

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, MARCH 16, 2005
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370

CAL NO.	ULURP NO.	CD NO	PROJECT NAME	C.P.C. ACTION
1	C 030537 MMX	1,4	EAST 153 RD BRIDGE	Not Scheduled
2	C 050214 HAX	1,3	MELROSE COMMONS/CORNERSTONE	Scheduled to be Heard 3/30/05
3	C 050258 HAX	6	JACOB'S PLACE	" "
4	C 040509 ZMK	2	FULTON STREET REZONING	" "
5	C 040389ZMK	5	LOGAN STREET REZONING	" "
6	C 050189 PPM	10	MART 125	" "
7	C 040538 ZSM	1	415 GREENWICH STREET GARAGE	" "
8	C 050084 ZSM	1	63 WALL STREET GARAGE	" "
9	C 050031 ZSM	5	15 WEST 20 TH STREET	" "
10	C 050071 ZSM	1	MAIDEN LANE GARAGE	" "
11	C 040399 ZSM	8	NEW YORK SOCIETY LIBRARY	" "
12	C 040375 ZSM	4	LINCOLN GARAGE	" "
13	C 050170 GFM	7	LINCOLN CENTER	Not Scheduled
14	C 050098 MMM	7	" "	" "
15	C 050219 PQM	7	" "	" "
16	N 050169 ZRM	7	" "	" "
17	C 040043 ZMQ	7	FLUSHING SAVINGS BANK REZONING	Scheduled to be Heard 3/30/05
18	C 050195 ZMQ	7	KISSENA PARK REZONING	" "
19	C 050191 MMQ	10	HAMILTON BEACH CITY MAP CHANGE AND DISPOSITION	" "
20	C 050217 PPQ	10	" "	" "
21	C 050154 PCR	2	SOUTH BEACH BLUEBELT	" "
22	C 000561 MMR	1	BERWICK PLACE DEMAPPING	" "
23	N 050161 ZRM	4	WEST CHELSEA/HIGH LINE	Scheduled to be Heard 4/6/05
24	N 050161(A) ZRM	4	" "	" "
25	C 050162 ZMM	2	" "	" "
26	C 050162(A) ZMM	4	" "	" "
27	C 050163 PCM	2,4	" "	" "
28	C 050132 PCK	7	ENGINE 201 FIRE HOUSE	Favorable Report Adopted
29	C 050095 ZSK	2	110 LIVINGSTON STREET GARAGE	" "
30	N 050251 HAK	14	CAMBA	" "

MEETING ADJOURNED AT: 10:50 A.M.

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York
—
CITY PLANNING COMMISSION
—
WEDNESDAY, MARCH 16, 2005
—
MEETING AT 10:00 A.M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK



Michael R. Bloomberg, Mayor

City of New York

[No. 6]

Prepared by Yvette V. Gruel, Calendar Officer

**To view the Planning Commission Calendar and/or the Zoning Resolution
on the World Wide Web, visit the Department of City Planning (DCP)
home page at: nyc.gov/planning**

A

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

NOTICE--CALENDARS: City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site (www.nyc.gov/planning). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the certified check made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address including E-mail by writing to:

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

B
CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

AMANDA M. BURDEN, *AICP, Chair*

KENNETH J. KNUCKLES, *Esq., Vice Chairman*

ANGELA M. BATTAGLIA

IRWIN G. CANTOR, *P.E.*

ANGELA R. CAVALUZZI, *R.A.*

ALFRED C. CERULLO, III

RICHARD W. EADDY

JANE D. GoL

LISA A. GOMEZ

CHRISTOPHER KUI

JOHN MEROLO

KAREN A. PHILLIPS

DOLLY WILLIAMS, *Commissioners*

YVETTE V. GRUEL, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a. m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

ORDER OF BUSINESS AND INDEX

WEDNESDAY, MARCH 16, 2005

Roll Call; approval of minutes	1
I. Scheduling of March 30, 2005	1
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**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 2E, 22 Reade Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for March 30, 2005 at Spector Hall 22 Read Street, New York, at 10:00 a.m.

C

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in support of the proposal and those speaking in opposition.

Length of Testimony: In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written Comments: If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

**CITY PLANNING COMMISSION
Calendar Information Office - Room 2E
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ Identification No.: _____ CB No.: _____

Position: Opposed _____

In Favor _____

Comments: _____

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

MARCH 16, 2005

**APPROVAL OF MINUTES OF Regular Meeting of March 2, 2005
and Special Meeting of March 14, 2005**

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, MARCH 30, 2005
STARTING AT 10:00 A.M.
IN SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF THE BRONX

No. 1

EAST 153RD BRIDGE

CD 1, 4

C 030537 MMX

IN THE MATTER OF an application, submitted by the Department of Transportation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the widening and re-alignment of East 153rd Street between Grand Boulevard and Concourse and Morris Avenue;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

in accordance with Map No. 13104 dated November 16, 2004 and signed by the Borough President.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 2

MELROSE COMMONS/CORNERSTONE

CD 1 AND 3

C 050214 HAX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York for:
 - a) the designation of property located at 3044, 3046, 3048, 3049, 3050, 3051, 3053, 3054, 3057 and 3058 Third Avenue; 491, 493 and 499 East 156th Street; 741, 745 and 749 Brook Avenue; and 829, 831, 833, 837-39 and 841 Washington Avenue, Site 1, p/o Site 3 and Site 28 within the Melrose Commons Urban Renewal Area (Block 2364, Lots 2-5, 7, 9, 15, 17, 19, 21, 23-24; Block 2378, Lots, 62, and 64-66; Block 2381, Lots 52, 56, and 58-60) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development on three sites, tentatively known as Melrose Commons Cornerstone Sites 14 A, C and D, With approximately 232 units of housing and commercial space, to be developed under HPD's Cornerstone Program.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 3

JACOB'S PLACE

CD 6

C 050258 HAX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York for:
 - a) the designation of property located at 2342, 2346, 2350 and 2354 Webster Avenue (Block 3031, Lots 20-23 and 25) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of 2342, 2346, 2350 and 2354 Webster Avenue (Block 3031, Lots 21-23 and 25) to a developer selected by HPD;

to facilitate development of an eight-story building, tentatively known as Jacob's Place, with approximately 63 residential units and a community facility use to be developed under the Housing Preservation and Development's Mixed Income Rental Program.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

BOROUGH OF BROOKLYN

No. 4

FULTON STREET REZONING

CD 2

C 040509 ZMK

IN THE MATTER OF an application submitted by Mylaw Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 16c:**

1. **eliminating from an existing R6 District a C1-3 District bounded by Ashland Place, a line 150 feet northeasterly of Fulton Street, St. Felix Street, and Fulton Street; and**

2. **establishing within an existing R6 District a C2-4 District bounded by** Ashland Place, a line 100 feet northeasterly of Fulton Street, a line perpendicular to the westerly street line of St. Felix Street distant 175 feet northerly (as measured along the street line) from the intersection of the westerly street line of St. Felix Street and the northeasterly street line of Fulton Street, St. Felix Street, and Fulton Street,

as shown on a diagram (for illustrative purposes only) dated December 6, 2004.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 5

LOGAN STREET REZONING

CD 5

C 040389 ZMK

IN THE MATTER OF an application submitted by Parklane Enterprises, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 17c by changing from an M1-1 District to an R5 District property bounded by** a line 100 feet southeasterly of Atlantic Avenue, Logan Street, a line 300 feet southeasterly of Atlantic Avenue, and Milford Street, as shown on a diagram (for illustrative purposes only) dated December 20, 2004, and subject to the conditions of CEQR Declaration E-141.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

BOROUGH OF MANHATTAN

No. 6

MART 125

CD 10

C 050189 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, **for the disposition to the New York City Economic Development Corporation of city-owned property** located at 260-262 West 125th Street (Block 1930, lot 55) pursuant to zoning.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 7

415 GREENWICH STREET GARAGE

CD 1

C 040538 ZSM

IN THE MATTER OF an application submitted by 415 Greenwich Fee Owners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 13-561 of the Zoning Resolution **to allow an attended accessory parking garage with a maximum capacity of 90 spaces on portions of the first floor and cellar of an existing 8-story building on property located at 415 Greenwich Street** (Block 215, Lot 5), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B2).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 8

63 WALL STREET GARAGE

CD 1

C 050084 ZSM

IN THE MATTER OF an application submitted by RBNB Wall Street Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Sections 13-562 and 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 85 spaces on portions of the cellar level of an existing 36-story building located at 63 Wall Street** (Block 27, Lot 9), in a C5-5 District, in the Special Lower Manhattan District.

Plans for this development are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 9

15 WEST 20TH STREET

CD 5

C 050031 ZSM

IN THE MATTER OF an application submitted by Strategic Chelsea LLC pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the rear setback requirements of Section 23-663 (Required rear setbacks for tall buildings in other districts)**, in connection with a proposed two-story enlargement of an existing nine-story building at 15 West 20th Street (Block 822, Lot 25), in a C6-4A District, within the Ladies' Mile Historic District.

