

**COUNCIL OF THE CITY OF NEW YORK**

**CALENDAR**  
**OF**  
**THE LAND USE COMMITTEE**  
**FOR THE WEEK OF NOVEMBER 9 – NOVEMBER 20, 2009**

**MELINDA R. KATZ**, *Chair*, Land Use Committee

**TONY AVELLA**, *Chair*, Subcommittee on Zoning and Franchises

**JESSICA S. LAPPIN**, *Chair*, Subcommittee on Landmarks, Public Siting  
and Maritime Uses

**DANIEL R. GARODNICK**, *Chair*, Subcommittee on Planning, Dispositions  
and Concessions

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# **SUBCOMMITTEE ON ZONING AND FRANCHISES**

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Chambers, City Hall, New York City, New York 10007, commencing at 9:30 a.m. on Tuesday, November 17, 2009:

## **L.U. No. 1244 FRESH FOODS ZONING TEXT**

**CITYWIDE**

**N 090412 ZRY**

Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) concerning provisions related to the establishment of FRESH Food Stores.

### **Article VI**

#### **Special Regulations Applicable to Certain Areas**

\* \* \*

### **Chapter 3**

#### **Special Regulations Applying to FRESH Food Stores**

### **63-00**

#### **GENERAL PURPOSES**

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;
- (b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;
- (c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and
- (d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.

### **63-01 Definitions**

FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6), where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non-food grocery products shall be distributed as follows:

- a) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and

- b) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, and frozen foods and may include fresh meats, poultry and fish, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR FRESH FOOD STORE).

### **63-02 Applicability**

- (a) 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.
- (b) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (c) of this Section:
  - (1) In the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7 except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;
  - (2) In the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17 except portions of Community District 8, as shown on Map 2 in Appendix A;
  - (3) In the Borough of Manhattan, Community Districts 9, 10, 11 and 12 except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and
  - (4) In the Borough of Queens, the #Special Downtown Jamaica District#.
- (c) The provisions of this Chapter shall not apply to the following Special Purpose Districts:  
#Special Madison Avenue Preservation District#; #Special Manhattanville Mixed Use District#; #Special Park Improvement District#; and #Special Hunts Point District#.

### **63-10**

#### **SPECIAL USE REGULATIONS**

### **63-11**

#### **Special Use Regulations for FRESH Food Stores in M1 Districts**

In M1 Districts, the regulations of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit Use Group 6A food stores with #floor area# greater than 30,000 square feet.

### **63-12**

#### **Special Sign Regulations**

All permitted #signs# shall be subject to the provisions of the #sign# regulations of the underlying districts. In addition, a #FRESH food store# shall provide signage pursuant to this Section.

A #sign# comprised of the #FRESH food store# graphic as shown on the Department of City Planning website ([www.nyc.gov](http://www.nyc.gov)) shall be mounted on an exterior #building# wall adjacent to and no more than five feet from the principal entrance of the #FRESH food store#. The #sign# shall be placed so that it is directly visible, without any obstruction, to customers entering the #FRESH food store#, and at a height no less than three feet and no more than five feet above the adjoining grade. Such #FRESH food store# graphic shall be no less than 12 inches by 12 inches and no more than 16 inches by 16 inches in size and shall be fully opaque, non reflective and constructed of permanent, highly durable materials.

## **63-20**

### **SPECIAL BULK AND PARKING REGULATIONS**

## **63-21**

### **Special Floor Area Regulations**

## **63-211**

### **For mixed buildings in Commercial Districts containing FRESH food stores**

The provisions of Section 35-31 (Maximum Floor Area Ratio for Mixed Buildings) relating to the maximum permitted #floor area ratio# for each permitted #use# shall apply, and the provisions relating to the total of all such #floor area ratios# shall be modified in accordance with the provisions of this Section. Where all non-#residential uses# in such #mixed building# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use#, the total #floor area# permitted for such #mixed building# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

## **63-212**

### **For mixed use buildings in Special Mixed Use Districts containing FRESH food stores**

The provisions of Section 123-64 (Maximum Floor Area Ratio and Lot Coverage Requirements For Mixed Use Buildings) relating to the maximum permitted #floor area ratio# for each permitted #use# shall apply, and the provisions relating to the total of all such #floor area ratios# shall be modified in accordance with the provisions of this Section. Where all non-#residential uses# in such #mixed use building# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use#, the total #floor area# permitted for such #mixed use building# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

## **63-22**

### **Authorization to Modify Maximum Building Height**

For #mixed buildings# or #mixed use buildings# containing a #FRESH food store#, the City Planning Commission may authorize modifications to Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 123-66 (Height and Setback Regulations) to allow the applicable maximum building height to be increased by up to 15 feet, provided that the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is at least 14 feet above the #base plane# or #curb level#, as applicable.

