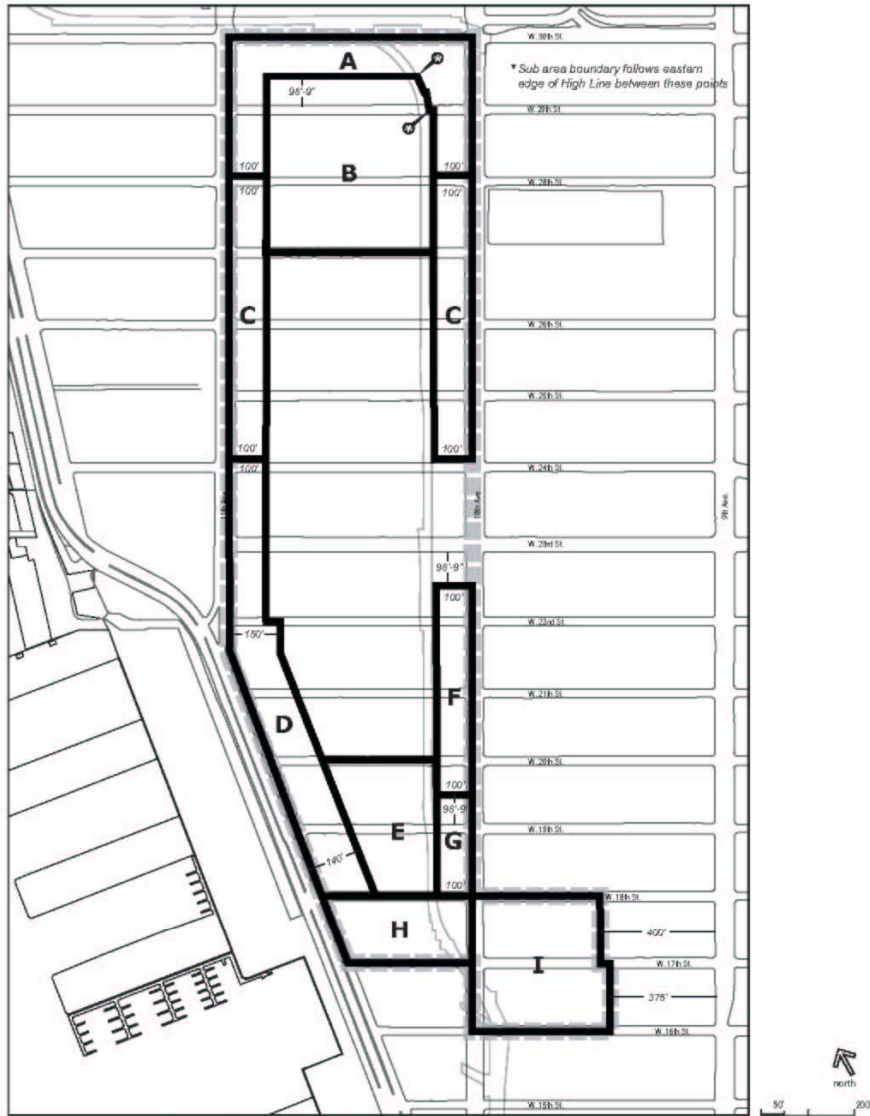
(v) The cost to Owner of the #High Line# Facilities Work shall not exceed \$1,150,000. The amount of contribution to the #High Line# Improvement Fund under paragraph (1) of Section (a) of this Appendix made for purposes of Section 98-25, paragraph (a), shall be reduced by such at the time it is made. .

(c) City Performance in the Event of Failure to Perform

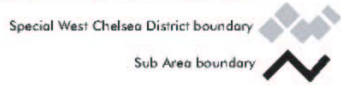
(1) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (1) of Section (a) of this Appendix), Structural Remediation Work (where Owner has exercised the option under paragraph (1) of Section (b)) and the Stairway and Elevator Access Work (under paragraph (3) of Section (b)), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area for the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, and a relevant deadline for performance of such work under paragraphs (1), (2) or (3) of Section (b) above, as applicable, has passed, subject to the provisions of such subsections relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify

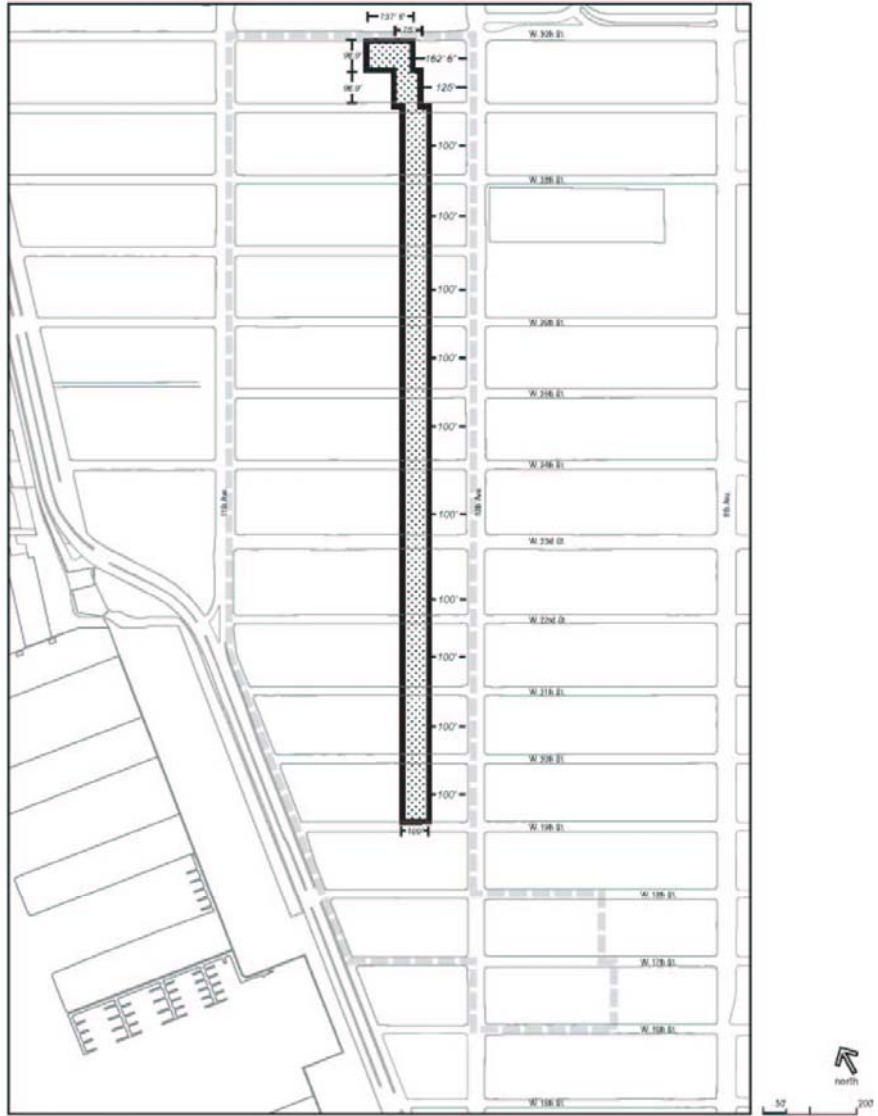
Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.

- (2) The City may proceed with performance and/or completion of the work following such notice unless Owner:
 - (i) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total) for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City, unless such date is extended by mutual agreement between the City and Owner; and
 - (ii) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control
- (3) In the event Owner does not comply with the requirements of paragraph (2) above:
 - (i) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (1) of Section (a) of this Appendix;
 - (ii) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and
 - (iii) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor may any temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.