Plans for this development are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 10

MAIDEN LANE GARAGE

CD 1

C 050071 ZSM

IN THE MATTER OF an application submitted by Maiden Lane Properties, LLC pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 62 spaces on portions of the first floor and the common cellar of three existing buildings at 100 Maiden Lane** (Block 42, Lot 1), in a C5-5 District, within the Lower Manhattan Special District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 11

NEW YORK SOCIETY LIBRARY

CD 8

C 040399 ZSM

IN THE MATTER OF an application submitted by the New York Society Library pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-711 of the Zoning Resolution **to modify the rear yard requirements of Section 24-36 (Minimum Required Rear Yards) to allow a 12-foot 2-inch rear yard at the sixth floor level in connection with a proposed enlargement of an existing 6-story building located at 53 East 79th Street** (Block 1491, Lot 25) in an R10 District, within the Special Park Improvement District (PI),.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 12

LINCOLN GARAGE

CD 4

C 040375 ZSM

IN THE MATTER OF an application submitted by 323 West 34th Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Sections 13-562 and 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 500 spaces on the ground, second, third and fourth floors and the cellar floor of an existing 4-story garage building on property located at 323 - 331 West 34th Street a.k.a. 334 - 344 West 35th Street** (Block 758, Lot 25), in a C6-4 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

Nos. 13, 14, 15 and 16

LINCOLN CENTER

No. 13

CD 7

C 050170 GFM

IN THE MATTER OF an application, submitted by Lincoln Center Development Project, Inc., pursuant to Sections 197-c of the New York City Charter, for a revocable consent to construct and maintain fifteen informational kiosks on the sidewalk on the south side of 5th Street between Broadway and Amsterdam Avenue, Block 1134, Lots 1 and 25.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 14

CD 7

C 050098 MMM

IN THE MATTER OF an application, submitted by Lincoln Center Development Project, Inc., pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- ! the elimination, discontinuance and closing of portions of West 65th Street between Amsterdam Avenue and Broadway;
- ! the elimination, discontinuance and closing of Public Place within North Plaza;
- ! the elimination of a Pedestrian Overpass;
- ! the extinguishment of an easement;
- ! the adjustment of grades necessitated thereby;
- ! and any acquisition or disposition of real property related thereto,

in accordance with Map No. 30215 dated December 10, 2004 and signed by the Borough President.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 15

CD 7

C 050219 PQM

IN THE MATTER OF an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of easements located south of West 66th Street between Amsterdam Avenue and Broadway (Block 1137, Lots 10 and 7501; Block 1134, Lots 1 and 25); to facilitate the construction of a pedestrian bridge and vehicular tunnel.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 16

CD 7

N 050169 ZRM

IN THE MATTER OF an application submitted by Lincoln Center Development Project, Inc., pursuant to Section 197-c of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article VIII, Section 2 (Special Lincoln Square District) concerning Section §82-24 to allow permitted signage up to a height of 40 feet above street level and up to a height of 60 feet for facades facing Broadway between W65th Street and West 66th Street within Subdistrict B.

Matter underlined is new, to be added:

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

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

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

**Article VIII: Special Purpose Districts
Chapter 2 : Special Lincoln Square District**

~~4/8/98~~

**82-24
Supplementary Sign Regulations**

No permitted #signs# shall extend above #curb level# at a height greater than 20 feet

or obstruct an #arcade#.

Within Subdistrict B, permitted #signs# facing upon West 65th Street shall not exceed a height of 40 feet above #curb level#, and permitted #signs# facing upon Broadway between West 65th Street and West 66th Street shall not exceed a height of 60 feet above #curb level#. However, #signs# facing in an easterly or southerly direction upon that portion of the public place designated on the City Map that is located within an area bounded by West 65th Street and the prolongation of the south side of West 64th Street shall not exceed a height of 40 feet above the level of such public place.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

BOROUGH OF QUEENS

No. 17

FLUSHING SAVINGS BANK REZONING

CD 7

C 040043 ZMQ

IN THE MATTER OF an application submitted by Flushing Savings Bank pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10c, establishing within an existing R2 district a C1-2 District bounded by a line 100 feet northerly of Depot Road, a line 200 feet easterly of 159th Street, Depot Road and 159th Street, as shown on a diagram (for illustrative purposes only) dated December 6, 2004.

Plans for the proposal are on file with the City Planning Commission and maybe seen in Room 3N, 22 Reade Street, New York, NY 10007.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 18

KISSENA PARK REZONING

CD 7

C 050195 ZMQ

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10d:

1. changing from an R3-2 District to an R2 District property bounded by Negundo Avenue, Parsons Boulevard, Quince Avenue, Bowne Street, a line midway between Quince Avenue and Rose Avenue, Robinson Street, a line 95 feet northwesterly of Oak Avenue, and Burling Street; and
2. changing from an R3-2 District to an R3A District property bounded by a line 100 feet southeasterly of 45th Avenue, Burling Street, Laburnum Avenue, Parsons Boulevard, Negundo Avenue, Burling Street, a line 95 feet northwesterly of Oak Avenue, Robinson Street, a line 100 feet northwesterly of Negundo Avenue, Union Street, a line 100 feet southeasterly of Laburnum Avenue, a line 100 feet northeasterly of Kissena Boulevard, Laburnum Avenue, a line 100 feet southwesterly of Union Street, a line 100 feet southeasterly of Holly Avenue, a line 100 feet northeasterly of Kissena Boulevard, Holly Avenue, and a line 100 feet southwesterly of Union Street; and
3. changing from an R3-2 District to an R3X District property bounded by:
 - a. 45th Avenue, 156th Street, 46th Avenue, Holly Avenue, Burling Street, 45th Avenue, a line 320 feet northeasterly of Burling Street, a line midway between 45th Avenue and Georgia Road, Parsons Boulevard, a line midway between 45th Avenue and Hawthorn Avenue, and a line perpendicular to the southeasterly street line of 45th Avenue distant 150 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 45th Avenue and the northeasterly street line of Parsons Boulevard; and
 - b. a line 100 feet northwesterly of Negundo Avenue, Robinson Street, a line midway between Quince Avenue and Rose Avenue, Bowne Street, Quince Avenue, Parsons Boulevard, Rose Avenue, Kissena Boulevard, Poplar Avenue, Colden Street, Mulberry Avenue, and Kissena Boulevard;

as shown on a diagram (for illustrative purposes only) dated December 6, 2004.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

Nos. 19 and 20

HAMILTON BEACH CITY MAP CHANGE AND DISPOSITION

No. 19

CD 10

C 050191 MMQ

IN THE MATTER OF an application submitted by the Department of City Planning and the Queens Borough President's office, pursuant to sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

a) the elimination, discontinuance and closing of portions of:

- 102nd and 103rd streets between Russell Street and 165th Avenue;
- 163rd and 165th avenues between 103rd Street and Hawtree Basin,

b) the establishment of:

- a cul-de-sac at the southern terminus of 103rd Street (aka 104th Street)
- pedestrian ways on portions of 163rd Avenue, 102nd Street, and 165th Avenue,

and any acquisition or disposition of real property related thereto,

in accordance with map No.4979, dated December 20, 2004 and signed by the Borough President.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 20

CD 10

C 050217 PPQ

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of thirty-six (36) city owned properties pursuant to zoning.

A list and description of the properties can be seen in the Queens Office of the Department of City Planning, 120-55 Queens Boulevard, Room 201, Kew Gardens, NY 11424.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

BOROUGH OF STATEN ISLAND

No. 21

SOUTH BEACH BLUEBELT

CD 2

C 050154 PCR

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for site selection and acquisition of properties, including the beds of certain streets, generally bounded by Sand Lane, Quintard Street, Father Capodanno Boulevard, and Patterson Avenue, Community District 2, Borough of Staten Island, for the storage and conveyance of storm water.

A list of the specific properties and street beds proposed to be acquired may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6th floor, Staten Island, New York, 10301-2511.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

No. 22

BERWICK PLACE DEMAPPING

CD 1

C 000561 MMR

IN THE MATTER OF an application submitted by John Bilotti, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving the elimination, discontinuance and closing of a portion of Berwick Place, between Oakland and Pelton avenues, the adjustment of grades necessitated thereby, and any acquisition or disposition of real property related thereto, in accordance with Map No.4177, dated March 9, 2004 and signed by the Borough President.

Resolution for adoption scheduling March 30, 2005 for a public hearing.

MARCH 16, 2005

**IA. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, APRIL 6, 2005
STARTING AT 10:00 A.M.
AT TRIBECA PERFORMING ARTS CENTER
BOROUGH OF MANHATTAN COMMUNITY COLLEGE
THEATER TWO; 199 CHAMBERS STREET
(BETWEEN GREENWICH AND WEST STREETS)
NEW YORK, NEW YORK**

Nos. 23, 24, 25 and 26

WEST CHELSEA/HIGH LINE

No. 23

CD 4

N 050161 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.

**SPECIAL WEST CHELSEA DISTRICT
PROPOSED ZONING TEXT AMENDMENTS**

Matter Underlined 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.

Story

* * *

32-44

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

12/5/91

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 in Article IX, Chapter 8 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 98-26 (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, 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 Site Selection/Acquisition Application] 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 and F
	Diagram 2 Street wall and High Line frontage regulations in

	Subarea A
Diagram 3	Subarea G requirements
Diagram 4	High Line Improvement Area for Zoning Lots Divided by District Boundaries in Subareas D, E and F
Diagram 5	Subarea I requirements
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 G
Appendix E	Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E and F, 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

Modification of Use Regulations in C6 Districts

In Subarea G, 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#.