In order to grant such authorizations, the Commission shall find that:

- (a) such modifications are necessary to accommodate a first #story# utilized as a #FRESH food store#;
- (b) the proposed modifications shall not adversely affect the essential scale and character of the adjacent buildings and any adjacent historic resources; and
- (c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects

on the character of the surrounding area.

## 63-23

### Special Transparency Requirements

For all #FRESH food stores#, the ground floor level of the #street wall# fronting upon a principal #street# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. No less than 50 percent of the area of such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

Furthermore, for #buildings# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this

Section shall only be applicable to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson of the City Planning Commission may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #mixed building# or #mixed use building# is a recipient of #public funding# as defined in Section 23-911 (General Definitions). Such reduced glazing may occupy no less than 50 percent of the area of such ground floor level #street wall# and shall be glazed with transparent materials.

## 63-24

### Security Gates

All security gates installed between the #street wall# and the #street line# (after effective date of amendment), that are swung, drawn or lowered to secure #FRESH food store# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

## 63-25

### Required Accessory Off-street Parking Spaces in Certain Districts

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3, and C4-3 Districts, the #accessory# off-street parking regulations in Section 3 6-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store#.
- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, a #FRESH food store# shall provide #accessory# off-#street# parking spaces as required for #uses# in parking category B in the applicable #Commercial# and #Manufacturing Districts#.
- (c) In C8-1, C8-2, M1-1, M1-2, and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 3 6-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.
- (d) The provisions of this Section shall not apply to:
  - (1) In the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix B of this Chapter;
  - (2) In the Borough of Brooklyn, portions of Community District 5, as shown on Map 2 in Appendix B;
  - (3) In the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix B; and

- (4) In the Borough of Queens, the #Special Downtown Jamaica District#.

## 63-30

### CERTIFICATION FOR A FRESH FOOD STORE

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use # is a #FRESH food store#, provided that:

- (a) drawings have been submitted to the Chairperson that clearly specify:
- (1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout, that such designated space is designed and arranged to meet the requirements for food and non-food grocery products, pursuant to Section 63-01;
  - (2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section 63-21, including the location of such #floor area#;
  - (3) the size, format and location of the required #sign#, pursuant to Section 63-12, including detailed information about dimensions of the #sign#, lettering, color and materials;
  - (4) the location of the ground floor level #street wall# fronting upon a principal #street#, pursuant to Section 63-23;
- (b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and
- (c) a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar space# as a #FRESH food store# shall not apply during any:

- (1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or
- (2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable to the Department, shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Chapter.

In granting the certification, the Chairperson may specify that minor changes in store layout consistent with the definition of a #FRESH food store# in Section 63-01 shall not warrant further certification pursuant to this Section.

No later than the date on which an application for certification pursuant to this Section is first submitted, a copy of the drawings submitted pursuant to paragraph (a) of this Section shall be submitted by the applicant to the affected Community Board, which shall have 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments regarding such proposal or informs the Chairperson that the Community Board has no comments.

## 63-31

### Requirements for Certificate of Occupancy

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (a) (2) of Section 63- 30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in such drawings until the #FRESH food store# space has been completed in accordance with the drawings submitted pursuant to paragraph (a) (1) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

## **63-40**

### **CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE**

A #FRESH food store# for which a certification has been issued pursuant to Section 63-30 may be changed to any #use# permitted by the underlying district upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required #accessory# off-street parking spaces under the applicable district regulations.

