

Matter in underline is new, to be added;

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

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

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

## **Article IX - Special Purpose Districts**

### **Chapter 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.

\* \* \*

#### **98-02**

##### **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 Sections 98-11 (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and ~~98-17~~ 98-16 (Air Space over a Railroad or Transit Right-of-way or Yard) 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 The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter.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. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

\* \* \*

**98-10  
SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT**

\* \* \*

**98-12  
Modification of Use Regulations in C6 Districts**

\* \* \*

**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 commercial uses) are modified to permit #commercial uses# ~~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 #commercial uses# ~~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 #commercial uses# ~~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#.

\* \* \*

**98-15**

**Security Gates**

All security gates installed after June 23, 2005, that are swung, drawn, or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the 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 98-15**

**Signs**

\* \* \*

**98-17 98-16**

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

\* \* \*

**98-18 98-17**

**Parking Regulations in Subarea H**

\* \* \*

**98-19 98-18**

**Lighting**

\* \* \*

**98-20**

**FLOOR AREA AND LOT COVERAGE REGULATIONS**

\* \* \*

**98-22**

**Maximum Floor Area Ratio and Lot Coverage in Subareas**

For all #zoning lots#, or portions thereof, located in Subareas A through J, 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 table in this Section. 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. For the conversion to dwelling units of non-residential floor area where the total residential floor area on the zoning lot will exceed the applicable basic maximum floor area ratio specified in the table in this Section, such excess residential floor area shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

\* \* \*

**98-40  
SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS  
REGULATIONS**

**98-41  
Special Rear Yard Regulations**

The yard regulations of the underlying district shall apply, except as modified in this Section. In all districts, no rear yard regulations shall apply to any zoning lot that includes a through lot portion that is contiguous on one side to two corner lot portions and such zoning lot occupies the entire block frontage of the street. Where a rear yard equivalent is required by either Section 23-532 (Required rear yard equivalents) or Section 43-28 (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (a) of either Section, as applicable. However, in M1-5 Districts, a building existing prior to January 22, 2015, may be enlarged pursuant to Section 43-28, paragraph (b), provided that such building is on a zoning lot located entirely within 150 feet of the west side of the High Line. Where a rear yard equivalent is required by Section 23-533 (Required rear yard equivalents for Quality Housing buildings), the alternatives for through lots with a depth of 190 feet or less shall not apply.

**98-42  
Special Height and Setback Regulations**

\* \* \*

**98-423  
Street wall location, minimum and maximum base heights and maximum building heights**

The provisions set forth in paragraph (a) of this Section shall apply to all buildings or other structures. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (g) of this Section.

\* \* \*

(a) For all buildings

(1) #Street wall# location provisions

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section. On #narrow street# frontages, beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section.

\* \* \*

(2) Maximum #building# heights

(i) For C6-2A and C6-3A Districts

In C6-2A and C6-3A, the maximum base height, maximum #building# height and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for the residential equivalent of an R8A and R9A District, respectively. For #developments# or #enlargements# providing #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#, such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (a) of Section 23-664 for such districts' applicable residential equivalent. Separate maximum #building# heights are set forth within such Sections for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662.

(ii) For all other districts

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in the table in this Section 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 the table in this Section.

\* \* \*

Minimum and Maximum Base Height and Maximum Building Height

by District or Subarea

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
C6-2A		60	85	120
C6-3A		60	102	145
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	____ <sup>1</sup>
	between 50 and 100 feet of a #wide street#	15	85	____ <sup>1</sup>
	for #zoning lots# with only #narrow street# frontage	40	60	____ <sup>1</sup>
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105 <sup>2</sup>	125 <sup>2</sup>	125 <sup>2</sup>
	for #zoning lots# with Eleventh Avenue frontage	125 <sup>2</sup>	145 <sup>2</sup>	145 <sup>2</sup>
Subarea D		60	90	250 <sup>1</sup>
Subarea E		60	105 <sup>3</sup>	120 <sup>3</sup>
Subarea F		60 <sup>2</sup>	80 <sup>2</sup>	80 <sup>2</sup>
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105 <sup>2</sup>	120 <sup>2</sup>	120 <sup>2</sup>
Subarea H		60 <sup>4</sup>	85 <sup>4</sup>	____ <sup>4</sup>
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120 <sup>5</sup>
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110 <sup>6</sup>	130 <sup>6</sup>
	Ninth Avenue Zone	NA	130 <sup>6</sup>	135 <sup>6</sup>
	Tenth Avenue Zone	NA	185 <sup>6</sup>	230 <sup>6</sup>

\* \* \*

**98-50**

**SPECIAL HEIGHT AND SETBACK, OPEN AREA AND TRANSPARENCY REGULATIONS FOR ZONING LOTS ADJACENT TO THE HIGH LINE**

\* \* \*

**98-53**

**Required Open Areas on the East Side of the High Line**

\* \* \*

(a) Open area requirements

All required open areas shall:

\* \* \*

- (5) for open area screening, required open areas may be screened from the public areas of the #High Line# by a wall, fence, or plantings extending not higher than eight feet above the average elevation of the open area. All screening materials must be substantially transparent. For the purposes of this Section, substantially transparent screening is defined as transparent, or non-opaque, in an evenly distributed fashion for at least 75 percent of its area. Chain link fences and razor wire shall not be permitted. Vegetated screening, such as shrubs, vines and other plantings, may be opaque if completely covered by vegetation, 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~~ 98-15.

\* \* \*

**98-70**

**SUPPLEMENTAL REGULATIONS**

\* \* \*

In addition, Section 93-90, paragraph (d)(3), is modified as follows:

No portion of the #low income housing# required under this Section shall qualify to:

- (a) increase the #floor area ratio# pursuant to the provisions of the #Special West Chelsea District#, #Special Hudson Yards District#, #Special Garment Center District#, #Special Clinton District# or Section ~~23-154~~ ~~23-90~~; or
- (b) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

\* \* \*

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

\* \* \*

- (b) Requirements for issuance of certificates of occupancy pursuant to paragraph (c) of Section 98-25:

\* \* \*

- (2) Stairway and Elevator Access Work pursuant to paragraph (c)(3) of Section 98-25:

\* \* \*

- (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 (a)(1)(iii) 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 six 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~~ 98-15.

\* \* \*

END