98-12

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.

98-13

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#.

98-14

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 G and I

The transparency requirements of this Section shall apply within Subareas G and I to all portions of #developments# and #enlargements# facing and located within 25 feet of the #High Line#, except for portions of #buildings# within 25 feet of the #High Line# that contain #dwelling units#. At least 70 percent of such frontage, to be measured from the level of the #High Line bed#, shall be glazed and transparent and at least 75 percent of the glazed surface shall be fully transparent. The lowest point at any point of transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the level of the #High Line bed#, and shall be no less than eight feet in height measured from such lowest point.

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 G

#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 G 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 689, Lot 17 (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.

Maximum Floor Area Ratio by Subarea

Sub Area	Basic Maximum #floor area ratio#	Increase in FAR via Transfer of Development Rights from #High Line Transfer Corridor#*	Increase in FAR via #High Line# Bonuses	Increase in FAR via Inclusionary Housing Bonus***	Maximum permitted #floor area ratio#
A	7.5	2.5	See Note 1	2.0	12.0
B	5.0	2.5	See Note 1	--	7.5
C	5.0	2.5	--	--	7.5
D	5.0	2.5 ^{Note 2}	2.5** ^{Note 2}	--	7.5
E	5.0	1.0 ^{Note 2}	1.0** ^{Notes 1 & 2}	--	6.0
F	5.0	1.0 ^{Note 2}	1.0** ^{See Note 2}	--	6.0
G	7.5	--	2.5**	--	10.0
H	5.0	1.0	--	--	6.0
I	5.0	2.5	--	--	7.5
I □	5.0	1.0	1.5**	--	7.5

- * Pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive
- ** Pursuant to Sections 98-25 (High Line Improvement Bonus)
- *** Maximum FAR achievable for #residential developments# or #enlargements# through the provision of Inclusionary Housing, as specified in Section 23-90 (INCLUSIONARY HOUSING)
- For zoning lots over which the #High Line# passes

Note 1

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 2

For certain zoning lots located in Subareas D, E, and F, 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 F).

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#.

98-24

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

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea F, #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 to 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#. 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

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 upon certification by the Commissioners of Transportation and Parks and Recreation , acting in consultation with a licensed engineer, that such work would not adversely affect the structural integrity of the #High Line#.

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 Subareas A - F inclusive, H or I. #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 Subareas A through I 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 Subareas A through I 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 the level of the #High Line bed#.

98-40 HEIGHT AND SETBACK REGULATIONS

The height and setback regulations of the underlying district are modified in accordance with the provisions of this Section 98-40, 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.

98-41 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.

98-42 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 C and F, 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#.

98-43

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) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section.

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 above the #base plane#, 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, where permitted, 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 any #street frontage# of a #zoning lot# over which the #High Line# passes or by existing #buildings# to remain.

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, and portions of Subareas H and I

In Subareas A and D, for #zoning lots# with wide and narrow street frontage, no #street wall# is required beyond 50 feet of a wide street.

In Subarea D, 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#.

In Subareas A and D, and in that portion of Subarea H beyond 100 feet of Tenth Avenue, and in that portion of Subarea I beyond 300 feet of Tenth Avenue, 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#.

However, any #building#, or portion thereof, which in the aggregate occupies not more than 40 percent nor less than 30 percent of the #lot area# of the #zoning lot# may penetrate the #sky exposure plane# set forth in this paragraph

(b), provided such portion of the #building# is set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#. The highest four #stories# or 40 feet of such #building#, whichever is less, may occupy less than 30 percent of the #lot area# of the #zoning lot#. Furthermore, for #zoning lots# with less than 20,000 square feet of #lot area#, such #building# or portion thereof 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).

(c) Subareas C and F

In Subareas C and F, 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 and F), 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 F, 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 G

In Subarea G no #building or other structure# shall be located east of the #High Line#.

In Subarea G, 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 #building height# of 290 feet and Tower West shall not exceed a #building# height of 390 feet.

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 Subarea I, the #street wall# location provisions set forth in paragraph (a) shall not apply along Tenth Avenue, or any portion of the #zoning lot# over which the #High Line# passes, as illustrated in Diagram 5 (Subarea I Requirements), of Appendix C of this Chapter. However, for portions of #zoning lots# within 300 feet of Tenth Avenue, such #street wall# requirements 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 within 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#.

Any portion of a #building or other structure# located beyond 300 feet of Tenth Avenue that exceeds a maximum base height of 85 feet shall comply with the #sky exposure plane# provisions of paragraph (b) of this Section, except that the maximum building height shall be 250 feet.

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	60	85	See paragraph (b)
B, M1-5	60	95	135
C for #zoning lots# with only #narrow street# frontage	60	110	110
C for #zoning lots# with #wide street# frontage	125 See paragraph (c)	145 see paragraph (c)	145 See paragraph (c)
D	60	90	See paragraph (b)
E	60	105	120 see paragraph (d)
F for #zoning lots# with only #narrow street# frontage	60	95	95
F for #zoning lots# with #wide street# frontage	105 See paragraph (c)	120 See paragraph (c)	120 See paragraph (c)
G	60 See paragraph (e)	85 See paragraph (e)	See paragraph (e)
H within 100 ft of Tenth Ave	60	85	120
H beyond 100 ft of Tenth Ave	60	85	See paragraph (b)
I within 300 ft of Tenth Ave	60	85	250 See paragraph (f)
I beyond 300 ft of Tenth Ave	60	85	120 See paragraph (f)

98-44

Authorization to Modify Height and Setback Regulations

The City Planning Commission may authorize the modification of height or setback regulations pursuant to Section 98-40 and 98-50 for #developments# or #enlargements# on a #zoning lot# over which the #High Line# passes or adjacent to a #zoning lot# over which the #High Line# passes, provided that the street frontage of the #zoning lot# adjacent to but exclusive of the portion over which the #High Line# passes is no more than 40 feet, and the Commission finds that such modification will result in a better distribution of #bulk# on the #zoning lot# and will not adversely effect 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.

98-50

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) In Subarea A

For any #building# or portion thereof located on the east side of the #High Line#, 60 percent of the aggregate length of the #High Line frontage# of such #building# shall set back at the level of the #High Line bed#. No more than 40 percent of the aggregate length of the #High Line frontage# of such #building# 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 and F

For #zoning lots# that extend for less than 120 feet along the east side of the #High Line#, no #building# or portion thereof located east of and within 25 feet of the #High Line# shall exceed the level of the #High Line bed#.

For #zoning lots# that extend for at least 120 feet along the east side of the #High Line#, no #building# or portion thereof located east of and within 25 feet of the #High Line# shall exceed the level of the #High Line bed#, except that a maximum of 40 percent of the #High Line frontage# of such #building# may rise without setback 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# portion of a #building# that is subject to a maximum height of 45 feet in accordance with paragraph (a) (Subareas C and F) 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# that, on (the effective date of amendment) was wholly within 35 feet of the

eastern edge of the #High Line#, or, had a portion thereof whose greatest distance between the eastern edge of the #High Line# and a #side lot line# east of the #High Line# was 35 feet when measured parallel to the nearest #narrow street line#.

98-52

Height and Setback Regulations on West Side of High Line

For any #development# or #enlargement# on a #zoning lot# on the west side of the #High Line# and adjacent to the #High Line# within C6-2A, C6-3A, and M1-5 Districts or within Subareas A, B, or E, the portion of the #building# within 15 feet of the #High Line structure# shall rise no higher than the level of the #High Line bed# before setback. A setback with a depth of at least 15 feet shall be provided from the #High Line#.

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 or F 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 area provided at the level of the #High Line bed# may be screened and/or separated 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 #High Line bed#. Non-vegetated screening materials must be substantially transparent. For the purposes of this Section, a 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 shall not be a permitted screening material. 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

- (1) Any #High Line# access structure, providing pedestrian access to the #High Line#, by stairway or elevator, may be located within such required open area;
- (2) The provisions of paragraph (g)(1)(Permitted obstructions) of Section 37-04 (Requirements for Urban Plazas) shall apply; and
- (3) Open air cafes and kiosks may be located in such required open area. 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 in C6-3A Districts and within

Subareas A, C and F to all #developments# and #enlargements# of the #High Line frontage# portion of a #building or other structure#, except for portions of #buildings# within the #High Line frontage# that contain #dwelling units#. At least 50 percent of such #building's# #High Line frontage#, to be measured from the level of the #High Line bed#, shall be glazed and transparent and at least 75 percent of the glazed surface shall be fully transparent. The lowest point at any point of transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the level of the #High Line bed#, and shall be no less than eight feet in height measured from such lowest point.

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:

- (1) 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
- (2) 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
- (3) for primary or secondary easements, access has already been constructed on the same block or on the same street frontage and that such access 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
- (4) for primary or secondary easements, construction documents for the #High Line# open space have been developed that specify the opposite side of the same street frontage as an access location.

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 G

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea G 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) At the time of certification pursuant to Section 98-25, paragraph (a), Owner shall designate, subject to the concurrence of the Chairperson of the City Planning Commission, the location of the #floor area# within the #development# or #enlargement# which would exceed the basic maximum #floor area ratio# of the #zoning lot# and be subject to the provisions of Section 98-25 (HIGH LINE IMPROVEMENT BONUS).

