

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

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

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

Article IX - Special Purpose Districts

Chapter 3

Special Hudson Yards District

93-00

GENERAL PURPOSES

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

- (a) to facilitate and guide the development of an environmentally beneficial, transit-oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation and avoidance of conflicts with vehicular traffic;
- (b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area and the surrounding neighborhoods;
- (c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;
- (d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;
- (e) to preserve the low- and medium scale residential character of the Hell’s Kitchen area;
- (f) to provide a transition between the Hudson Yards District and the Clinton community to the north;
- (g) to provide a transition between the Hudson Yards District and the Garment Center to the east;
- (h) to provide a transition between the Hudson Yards District and the West Chelsea area to the south;
- (i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;

- (j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;
- (k) to provide a transition between the Hudson Yards District and the Hudson River to the west;
- (l) 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;
- (m) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City's tax revenues; and
- (n) to limit the amount of off-street parking based on regulations that address the anticipated needs of residents, workers and visitors to the Hudson Yards Area, consistent with the objective of creating an area with a transit- and pedestrian-oriented neighborhood character.

* * *

93-05

Applicability of District Regulations

* * *

93-053

Applicability of ~~Chapter 3~~ of Article VII, Chapter 3

The following special permits by the Board of Standards and Appeals shall not be applicable:

Section 73-16 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section ~~93-19~~ 93-18 (Authorization for Electrical Utility Substations)

Section 73-62 (Modification of Bulk Regulations for Residential Buildings)

Section 73-63 (Enlargement of Non-Residential Buildings)

Section 73-64 (Modifications for Community Facility Uses).

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93-10

USE REGULATIONS

* * *

**93-12
Special Residential Use Regulations**

* * *

**93-123
Location of residential use within buildings**

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit ~~residential uses~~ on the same ~~story~~ as a commercial use, ~~non-residential use~~ provided no access exists between such ~~uses~~ at any level containing ~~dwelling units~~ and provided any commercial uses ~~non-residential uses~~ are not located directly over any ~~story~~ occupied in whole or in part by ~~dwelling units~~. However, such commercial uses ~~non-residential uses~~ may be located over such a ~~story~~ occupied by ~~dwelling units~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~residential uses~~ from commercial uses ~~non-residential uses~~ exists within the ~~building~~.

* * *

**93-13
Special Office Use Regulations**

**93-131
Certification for office use**

The provisions of this Section shall apply to all ~~developments~~ or ~~enlargements~~ in the ~~Hudson Yards Redevelopment Area~~, with the exception of Subdistrict F.

- (a) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a ~~development~~ or ~~enlargement~~ in the ~~Hudson Yards Redevelopment Area~~ that includes Use Group 6B offices ~~developed~~ or ~~enlarged~~ after January 19, 2005, until the Chairperson of the Department of City Planning certifies to the Commissioner of Buildings that:
 - (1) such ~~development~~ or ~~enlargement~~ does not utilize any ~~floor area~~ increases pursuant to Sections ~~23-90 (INCLUSIONARY HOUSING), 93-30 (SPECIAL FLOOR AREA REGULATIONS)~~ 23-154 (Inclusionary Housing), ~~inclusive~~, or 96-25 (Floor Area Bonus for New Legitimate Theater Use); or
 - (2) such ~~development~~ or ~~enlargement~~ utilizes ~~floor area~~ increases pursuant to Sections ~~23-90~~23-154, 93-30, inclusive, or 96-25, and will not result in a total amount of Use Group 6B office ~~floor area~~ ~~developed~~ or ~~enlarged~~ after January 19, 2005, within the ~~Hudson Yards Redevelopment Area~~ of over 20 million square feet.

* * *

(b) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet, no building permit from the Department of Buildings shall be issued for any #development# or #enlargement# that includes Use Group 6B offices constructed after January 19, 2005, until the Chairperson certifies to the Commissioner of Buildings that:

- (1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections ~~23-90~~23-154, 93-30, inclusive, or 96-25; or
- (2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections ~~23-90~~23-154, 93-30, inclusive, or 96-25, and will not result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet.

* * *

(c) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet, and where such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections ~~23-90~~23-154, 93-30, inclusive, or 96-25, such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission pursuant to Section 93-132.

* * *

93-132

Authorization for office use

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistrict F.

Where the amount of Use Group 6B office #floor area# in a #development# or #enlargement# will result in over 25 million square feet of such #use developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area#, and such #development# or #enlargement# utilizes increased #floor area# pursuant to Sections ~~23-90 (INCLUSIONARY HOUSING)~~23-154 (Inclusionary Housing), 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25 (Floor Area Bonus for New Legitimate Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission that:

* * *

93-14

Ground Floor Level Requirements

The following provisions relating to retail continuity and transparency requirements shall apply to all subdistricts in the #Special Hudson Yards District#, except that the provisions of this Section shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

- (a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

Map 2 in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the #building’s street# frontage, as indicated on Map 2.

~~#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. Such #uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). Where a sidewalk widening is required, such #uses# shall be within 50 feet of the sidewalk widening line.~~

A #building’s street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, other subway-related #uses# as described in Section 93-65 (Transit Facilities), or within the Eastern Rail Yard Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas, pursuant to Section 93-71, as follows:

* * *

- (4) a combination of retail #uses# and public access areas so as to satisfy ~~the 50 foot~~ such depth requirement for retail continuity.

~~In no event shall the~~ The length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways shall comply with the applicable provisions for Type 2 lobbies in Section 37-33 (Maximum Width of Certain Uses), except that exceed, in total, 40 feet or 25 percent of the #building’s# total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet; and within the Eastern Rail Yard Subarea A1, the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less.