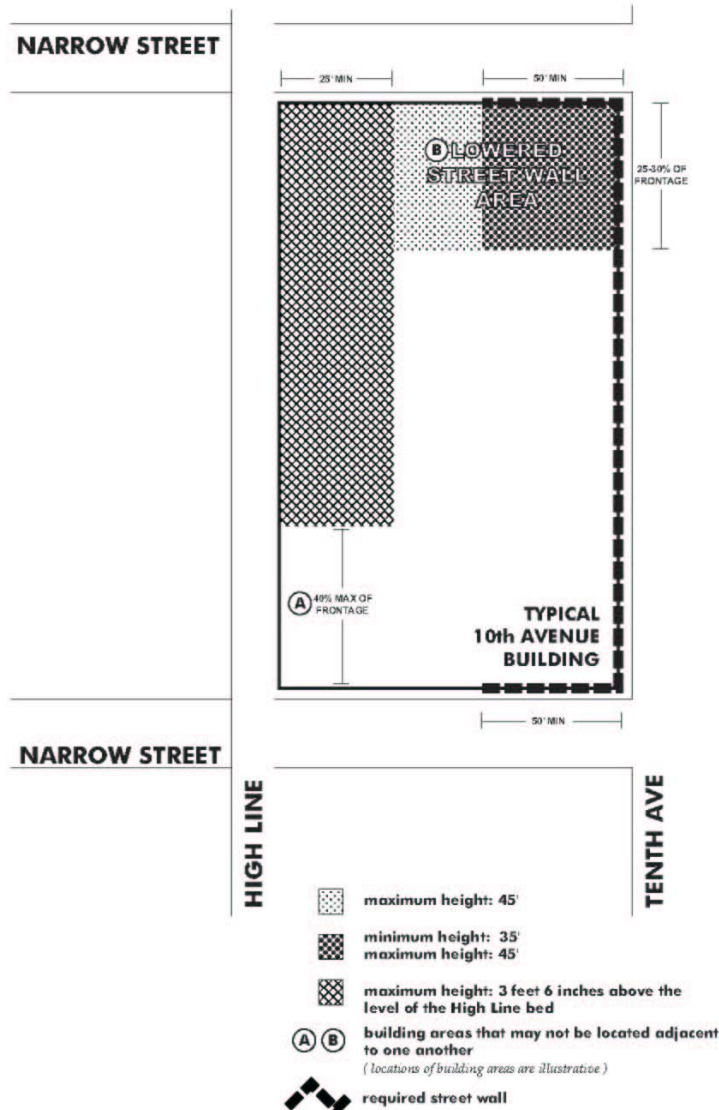
Appendix A: Special West Chelsea District and Subareas



