CITY PLANNING COMMISSION

December 17, 2014 / Calendar No. 10 N 150102 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 Article IX, Chapter 8 (Special West Chelsea District) to expand the Special District and Article I, Chapter 4 (Sidewalk Café Regulations) to allow unenclosed sidewalk cafes in areas of the Special District within Community District 4, Borough of Manhattan.

This application for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District) to expand the Special District and Article I, Chapter 4 (Sidewalk Café Regulations) to allow unenclosed sidewalk cafes in areas of the Special District was filed by the Department of City Planning on August 27, 2014. The proposed text amendment, along with a related zoning map amendment, would expand the Special West Chelsea District, modify bulk regulations in the rezoning area, amend street wall regulations for some corner lots, clarify rear yard provisions, correct maximum building heights permitted in Subarea C and allow unenclosed sidewalk cafés on wide streets in the Special West Chelsea District in Manhattan Community District 4.

RELATED ACTIONS

In addition to the proposed text amendment (N 150102 ZRM), which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 140181 ZMM: Amendment of the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 15th Street, Ninth Avenue, a line midway between West 15th Street and West Fourteenth Street, a line 325 feet easterly of Tenth Avenue, West Fourteenth Street, and Tenth Avenue, Borough of Manhattan, Community District 4

BACKGROUND

A full background discussion and description of this application appears in the report of the

related action for a zoning map amendment (C 150101 ZMM).

ENVIRONMENTAL REVIEW

This application (N 150102 ZRM), in conjunction with the application for the related actions, was reviewed pursuant 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 (NYCRR), Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 15DCP037M. The agency is the City Planning Commission.

A summary of the environmental review and the Negative Declaration appears in the report on the related application for a zoning map amendment (C 150101 ZMM).

PUBLIC REVIEW

This application (N 150102 ZRM) was duly referred to Community Board 4 and the Manhattan Borough President on September 2, 2014, in accordance with the procedure for referring non-ULURP matters, along with the application for the related ULURP action, which was certified as complete by the Department of City Planning on September 2, 2014 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 4 held a public hearing on this application (N 150102 ZRM) and on the application for the related action on October 1, 2014, and on that date, by a vote of 34 in favor and 0 opposed, adopted a resolution recommending conditional approval of the application.

A summary of the Community Board's conditions and recommendations appears in the report on the related application for a zoning map amendment (C 150101 ZMM).

Borough President Recommendation

This application (N 150102 ZRM) was considered by the President of the Borough of Manhattan

who issued a recommendation approving this application on November 13, 2014.

City Planning Commission Public Hearing

On November 5, 2014 (Calendar No. 1), the City Planning Commission scheduled November 19, 2014, for a public hearing on this application (N 150102 ZRM). The hearing was duly held on November 19, 2014 (Calendar No. 10) in conjunction with the public hearing on the application for the related action. There were seven speakers in favor and none in opposition as described in the report on the related application for a zoning map amendment (C 150101 ZMM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 150102 ZRM), as modified, is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the related application for a zoning map amendment (C 150101 ZMM).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the 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 to be deleted.
Matter with # # is defined in Section 12-10.
* * * indicates where unchanged text appears in the Zoning Resolution.

Article I
GENERAL PROVISIONS

* * *

Chapter 4
Sidewalk Cafe Regulations

* * *

14-40
AREA ELIGIBILITY FOR SIDEWALK CAFES

* * *

14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
* * *		
United Nations Development District	No	Yes
West Chelsea District	No	Yes[5]

[1] #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue

[2] #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway

[3] #Enclosed sidewalk cafes# are allowed in Subdistrict B

[4] #Unenclosed sidewalk cafes# are allowed on the east side of Malcolm X Boulevard between West 125th and West 126th Streets, on the west side of Malcolm X Boulevard between West 124th and West 125th Streets and on the east side of Fifth Avenue between East 125th and East 126th Streets

[5] #Unenclosed sidewalk cafes# are allowed only on #wide streets#

* * *

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 8
Special West Chelsea District

* * *

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 as modified in this Section, 98-41. ~~that~~ In all districts, 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#. Where a #rear yard equivalent# is required by either Section 23-532 (Required rear yard equivalents) or Section 43-28 (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (a) of either of such Sections, as applicable. However, in M1-5 Districts, a #building# existing prior to [effective date of text amendment] may be #enlarged# pursuant to Section 43-28, paragraph (b), provided that such #building# is on a #zoning lot# located entirely within 150 feet of the west side of the High Line.