- (b) Retail continuity along designated streets in Subdistrict F

Map 4 (Subdistrict F: Mandatory Ground Floor Requirements) in Appendix B specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 70 percent of the #building's street# frontage, as indicated for each location on Map 4.

* * *

The remaining portion of the #street wall# may be occupied by #uses# listed in this Section, or by lobby space, mechanical space or entrances to #accessory# parking garages, provided that:

- (i) the maximum width of a single lobby frontage shall comply with the provisions for Type 2 lobbies set forth in Section 37-33. be 40 feet, or 25 percent of the #street wall#, whichever is less. A maximum of two such lobbies shall be permitted along a single #street wall# frontage, provided that the minimum distance between such lobbies shall not be less than 120 feet; and
- (ii) the maximum width of a #street wall# occupied by an entrance to #accessory# parking spaces shall not exceed 35 feet.

- (c) Transparency requirements along designated streets in Subdistricts A, B, C, D, E and F

For any #development# or ground floor #enlargement# fronting on #streets# designated on Map 2 in Appendix A of this Chapter, glazing shall be provided in accordance with the provisions set forth in paragraph (c) of this Section.

Each ground floor level #street wall# of a #commercial# or #community facility use#, as set forth in this Section, shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements) with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, or public access area, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

* * *

93-15

Security Gates

~~All security gates installed after January 19, 2005, 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 area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.~~

93-16-93-15

Public Parking Facilities

* * *

93-17-93-16

Modification of Sign Regulations

* * *

- (a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Within the Pennsylvania Station Subarea B4, the provisions of Section ~~93-171~~ 93-161 (Special permit for signs within the Pennsylvania Station Subarea) shall apply. The following modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

* * *

- (3) Along the #ERY High Line#, the #sign# regulations as set forth in Section ~~93-17~~ 93-16, paragraph (b)(1), shall apply. In addition, no #flashing signs# above the level of the #High Line bed# shall be located within 150 feet of and facing the #ERY High Line#.

* * *

93-171 93-161

Special permit for signs within the Pennsylvania Station Subarea

* * *

93-18-93-17

Non-Conforming Uses in Large-Scale Plan Subdistrict A

* * *

93-19-93-18

Authorization for Electrical Utility Substations

* * *

93-20
FLOOR AREA REGULATIONS

* * *

93-222
Maximum floor area ratio in the 34th Street Corridor Subdistrict C

* * *

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5, pursuant to Sections 93-31 (District Improvement Fund Bonus) and ~~23-90 (INCLUSIONARY HOUSING)~~ 23-154 (Inclusionary Housing), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), as follows:

- (a) the #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase, pursuant to Section 93-31, there is a #floor area# increase of six square feet, pursuant to Section ~~23-90~~ 23-154, as modified by Section 93-23; and

* * *

93-223
Maximum floor area ratio in Hell’s Kitchen Subdistrict D

- (a) Subareas D1 and D2

* * *

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32, and pursuant to Section ~~23-90 (INCLUSIONARY HOUSING)~~ 23-154 (Inclusionary Housing), as modified by Section 93-23, as follows:

- (1) The #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase pursuant to Sections 93-31 or 93-32 there is a #floor area# increase of six square feet, pursuant to Section ~~23-90~~ 23-154, as modified by Section 93-23.

* * *

93-23

Modifications of Inclusionary Housing Program

Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell’s Kitchen) of the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-154 (Inclusionary Housing), and Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts. The underlying provisions of Sections 23-154 and 23-90 shall only be applicable in Subdistrict F as modified by Section 93-233 (Floor area increase for affordable housing in Subdistrict F).

* * *

93-232

Floor area increase in Subdistricts B, C, D and E, and Preservation Area P2

Within Subdistricts B, C, D and E, and Preservation Area P2, the provisions of ~~Section 23-952 (Floor area compensation in Inclusionary Housing designated areas)~~ Section 23-154 (Inclusionary Housing) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E and F) or 121-31 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# on a #zoning lot# with #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing Program may be increased, as follows:

* * *

93-233

Floor area increase for affordable housing in Subdistrict F

* * *

(b) such #building# shall comply with the provisions of:

- (1) Section ~~23-954~~ 23-955 (Additional requirements for compensated developments), paragraphs (b) and (c);

* * *

93-30

SPECIAL FLOOR AREA REGULATIONS

93-31

District Improvement Fund Bonus

* * *

- (a) a letter from the applicant for such permit dated no earlier than 30 days prior to issuance thereof, stating whether as of such date the applicant anticipates filing an application to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or Section ~~23-90-23-154~~, as modified by Section 93-23; or
- (b) an application for a bonus from such applicant to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or Section ~~23-90-23-154~~, as modified by Section 93-23.

* * *

93-32

Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

* * *

- (a) Transfer of floor area by certification

* * *

Where, as a result of the transfer of #floor area# pursuant to this paragraph, (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in Row B in the table in Section 93-21 and Row C in the table in Section 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31 (District Improvement Fund Bonus), an increase in #floor area# pursuant to paragraph (b) of this Section or Section 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park), or the Inclusionary Housing Program pursuant to Section ~~23-90-23-154~~, as modified by Section 93-23.

* * *

93-50

SPECIAL HEIGHT AND SETBACK REGULATIONS

* * *

93-55

Special Height and Setback Regulations in the South of Port Authority Subdistrict E

(a) #Zoning lots# with Eighth Avenue frontage

* * *

(1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or ~~35-63~~ 35-64, as applicable, may penetrate the #sky exposure plane#;

* * *

END