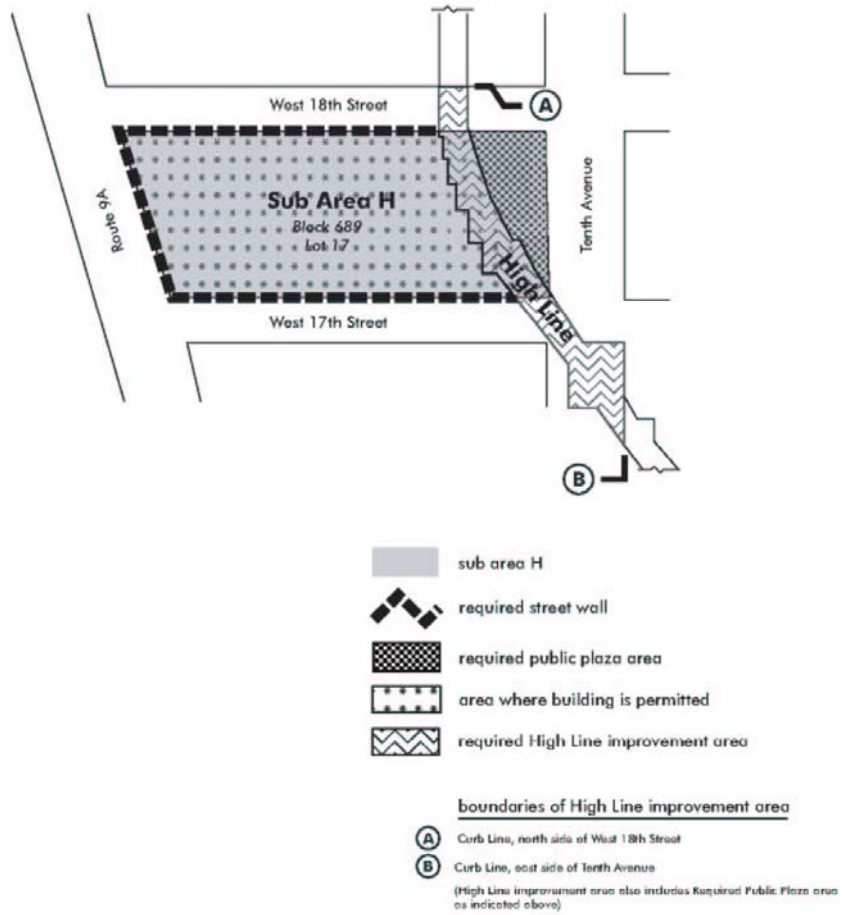


APPENDIX B
High Line Transfer Corridor Location

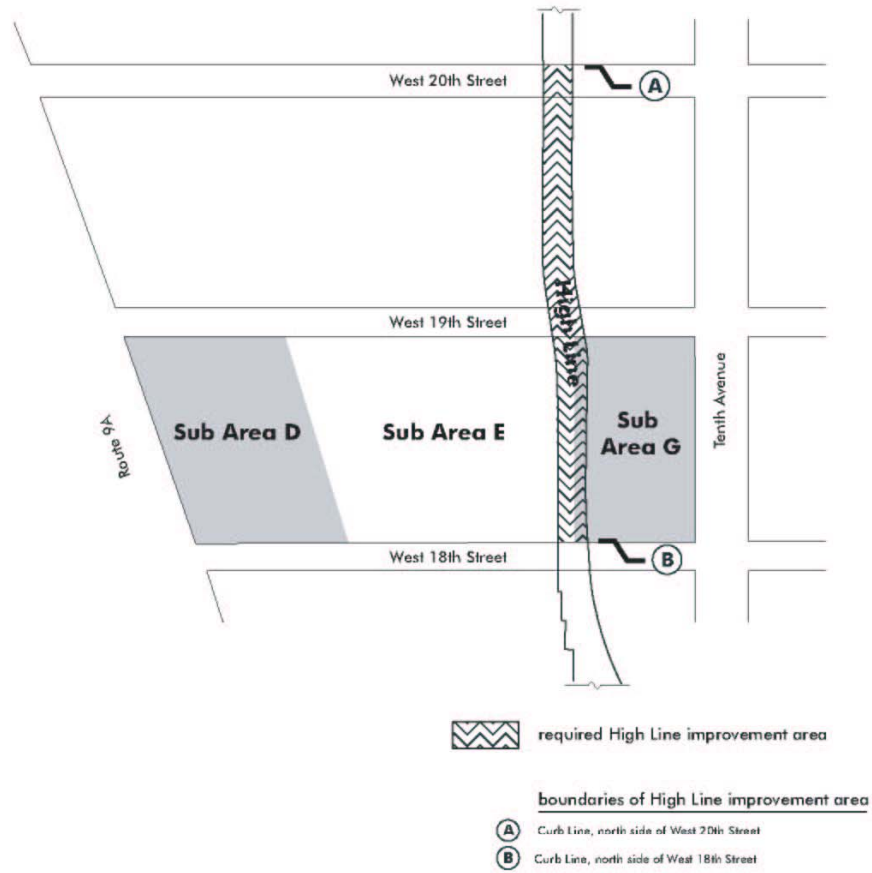
-  Special West Chelsea District boundary
-  High Line Transfer Corridor



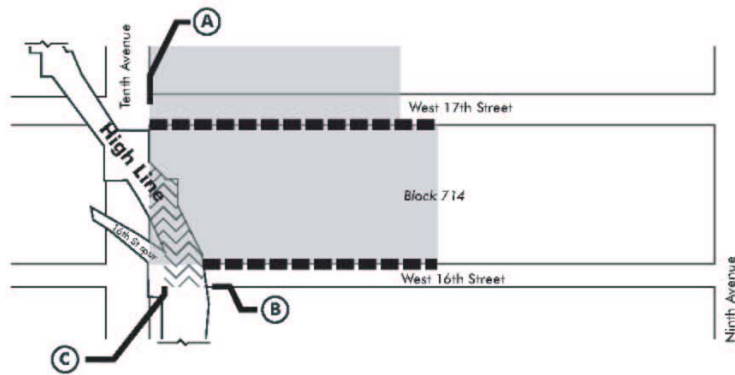
APPENDIX C - Diagram 1
Street wall and High Line frontage regulations in Subarea C, F, and G