(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 shall exercise such option no later than 90 days following receipt of the City's

specifications for the Structural Remediation Work or of the City's failure to provide such specifications, as set forth in paragraphs (iv), (v) and (vi) below. 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 the Structural Remediation Work following the (effective date of amendment) or receipt of specifications for the Structural Remediation Work, 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 and F or within Subarea I

This Appendix sets forth additional requirements governing #zoning lots# located partially within Subareas D, E and F or within Subarea I between West 16th and 17th streets or between West 18th and 19th 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) At the time of certification pursuant to Section 98-25, paragraph (a), Owner shall designate, subject to the concurrence of the Chairperson of the City Planning Commission, the location of the #floor area# within the #development# or #enlargement# which would exceed the basic maximum #floor area ratio# of the #zoning lot# and be subject to the provisions of Section 98-25.

(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 shall exercise such option no later than 90 days following receipt of the City's specifications for the Structural Remediation Work or of 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). 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 receipt of specifications for the Structural Remediation Work, 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 (iv) 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 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 any such glazed surfaces shall be fully transparent. Stairways shall have a clear path of not less than 6 feet. Such access facilities shall consistent with and sympathetic to the design of the #High Line# on the #zoning lot#.
 - (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 total of at least 1,200 watts of power.

(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

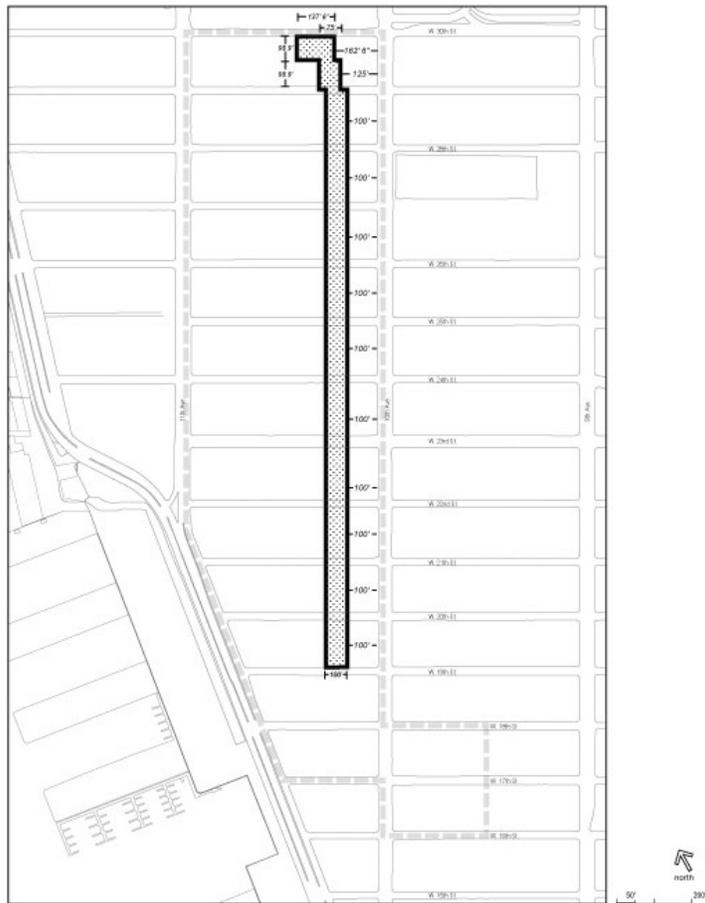
Each room within such upper service facilities shall have a minimum of one electrical outlet furnishing a total of at least 1,200 watts of power.

- (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

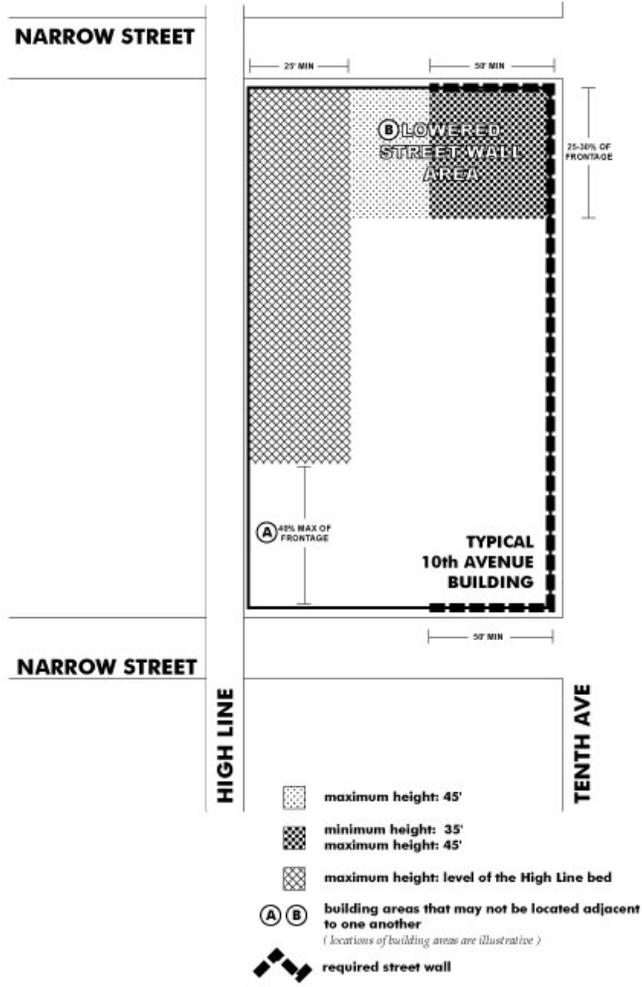
- (1) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (1) of Section (a) of this Appendix), Structural Remediation Work (where Owner has exercised the option under paragraph (1) of Section (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#.

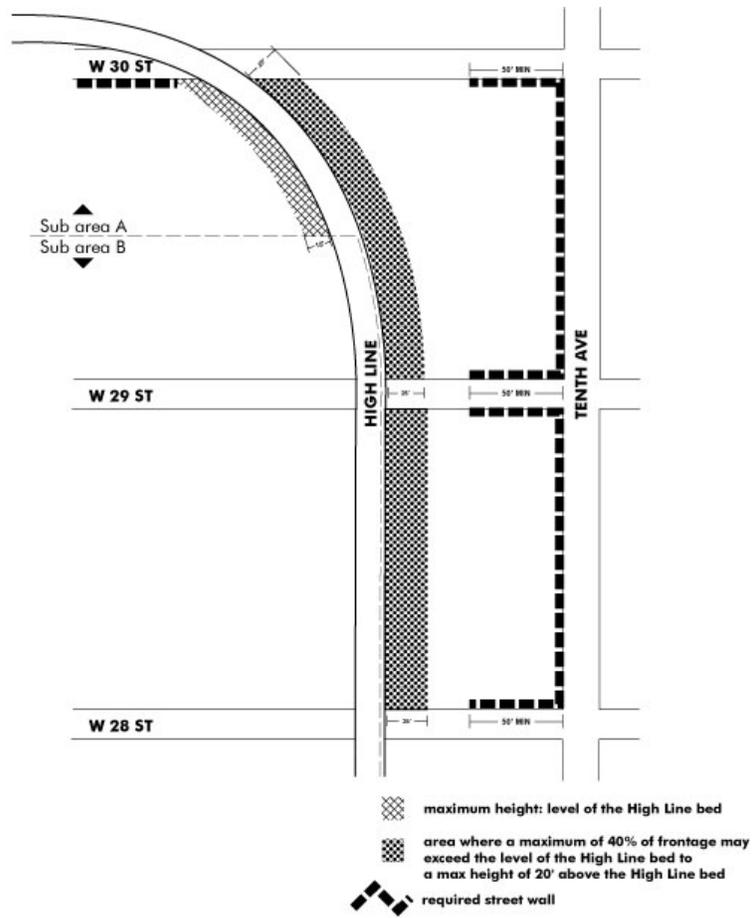


APPENDIX B
High Line Transfer Corridor Location

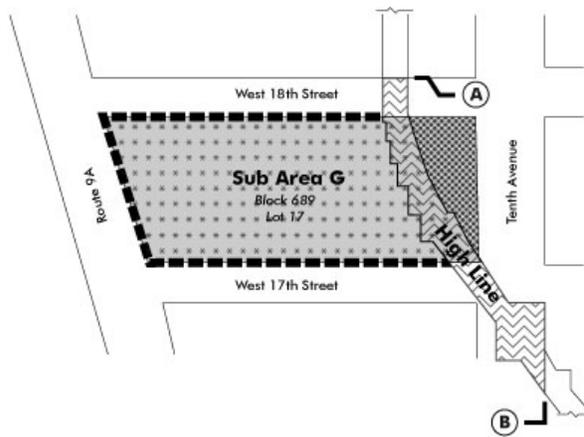
-  Special West Chelsea District boundary
-  High Line Transfer Corridor



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



APPENDIX C - Diagram 2
 Street wall and High Line frontage regulations in Subarea A