98-42
Special Height and Setback Regulations

* * *

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 #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (g) 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 the table in this Section. On ~~#corner lots# with both #wide# and~~ #narrow street# frontages, beyond 50 feet of their intersection with a #wide street#, the ~~a~~ #street wall# ~~with a minimum height of 15 feet~~ shall be located on the ~~#narrow street line# between 50 and 100 feet from its intersection with a #wide street#. On #zoning lots# with only #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 the table in 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.

* * *

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
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	____[1]
	between 50 and 100 feet of a #wide street#	15	85	____[1]
	for #zoning lots# with only #narrow street# frontage	40	60	____[1]
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105[2]	125[2]	~~145~~125[2]
	for #zoning lots# with Eleventh Avenue frontage	125[2]	145[2]	145[2]
Subarea D		60	90	250[1]
Subarea E		60	105[3]	120[3]
Subarea F		60[2]	80[2]	80[2]
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105[2]	120[2]	120[2]
Subarea H		60[4]	85[4]	____[4]
Subarea I	within 300 ft. of Tenth Ave. between W. 16th St. & W. 17th St.	60	85	120[5]
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110[6]	130[6]
	Ninth Avenue Zone	NA	130[6]	135[6]
	Tenth Avenue Zone	NA	185[6]	230[6]

[1] see Section 98-423, paragraph (b)
[2] see Section 98-423, paragraph (c)
[3] see Section 98-423, paragraph (d)
[4] see Section 98-423, paragraph (e)
[5] see Section 98-423, paragraph (f)
[6] see Section 98-423, paragraph (g)

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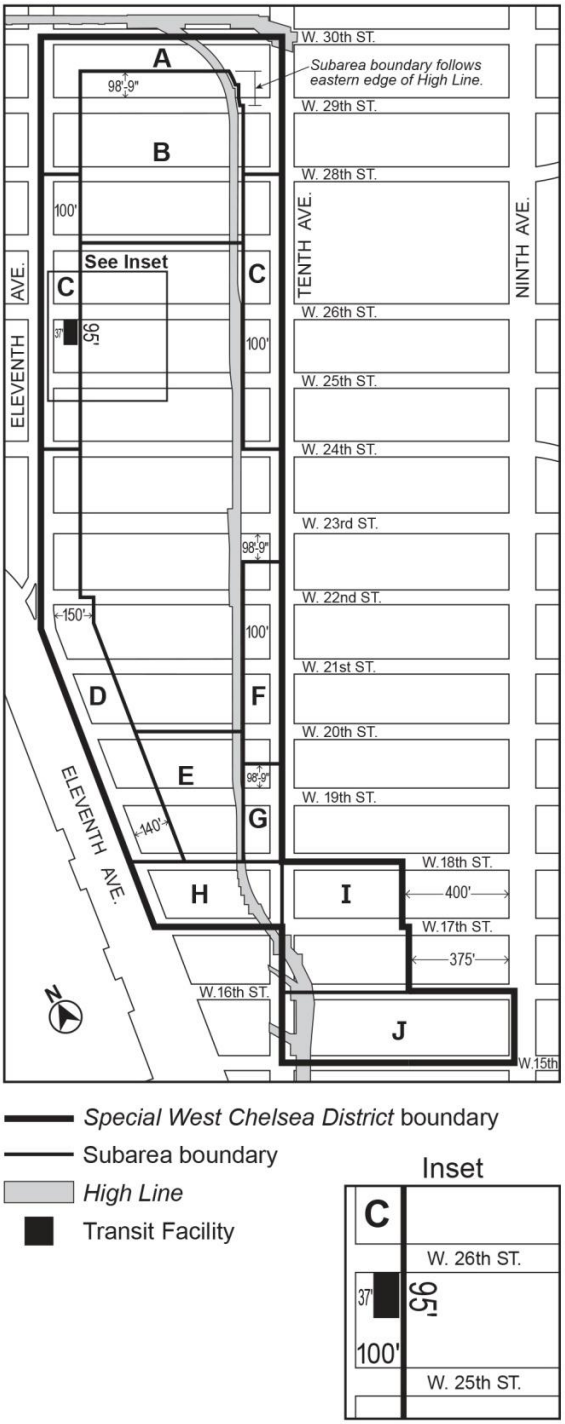
[Text map to be deleted]
Appendix A
Special West Chelsea District and Subareas (98A)