APPENDIX C - Diagram 3
Sub Area H requirements

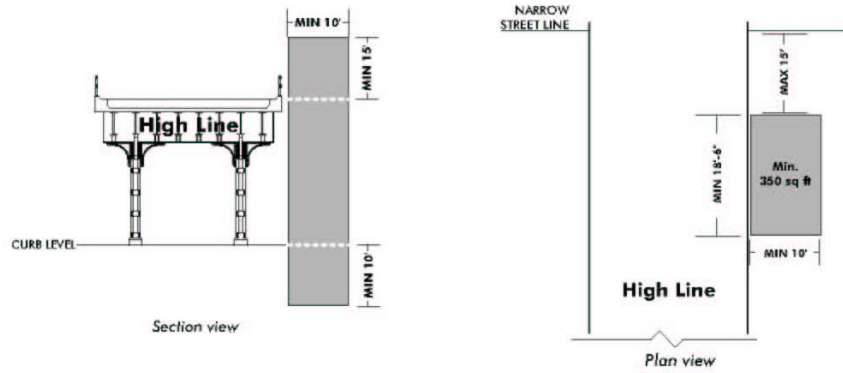


APPENDIX C - Diagram 4
High Line Improvement Area Boundaries
for Zoning Lots Divided by District Boundaries
in Subareas D, E and G

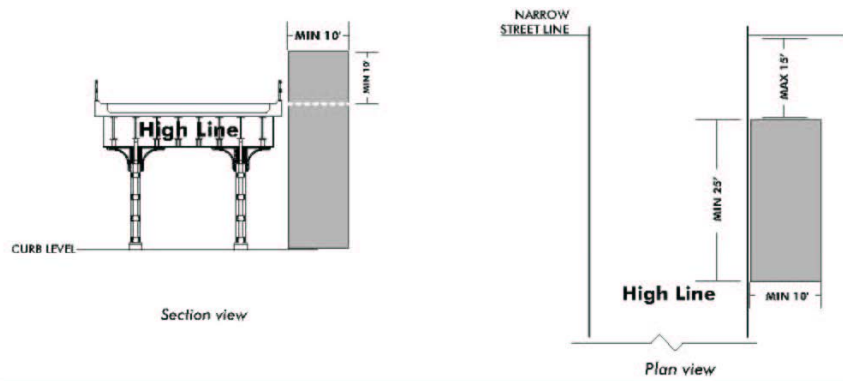


-  sub area I
 -  required street wall
 -  required High Line improvement area
- boundaries of High Line improvement area**
- (A) Curb Line, east side of Tenth Avenue
 - (B) Curb Line, south side of West 16th Street
 - (C) Line separating main portion of High Line from 16th Street spur

APPENDIX C - Diagram 5
Sub Area I requirements between West 16th and West 17th Streets