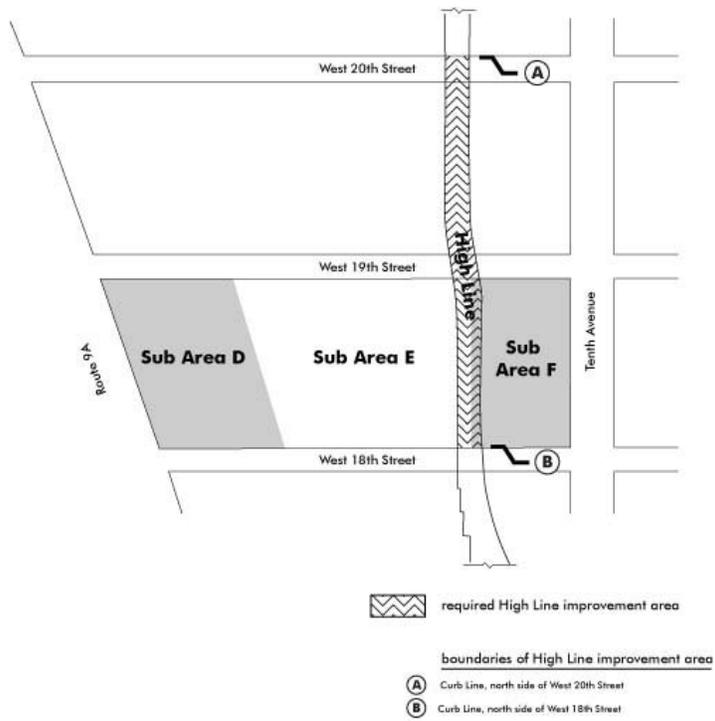
-  sub area G
-  required street wall
-  required public plaza area
-  area where building is permitted
-  required High Line improvement area

boundaries of High Line improvement area

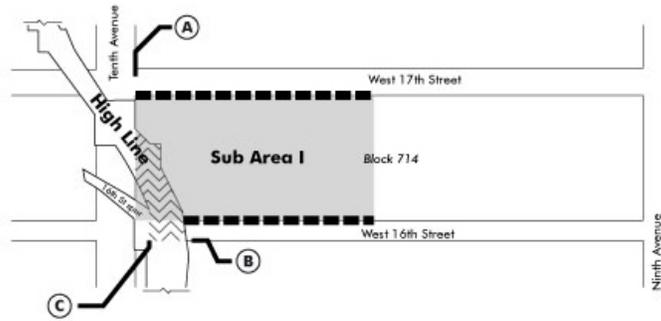
-  Curb Line, north side of West 18th Street
-  Curb Line, east side of Tenth Avenue

(High Line improvement area also includes Required Public Plaza area as indicated above)

APPENDIX C - Diagram 3
Sub Area G requirements



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

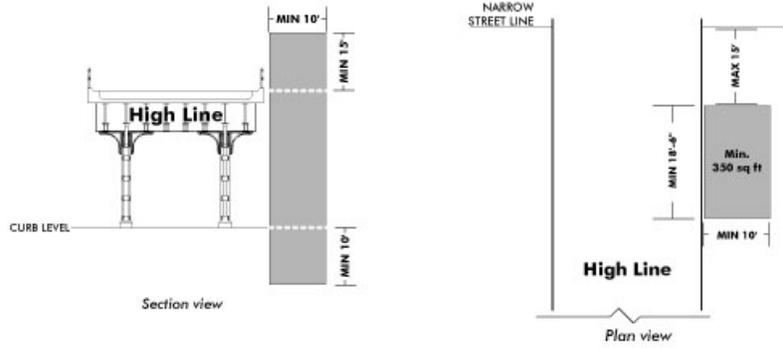


-  sub area I
-  required street wall
-  required High Line improvement area

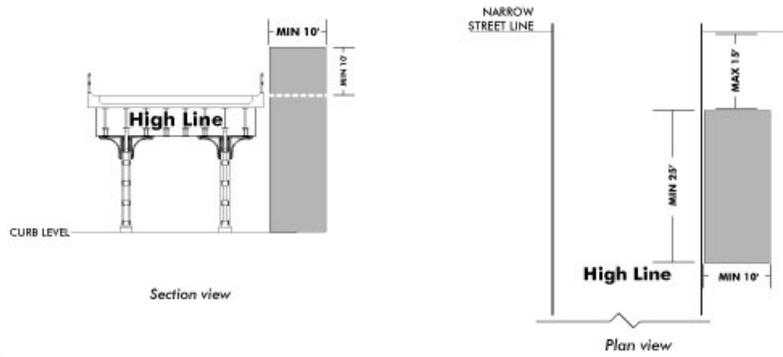
boundaries of High Line improvement area

- (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**

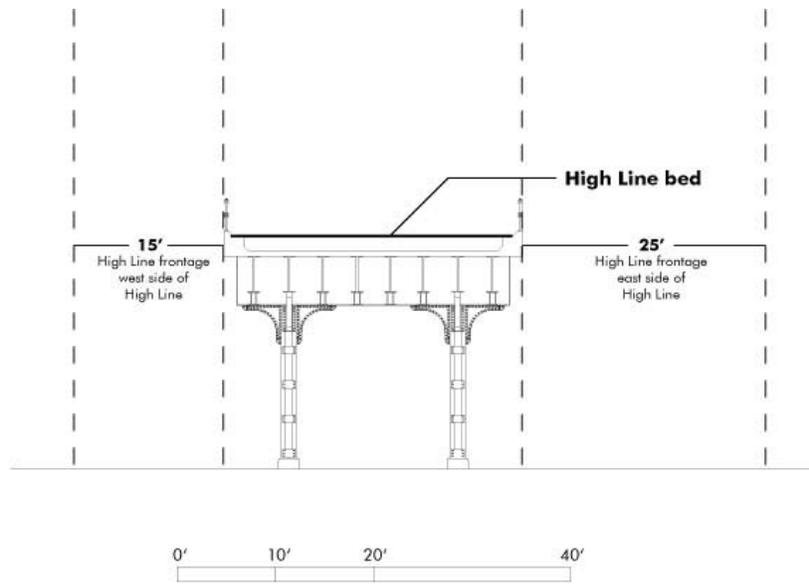


PRIMARY ACCESS EASEMENT VOLUME



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#.~~

* * *

Resolution for adoption scheduling April 6, 2005 for a public hearing.

No. 24

CD 4

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.

**SPECIAL WEST CHELSEA DISTRICT
PROPOSED ZONING TEXT AMENDMENTS**

Matter Underlined 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.

Story

* * *

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

12/5/91

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 in Article IX, Chapter 8 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, 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#.

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#:

- (c) 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#.

98-13
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 eastern #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	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.

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, #lot coverage# requirements shall apply to the entire #zoning lot# for the purposes of applying tower #lot coverage# regulations as set forth in paragraph (b) of Section 98-423.

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 Subarea H 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 within Subarea I or located partially within Subareas D, E, and G 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 Subarea I 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

- (d) 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);
- (e) that such granting site is vacant; and
- (f) 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) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section.

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 above the #base plane#, 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, 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.

(d) Subareas A and D

(1) #Street wall# location

The #street wall# location provisions set forth in paragraph (a) of this Section shall apply, except that for #zoning lots# with #wide# and #narrow street# frontage, no #street wall# is required beyond 50 feet of a #wide street#.

However, 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 220 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#. Neither tower shall exceed a height of 280 feet.

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 220 feet provided such #building# is located in its entirety within 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, M1-5	60	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)	125 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	220 See paragraph (b)
E	60	105	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)	120 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

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 for that portion of any #development# or #enlargement# located within 40 feet of the #High Line#. 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# shall exceed a height of 3 feet 6 inches above the level of the #High Line bed#.

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 area provided at the level of the #High Line bed# may be screened and/or separated 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 #High Line bed#. Non-vegetated screening materials must be substantially transparent. For the purposes of this Section, a 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 shall not be a permitted screening material. 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

- (1) Any #High Line# access structure, providing pedestrian access to the #High Line#, by stairway or elevator, may be located within such required open area;
- (2) The provisions of paragraph (g)(1)(Permitted obstructions) of Section 37-04 (Requirements for Urban Plazas) shall apply; and
- (3) Open air cafes and kiosks may be located in such required open area. 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:

- (1) 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
- (2) 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
- (3) for primary or secondary easements, access has already been constructed on the same block or on the same street frontage and that such access 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
- (4) for primary or secondary easements, construction documents for the #High Line# open space have been developed that specify the opposite side of the same street frontage as an access location.