If a certification pursuant to this Section is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30 shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

## **63-50**

### **AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS**

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts, when a change of #use# of a #FRESH food store# for which a certification has been issued pursuant to Section 63- 30, would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required #accessory# off- street parking spaces under the applicable district regulations, provided that such #use# is permitted by the underlying districts.

In order to grant such authorization, the Commission shall find that:

- (e) due to the market conditions prevalent at the time of the application, there is no reasonable possibility that the operation of a #FRESH food store# will bring a reasonable return;
- (f) the applicant, the operator or a prior operator of such #FRESH food store# has not created, or contributed to, such unfavorable market conditions;
- (g) the applicant, the operator or a prior operator of such #FRESH food store# has undertaken commercially reasonable efforts to secure a new operator, and demonstrates to the City Planning Commission that such efforts have been unsuccessful;
- (h) any proposed #non-compliance# or increase in the degree of #non-compliance# will not be incompatible with or adversely affect adjacent #uses# including #uses# within the building; and
- (i) any reduction of required #accessory# off-street parking shall not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement.

If such authorization is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30, shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

In issuing authorizations under this Section, the Commission may impose conditions and safeguards, to minimize adverse impacts on the character of the surrounding area.

## **63-60 COMPLIANCE**

No later than June 30 of the year, beginning in the first calendar year following the calendar year in which certification was made and at three year intervals thereafter, the Chairperson shall be provided with an affidavit, in a form acceptable to the Department of City Planning, regarding compliance with the requirements of the declaration of restrictions and the regulations of this Chapter, as of a date of inspection which shall be no earlier than June 1<sup>st</sup> of the year in which the affidavit is filed. Such affidavit shall be provided by the owner(s) of the tax lot(s) on which the #FRESH food store# is located. Such affidavit shall include, without limitation.

- (a) A copy of the original #FRESH food store# certification letter and if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;
- (b) A statement that the #floor area# or #cellar# space that was certified to be operated as a #FRESH food store# continues to be operated as such in accordance with the declaration of restrictions; and
- (c) Photographs documenting the condition of the #FRESH food store# at the time of inspection, sufficient to clearly show all #floor area# or #cellar# space operated as #FRESH food store #.

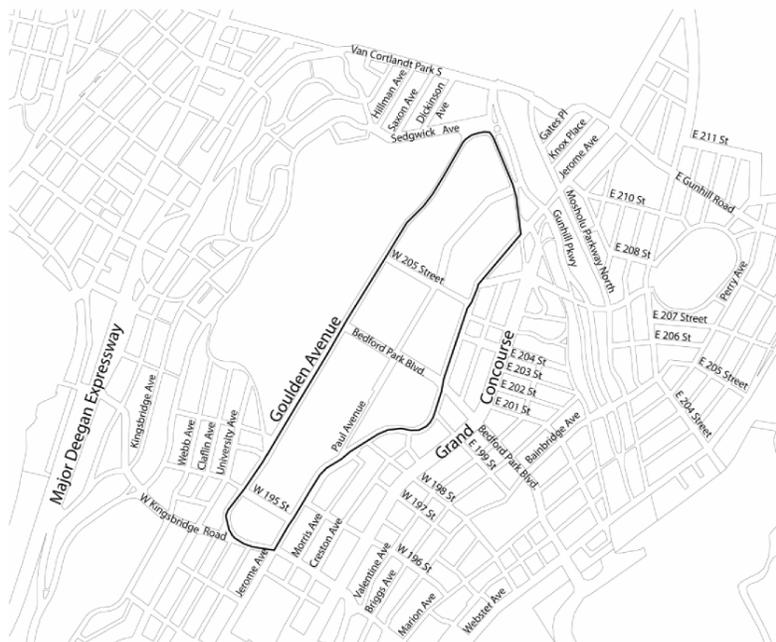
Failure to comply with a condition or restriction in an authorization or certification granted pursuant this Chapter or with approved plans related thereto, or failure to submit a required compliance report, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation or such authorization or certification, and for all other applicable remedies.

## APPENDIX A

### FRESH FOOD STORE DESIGNATED AREAS: EXCLUDED PORTIONS

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability) of this Chapter. Excluded portions of community districts are shown on the following maps.