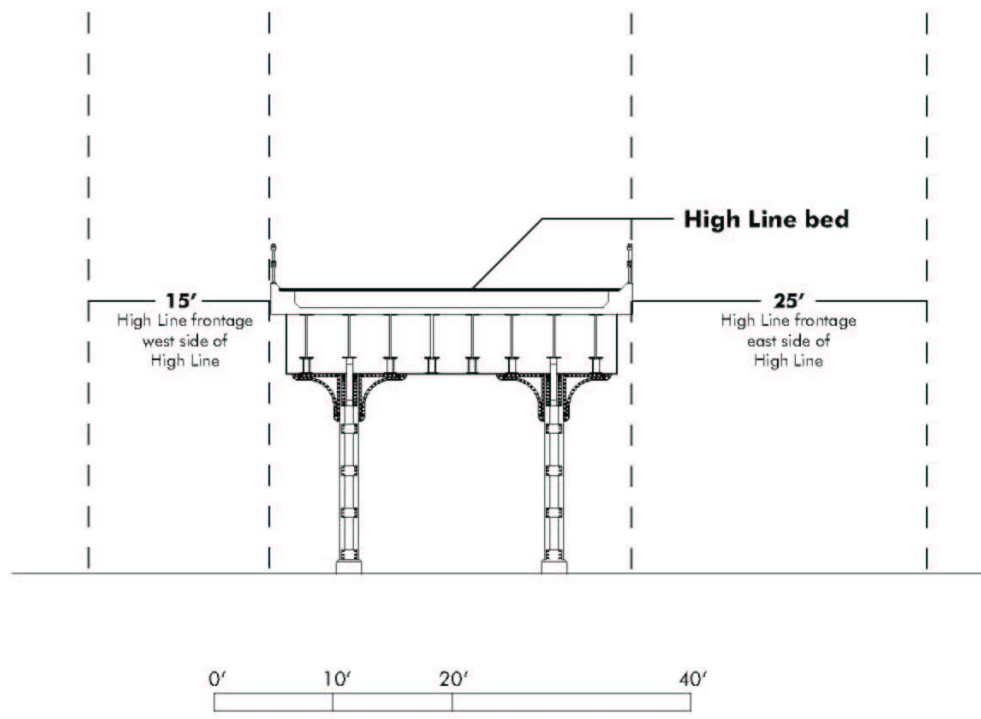


PRIMARY ACCESS EASEMENT VOLUME



SECONDARY ACCESS EASEMENT VOLUME

APPENDIX C - Diagram 6
High Line access easement volume parameters



APPENDIX C - Diagram 7
High Line structure and frontages

* * *

**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

* * *

**~~#Special Mixed Use District# 3: (9/9/99)
West Chelsea, Manhattan~~**

~~The #Special Mixed Use District# 3 is established in West Chelsea in Manhattan as indicated on the #zoning maps#.~~

* * *

The above resolution (N 050161(A) ZRM), duly adopted by the City Planning Commission on May 25, 2005 (Calendar No. 28), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice-Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI,

JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners

EXHIBIT A

- a) An agreement to compensate the City and other public parties for loss of capital investment in the High Line and the Convention Center Development Corporation for the unamortized costs of any improvements that must be demolished or reconstructed in order to restore rail service, in the event that any party-in-interest seeks to restore rail service or seeks to support or cooperate with a third party's efforts to restore rail service.
- b) The High Line Easements will be deemed modified, for the benefit of the City, so as to permit Public Space use of the High Line, without condemnation award or similar compensation (including without limitation any inverse condemnation award) to any party-in-interest, and including a waiver and release and covenant not to sue to seek abandonment of the High Line or extinguishment of any High Line Easement or the High Line's demolition for as long as the High Line is intended to be or is being used for Public Space, and is not being used in a manner inconsistent with Public Space (including, without limitation, whether or not a CITU and a Trail Use Agreement are in effect).
- c) A certification that no condemnation award or similar award (including without limitation any inverse condemnation award) has been received by any party-in-interest in connection with the use of the High Line for Public Space with respect to the Property from which development rights will be transferred, and a release and waiver of and covenant not to seek any condemnation or similar award in connection with the use of the High Line for Public Space (provided, however, if a condemnation award or similar award (including without limitation any inverse condemnation award) has been received by any party-in-interest's predecessor-in-interest in connection with the use of the High Line for Public Space with respect to the Property from which development rights will be transferred, then such transfer shall not be permitted).
- d) Such other reasonable further assurances that may be reasonably necessary or convenient in order for the City to be assured that the High Line remains Public Space and that no condemnation or similar award (including without limitation any inverse condemnation award) will be payable, and that no condemnation or other award has been paid, with respect to any Property from which development rights have been or area to be transferred, and that no action shall be maintained challenging the use of the High Line for Public Space or seeking any damages in connection with same, for as long as the High Line is intended to be used or is being used for Public Space, and is not being used in a manner inconsistent with Public Space (including, without limitation, whether or not a CITU and Trail Use Agreement are in effect).
- e) Assurances for rights of access to the High Line through any Property for improvement, construction, reconstruction, replacement, repair, maintenance, utilities, drainage and operation, and rights of review and consent to improvements to the Property to the

extent necessary to assure the continued physical integrity of and continued access to the High Line for Public Space purposes, similar in scope and purpose to such rights as are presently provided for under the High Line Easements for the benefit of the Railroad-owner thereof.

- f) A quitclaim and release to the City of any and all sidetracks and spurs over the Property or the streets or sidewalks adjacent thereto.