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

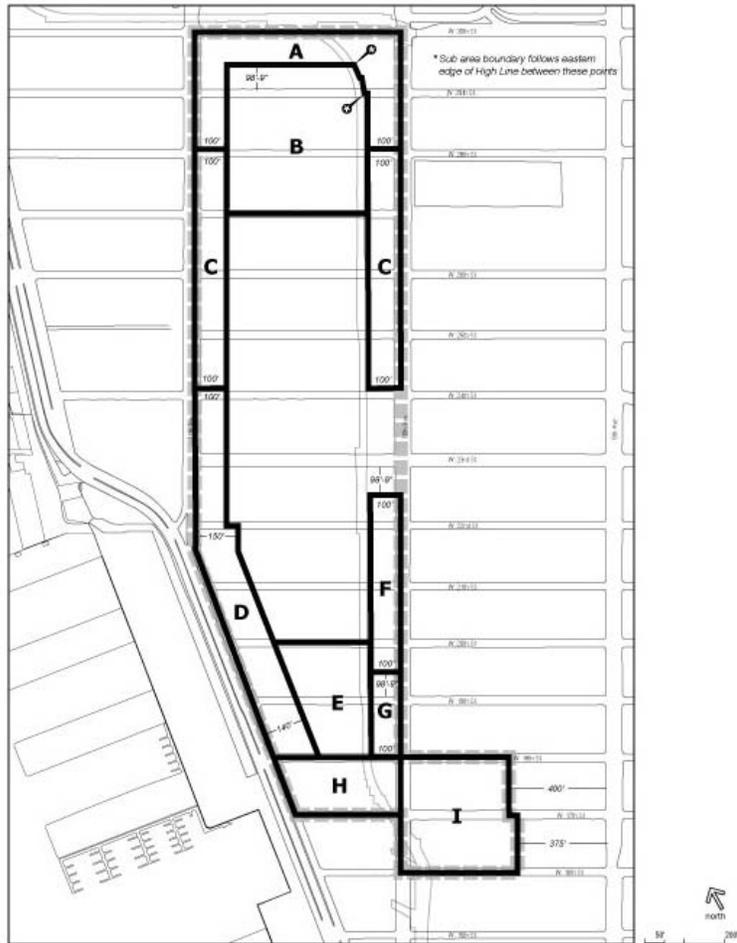
- (1) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (1) of Section (a) of this Appendix), Structural Remediation Work (where Owner has exercised the option under paragraph (1) of Section (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

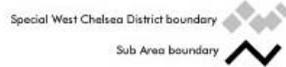
- (ii) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control

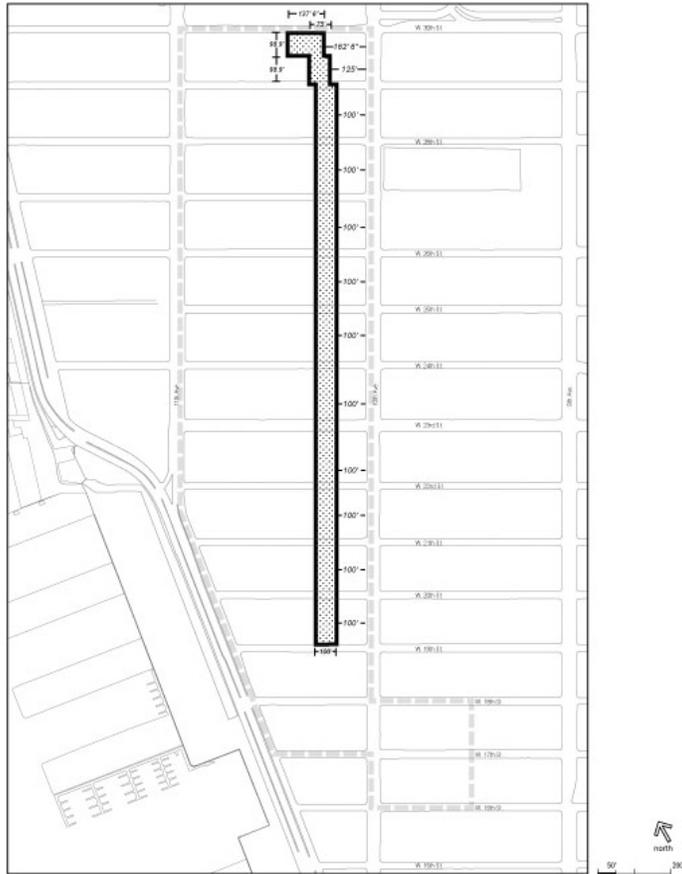
(3) In the event Owner does not comply with the requirements of paragraph (2) above:

- (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#.



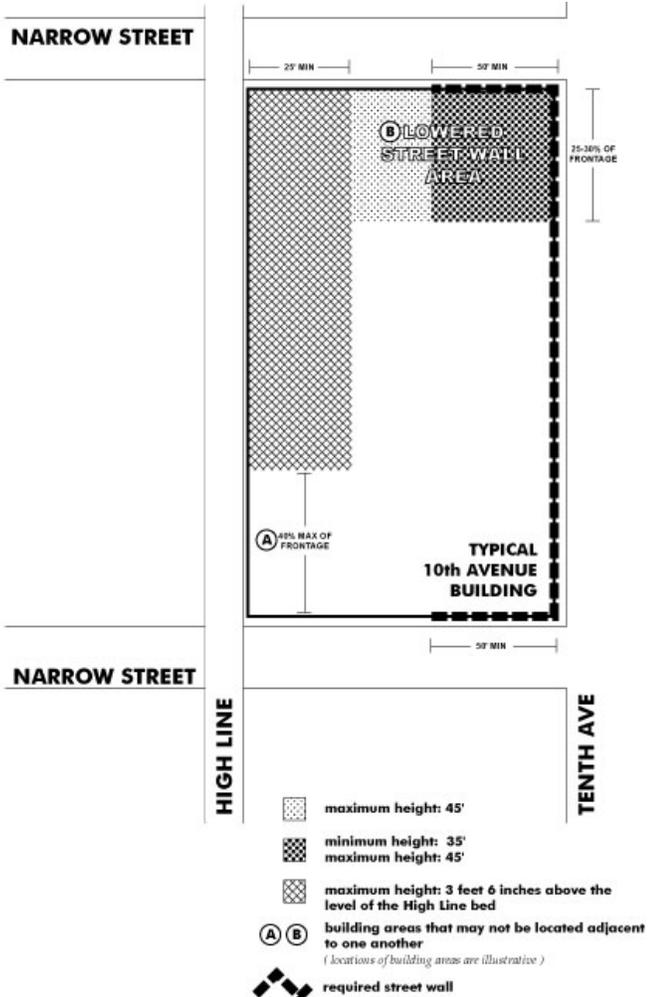
Appendix A: Special West Chelsea District and Subareas



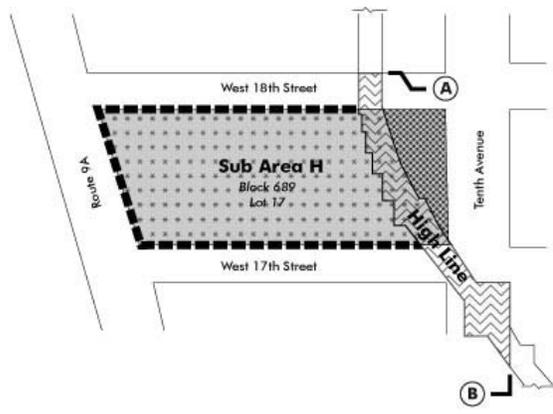


APPENDIX B
High Line Transfer Corridor Location

-  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

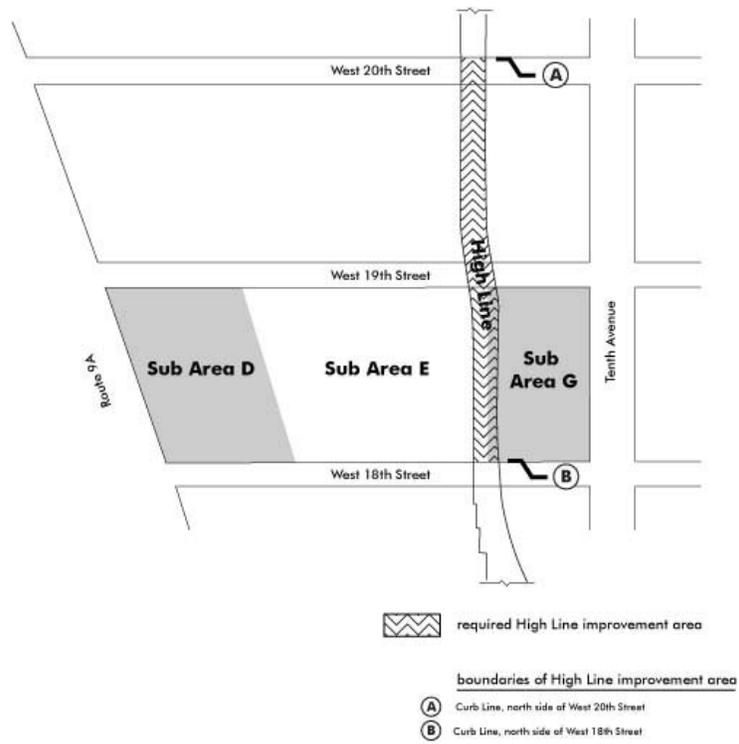


-  sub area H
-  required street wall
-  required public plaza area
-  area where building is permitted
-  required High Line improvement area

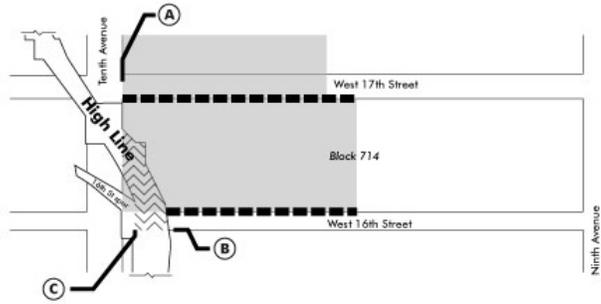
boundaries of High Line improvement area