[Text map to be added]
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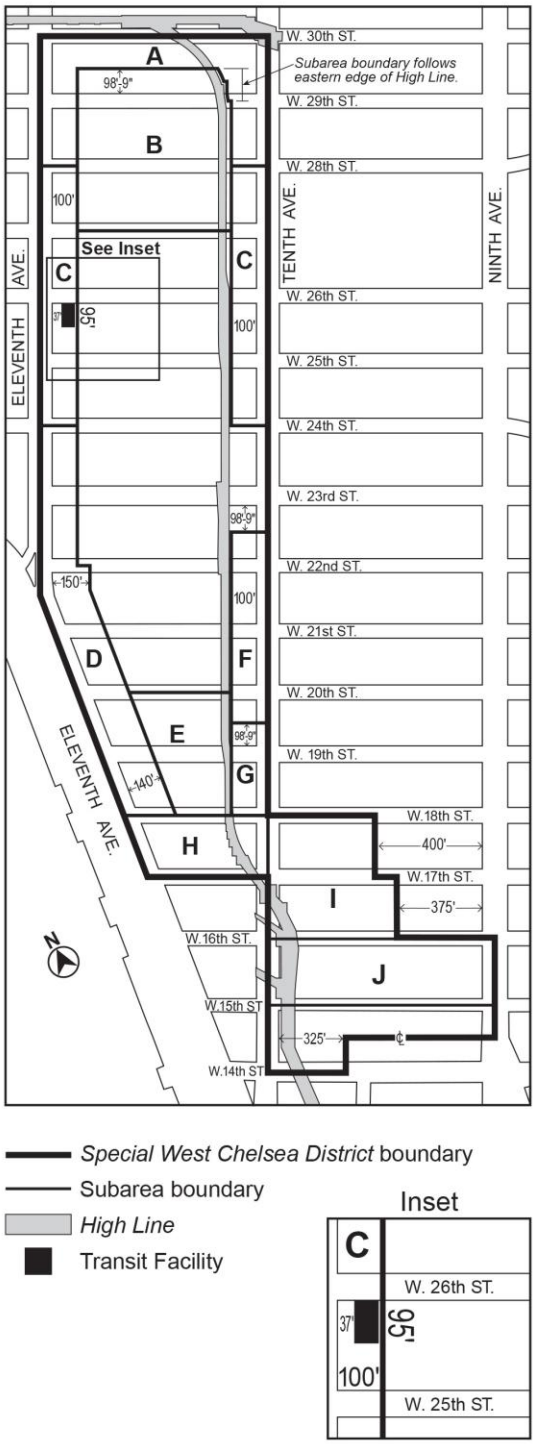
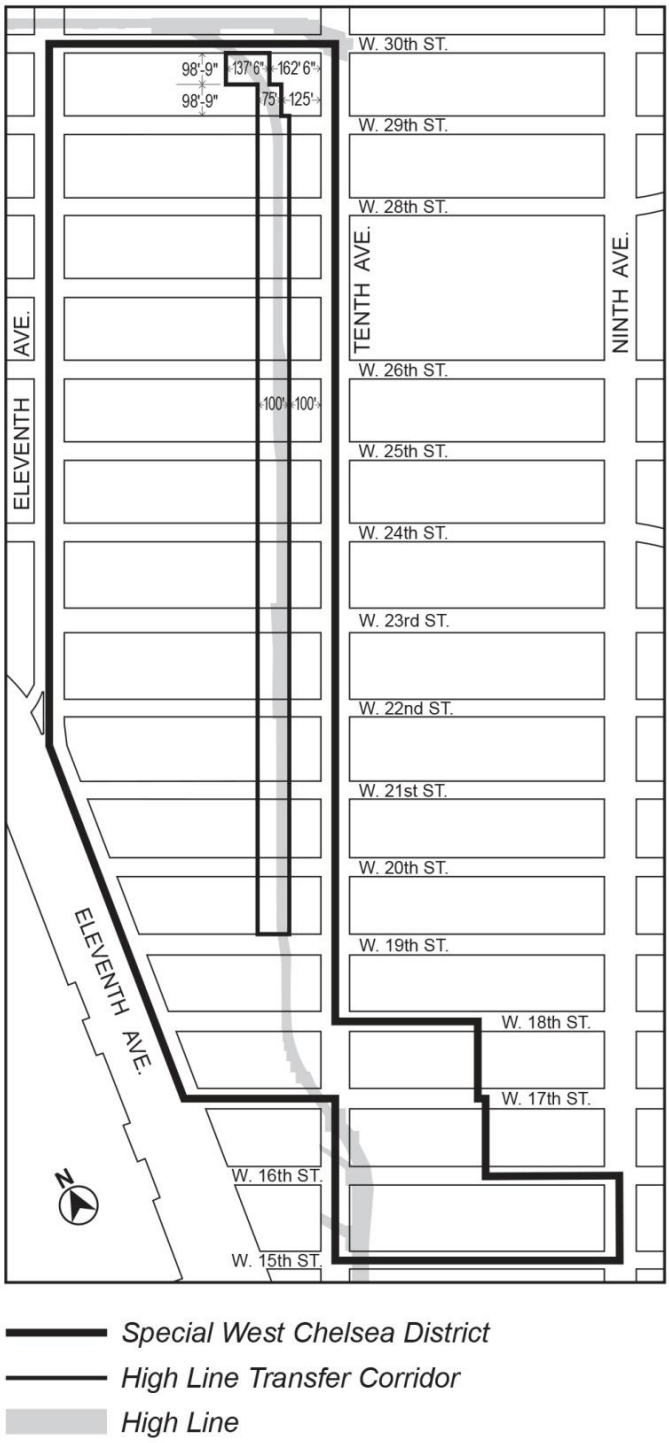