- (A) Curb Line, north side of West 18th Street
 - (B) Curb Line, east side of Tenth Avenue
- (High Line improvement area also includes Required Public Plaza area as indicated above)

APPENDIX C - Diagram 3
Sub Area H requirements

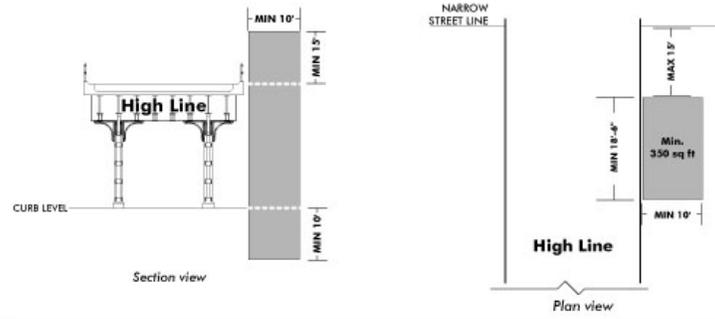


APPENDIX C - Diagram 4
High Line Improvement Area Boundaries
for Zoning Lots Divided by District Boundaries
in Subareas D, E and G

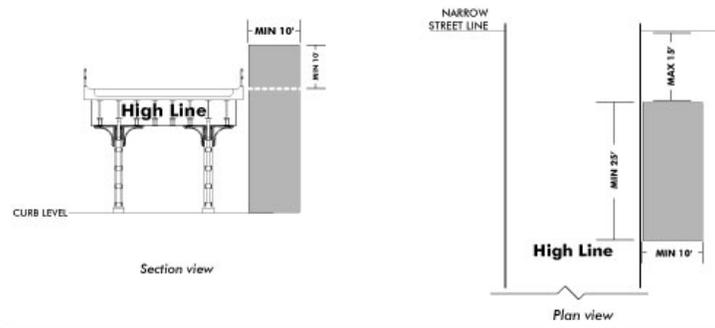


-  sub area I
 -  required street wall
 -  required High Line improvement area
- boundaries of High Line improvement area
- (A) Curb Line, east side of Tenth Avenue
 - (B) Curb Line, south side of West 16th Street
 - (C) Line separating main portion of High Line from 16th Street spur

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

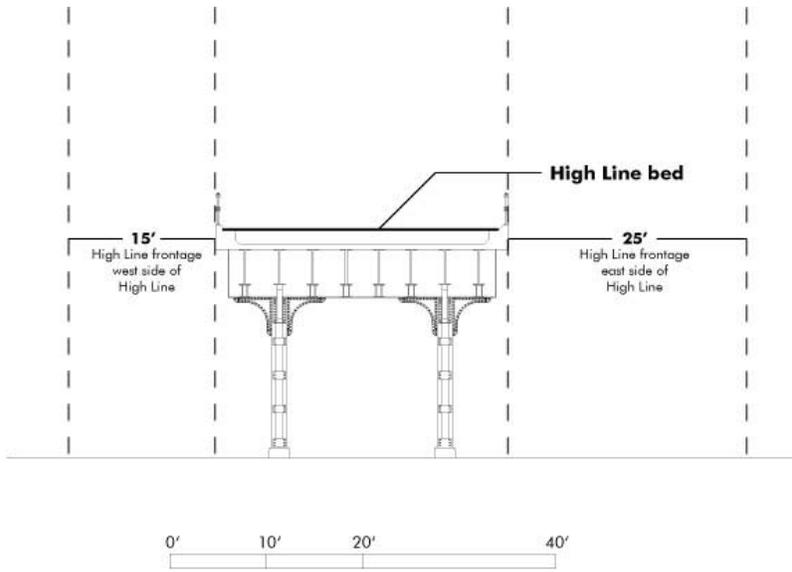


PRIMARY ACCESS EASEMENT VOLUME



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#.~~

* * *

Resolution for adoption scheduling April 6, 2005 for a public hearing.

No. 25

CD 2

C 050162 ZMM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b:

1. eliminating a Special Mixed Use District (MX-3) bounded by West 24th Street, Tenth Avenue, a line midway between West 22nd Street and West 23rd Street, a line 100 feet easterly of Eleventh Avenue, West 22nd Street, and Eleventh Avenue;
2. changing from an M1-5 District to a C6-2 District property bounded by:
 - a. a line midway between West 22nd Street and West 23rd Street, Tenth Avenue, West 18th Street, a line 150 feet easterly of Eleventh Avenue, West 20th Street, and a line 100 feet westerly of Tenth Avenue; and
 - b. West 18th Street, a line 400 feet westerly of Ninth Avenue, West 17th Street, and Tenth Avenue;
3. changing from an M1-5 District to a C6-3 District property bounded by:
 - a. a line midway between West 29th Street and West 30th Street, a line 100 feet westerly of Tenth Avenue, West 28th Street, Tenth Avenue, West 24th Street, a line 100 feet westerly of Tenth Avenue, West 27th Street, a line 100 feet easterly of Eleventh Avenue, West 24th Street, Eleventh Avenue, West 28th Street, and a line 100 feet easterly of Eleventh Avenue;
 - b. West 22nd Street, a line 150 feet easterly of Eleventh Avenue, West 18th Street and Eleventh Avenue; and
 - c. West 17th Street, a line 400 feet westerly of Ninth Avenue, West 16th Street, and Tenth Avenue;
4. changing from an M1-5 District to a C6-4 District property bounded by:
 - a. West 30th Street, Tenth Avenue, West 28th Street, a line 100 feet westerly of Tenth Avenue, a line midway between West 29th Street and West 30th Street, a line 100 feet easterly of Eleventh Avenue, West 28th Street, and Eleventh Avenue; and
 - b. West 18th Street, Tenth Avenue, West 17th Street, and Eleventh Avenue;
5. changing from an M1-5/R8A District to a C6-2A District property bounded by West 24th Street, a line 100 feet westerly of Tenth Avenue, a line midway between West 23rd Street and West 24th Street, and a line 100 feet easterly of Eleventh Avenue;

6. changing from an M1-5/R9A District to a C6-3A District property bounded by West 24th Street, Tenth Avenue, a line midway between West 22nd Street and West 23rd Street, a line 100 feet easterly of Eleventh Avenue, West 22nd Street, Eleventh Avenue, West 24th Street, a line 100 feet easterly of Eleventh Avenue, a line midway between West 23rd Street and West 24th Street, and a line 100 feet westerly of Tenth Avenue; and
6. establishing a Special West Chelsea District (WCh) bounded by West 30th Street, Tenth Avenue, West 18th Street, a line 400 feet westerly of Ninth Avenue, West 16th Street, Tenth Avenue, West 17th Street, and Eleventh Avenue;

as shown on a diagram (for illustrative purposes only) dated December 20, 2004, and subject to the conditions of CEQR Declaration E-142.

Resolution for adoption scheduling April 6, 2005 or a public hearing.

No. 26

CD 4

C 050162(A) ZMM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure **for an amendment of the Zoning Map, Section No. 8b:**

1. **eliminating a Special Mixed Use District (MX-3) bounded by** West 24th Street, Tenth Avenue, a line midway between West 22nd Street and West 23rd Street, a line 100 feet easterly of Eleventh Avenue, West 22nd Street, and Eleventh Avenue;
2. **changing from an M1-5 District to a C6-2 District property bounded by** a line midway between West 22nd Street and West 23rd Street, Tenth Avenue, West 18th Street, a line 140 feet easterly of Eleventh Avenue, West 20th Street, and a line 100 feet westerly of Tenth Avenue;
3. **changing from an R8 District to a C6-3 District property bounded by** West 17th Street, a line 375 feet westerly of Ninth Avenue, West 16th Street, and a line 400 feet westerly of Ninth Avenue;
4. **changing from an M1-5 District to a C6-3 District property bounded by:**
 - a. a line midway between West 29th Street and West 30th Street, a line 100 feet westerly of Tenth Avenue, West 28th Street, Tenth Avenue, West 24th Street, a line 100 feet westerly of Tenth Avenue, West 27th Street, a line 100 feet easterly of Eleventh Avenue, West 24th Street, Eleventh Avenue, West 28th Street, and a line

100 feet easterly of Eleventh Avenue;

- b. West 22nd Street, a line 150 feet easterly of Eleventh Avenue, a line 140 feet easterly of Eleventh Avenue, West 18th Street and Eleventh Avenue; and
- c. West 18th Street, a line 400 feet westerly of Ninth Avenue, West 16th Street, and Tenth Avenue;
- 5. **changing from an M1-5/R9A District to a C6-3 District property bounded by West 24th Street, a line 100 feet easterly of Eleventh Avenue, West 22nd Street, and Eleventh Avenue;**
- 6. **changing from an M1-5 District to a C6-4 District property bounded by:**
 - a. West 30th Street, Tenth Avenue, West 28th Street, a line 100 feet westerly of Tenth Avenue, a line midway between West 29th Street and West 30th Street, a line 100 feet easterly of Eleventh Avenue, West 28th Street, and Eleventh Avenue; and
 - b. West 18th Street, Tenth Avenue, West 17th Street, and Eleventh Avenue;
- 7. **changing from an M1-5/R8A District to a C6-2A District property bounded by West 24th Street, a line 100 feet westerly of Tenth Avenue, a line midway between West 23rd Street and West 24th Street, and a line 100 feet easterly of Eleventh Avenue;**
- 8. **changing from an M1-5/R9A District to a C6-3A District property bounded by a line midway between West 23rd Street and West 24th Street, and a line 100 feet westerly of Tenth Avenue, West 24th Street, Tenth Avenue, a line midway between West 22nd Street and West 23rd Street, and a line 100 feet easterly of Eleventh Avenue; and**
- 9. **establishing a Special West Chelsea District (WCh) bounded by West 30th Street, Tenth Avenue, West 18th Street, a line 400 feet westerly of Ninth Avenue, West 17th Street, a line 375 feet westerly of Ninth Avenue, West 16th Street, Tenth Avenue, West 17th Street, and Eleventh Avenue;**

as shown on a diagram (for illustrative purposes only) dated March 3, 2005, and subject to the conditions of CEQR Declaration E-142.