[Text map to be deleted]
Appendix B
High Line Transfer Corridor Location (98B)



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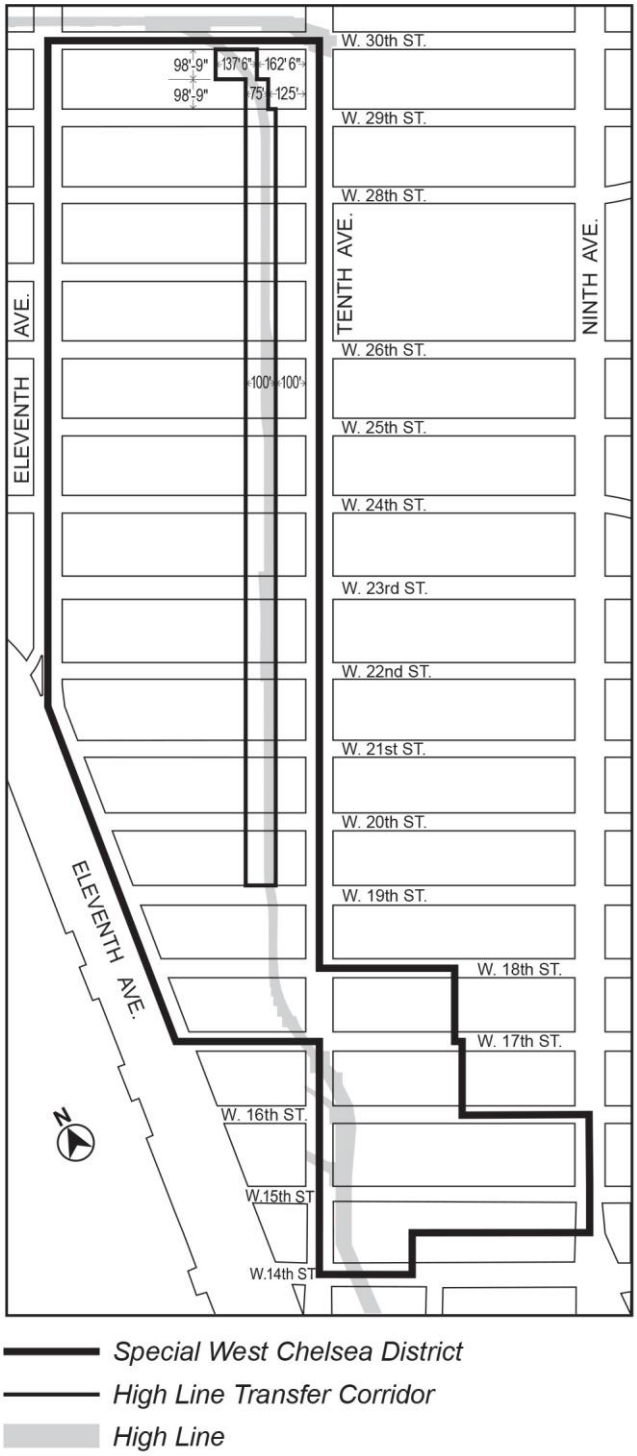

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