Resolution for adoption scheduling April 6, 2005 for a public hearing.

No. 27

CD 2 AND 4

C 050163 PCM

IN THE MATTER OF an application submitted by the Department of Citywide Administra-

tive Services pursuant to Section 197-c of the New York City Charter for site selection and acquisition of the High Line rail structure and associated easements (Blocks 644-646, 712-714, and 689-702), located between Gansevoort Street, Tenth and Eleventh avenues, and West 30th Street, Community Districts 2 and 4, Borough of Manhattan, for use as public open space.

Resolution for adoption scheduling April 6, 2005 for a public hearing.

NOTICE

On Wednesday, April 6th at 10 a.m. at the Tribeca Performing Arts Center of the Borough of Manhattan Community College, Theater Two, located at 199 Chambers Street (between Greenwich and West Streets), New York, New York, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to the Draft Environmental Impact Statement (DEIS) concerning the Special West Chelsea District Rezoning and High Line Open Space, a proposal by the New York City Department of City Planning involving zoning map and text amendments, and site selection and acquisition actions (to facilitate the creation of a publicly accessible open space on the High Line) affecting the West Chelsea and Gansevoort Market areas of Manhattan, Community Districts 2 and 4.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 03DCP069M.

II. REPORTS

BOROUGH OF BROOKLYN

No. 28

ENGINE 201 FIRE HOUSE

CD 7

C 050132 PCK

IN THE MATTER OF an application submitted by the Fire Department and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for site selection and acquisition of property located at 5117 Fourth Avenue (Block 799, Lot 3); for use as a fire station.

(On February 2, 2005, Cal. No. 1, the Commission scheduled February 16, 2005 for a public hearing. On February 16, 2005, Cal. No. 10, the hearing was closed.)

For consideration.

No. 29

110 LIVINGSTON STREET GARAGE

CD 2

C 050095 ZSK

IN THE MATTER OF an application submitted by Two Trees Management Corporation and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 333 spaces (including 42 accessory spaces) on a portion of the first floor, in the cellar and the sub-cellar of an existing 12-story mixed use building on property located at 110 Livingston Street (Block 269, Lot 1), in a C5-4 District, within the Special Downtown Brooklyn District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On February 2, 2005, Cal. No. 2, the Commission scheduled February 16, 2005 for a public hearing. On February 16, 2005, Cal. No. 11, the hearing was closed.)

For consideration.

No. 30

CAMBA

CD 14

N 050251 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for:

- 1) The designation of property located at 1247 Flatbush Avenue (Block 5210, Lot 17), as an Urban Development Action Area; and
- 2) An Urban Development Action Area Project for such area;

to facilitate development of a four-story building tentatively known as CAMBA, with approximately 46 units of housing for low income persons, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program.

(On February 16, 2005, Cal. No. 1, the Commission scheduled March 2, 2005 for a public hearing. On March 2, 2005, Cal. No. 4, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN

No. 31

45 LISPENARD STREET

CD 1

C 040163 ZSM

IN THE MATTER OF an application submitted by Lispenard Studios Corp. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 111-50 of the Zoning Resolution **to modify the use regulations of Sections 111-101 and 111-102(b) to allow two loft dwellings on the first floor and mezzanine and accessory uses in the cellar floor of an existing 9-story building located at 45 Lispenard Street** (Block 216, Lot 26), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B1).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On February 2, 2005, Cal. No. 3, the Commission scheduled February 16, 2005 for a public hearing. On February 16, 2005, Cal. No. 12, the hearing was closed.)

For consideration.

No. 32

THE KALAHARI

CD 10

C 050164 HAM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 59-65, and 31-35 West 115th Street and 24-48 West 116th Street, p/o Sites 32A and 33, within the Milbank Frawley Circle West Urban Renewal Area (Block 1599 Lots 13-15, 17-18, 47-53, 56, 58-59) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and

2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of an eight- and twelve-story mixed-use building, tentatively known as the Kalahari, with approximately 249 residential units, commercial and community facility space, to be developed under HPD's Cornerstone Program.

On February 16, 2005, Cal. No. 9, the Commission scheduled March 2, 2005 for a public hearing. On March 2, 2005, Cal. No. 8, the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

No. 33

CHARLES DREW DAY CARE CENTER

CD 13

C 050045 PQQ

IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 109-45 207th Street (Block 10917, Lot 29), for continued use as a day care center.

(On February 2, 2005, Cal. No. 4, the Commission scheduled February 16, 2005 for a public hearing. On February 16, 2005, Cal. No. 13, the hearing was closed.)

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF THE BRONX

No. 34

WILLIS AVENUE DETENTION CENTER

CD 1

C 040413 PCX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Probation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for site selection and acquisition of property located at 416-426 Willis Avenue (Block 2289, Lot 3) ,for use as an alternative to a detention program facility.

(On March 2, 2005, Cal. No. 1, the Commission scheduled March 16, 2005 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 35

137 WOOSTER STREET

CD 2

C 040454 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by 137 Wooster Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712 of the Zoning Resolution to modify the use regulations for a proposed development on a zoning lot that is vacant to allow Use Group 6 uses on the ground floor and cellar and to allow residential use (Use Group 2 uses) on the 2nd through 8th floors of a proposed 8-story building on property located at 137 Wooster Street and at **455 West Broadway (Block 515, Lots 3 and 34)**, in the SoHo Cast Iron Historic District, within an M1-5A District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On March 2, 2005, Cal. No. 2, the Commission scheduled March 16, 2005 for a public hearing which has been duly advertised.)

Close the hearing.

No. 36

HANCOCK PLACE APARTMENTS

CD 9

C 050204 HAM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 350, 352, 354 and 356 West 124th Street (Block 1950, Lots 57-60) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a seven-story building, tentatively known as Hancock Place Apartments, with approximately 53 units of low income housing, to be developed under the New York State Housing Trust Fund Program.

(On March 2, 2005, Cal. No. 3, the Commission scheduled March 16, 2005 for a public hearing which has been duly advertised.)

Close the hearing.

**IV. CITY PLANNING COMMISSION 2005 SCHEDULE OF MEETINGS
January 1 to June 30**

	SUN	MON	TUE	WED	THU	FRI	SAT	Notes
JANUARY	2	3 REVIEW SESSION	4	5 CPC PUBLIC MEETING	6	7	8 CITY COUNCIL MEETING	*Review Session will be held on <u>Tuesday</u> , January 10 th
	9	10	11	12	13	14	15	
	16	17 REVIEW SESSION	18	19 CPC PUBLIC MEETING	20	21	22	
	23	24	25	26	27	28	29	
	30	31 REVIEW SESSION						
FEBRUARY			1	2 CPC PUBLIC MEETING	3	4	5	
	6	7	8	9 ASH WEDNESDAY	10	11	12	
	13	14 REVIEW SESSION	15	16 CPC PUBLIC MEETING	17	18	19	
	20	21 PRESIDENT'S DAY	22	23	24	25	26	
	27	28 REVIEW SESSION						
MARCH			1	2 CPC PUBLIC MEETING	3	4	5	
	6	7	8	9	10	11	12	
	13	14 REVIEW SESSION	15	16 CPC PUBLIC MEETING	17	18	19	
	20	21	22	23 DR. MARTIN LUTHER KING, JR. BIRTHDAY	24	25	26	
	27	28 REVIEW SESSION	29	30 CPC PUBLIC MEETING	31			
APRIL						1	2	
	3	4	5	6	7	8	9	
	10	11 REVIEW SESSION	12	13 CPC PUBLIC MEETING	14	15	16	
	17	18	19	20	21	22	23	
	24	25 REVIEW SESSION	26	27 CPC PUBLIC MEETING	28	29	30	
MAY	1	2	3	4	5	6	7	
	8	9 REVIEW SESSION	10	11 CPC PUBLIC MEETING	12	13	14	
	15	16	17	18	19	20	21	
	22	23 REVIEW SESSION	24	25 CPC PUBLIC MEETING	26	27	28	
	29	30 MAYOR'S BIRTHDAY	31					
JUNE				1	2	3	4	
	5	6 REVIEW SESSION	7	8 CPC PUBLIC MEETING	9	10	11	
	12	13	14	15	16	17	18	
	19	20 REVIEW SESSION	21	22 CPC PUBLIC MEETING	23	24	25	
	26	27	28	29	30			

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.