Map 1. Excluded Portions of Community District 7, Bronx



Map 2. Excluded Portions of Community District 8, Brooklyn



Map 3. Excluded Portions of Community District 9, Manhattan





Map 2. Excluded portions of Community District 5, Brooklyn



Map 3. Excluded portions of Community Districts 16 and 17, Brooklyn



**CAFÉ SELECT**

**MANHATTAN CB - 2**

**20095546 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates, LLC, d/b/a Café Select, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café at 212 Lafayette Street.

**L.U. No. 1252**

**CIVETTA**

**MANHATTAN CB - 2**

**20105053 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 98 Kenmare Restaurant Group, LLC, d/b/a Civetta, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café at 98 Kenmare Street.

**L.U. No. 1253**

**1800 WILLIAMSBRIDGE ROAD**

**BRONX CB - 11**

**M 770073 (A) ZMX**

Application submitted by FGP West Street LLC for a modification to Restrictive Declaration D-28 (C 770073 ZMX) involving property located at 1800 Williamsbridge Road (Block 4200, Lots 35 and 46), in an R4/C1-2 District.

**L.U. No. 1254**

**131-7 BERRY STREET ZONING CHANGE**

**BROOKLYN CB - 9**

**C 090096 ZMK**

Application submitted by Tibetan LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by establishing within an existing R6B District a C2-4 District bounded by North 7<sup>th</sup> Street, a line 100 feet southeasterly of Berry Street, a line midway between North 6<sup>th</sup> Street and North 7<sup>th</sup> Street, and Berry Street, Borough of, as shown on a diagram (for illustrative purposes only) dated June 1, 2009.

**L.U. No. 1255**

**WEST 129<sup>TH</sup> STREET ZONING**

**CHANGE**

Application submitted by West 129<sup>th</sup> Street Realty I LLC and West 129<sup>th</sup> Street Realty II LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

1. changing from an R7-2 District to an R7A District property bounded by:
  - a. West 130<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 129<sup>th</sup> Street, and Amsterdam Avenue; and
  - b. West 130<sup>th</sup> Street, Convent Avenue, West 129<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue; and
2. changing from an M1-1 District to an R7A District property bounded by West 130<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 129<sup>th</sup> Street, and a line 100 feet easterly of Amsterdam Avenue;

as shown on a diagram (for illustrative purposes only) dated June 1, 2009, and subject to the conditions of CEQR Declaration E-239.

**L.U. NOS. 1256 - 1259 ARE RELATED**

**L.U. No. 1256**

**KINGSBRIDGE ARMORY**

Application submitted by the New York City Economic Development Corporation, Related Retail Armory, LLC, and the Department of Parks and Recreation, 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 Reservoir Avenue at its intersection with West Kingsbridge Road;
- the establishment of a Park (Barnhill Square);
- the adjustment of legal grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

in accordance with Map No. 13126, dated May 11, 2009, and signed by the Borough President.

**L.U. No. 1257**

**KINGSBRIDGE ARMORY**

Application submitted by the New York City Economic Development Corporation 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 West 195<sup>th</sup> Street between Reservoir Avenue and Jerome Avenue;
- the adjustment of legal grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

in accordance with Map No. 13127, dated May 11, 2009, and signed by the Borough President.

**L.U. No. 1258**  
**KINGSBRIDGE ARMORY**

**BRONX CB - 7**

**C 090437 ZMX**

Application submitted by Related Retail Armory, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c: changing from an R6 district to a C4-4 District property bounded by West 195th Street, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue, as shown in a diagram (for illustrative purposes only) dated May 18, 2009.

**L.U. No. 1259**  
**KINGSBRIDGE ARMORY**

**BRONX CB - 7**

**C 090438 PPX**

Application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 29 West Kingsbridge Road (Block 3247, Lots 10 and p/o 2), pursuant to zoning.

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**L.U. Nos. 1260 - 1268 ARE RELATED**  
**L.U. No. 1260**  
**WESTERN RAIL YARD**

**MANHATTAN CB - 4**

**C 090408 MMM**

Application, submitted by the Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving a change in grade on West 33<sup>rd</sup> Street, between Eleventh and Twelfth avenues, in accordance with Map No. C.P.C. 090408 MMM (Acc. No. 30230), dated May 18, 2009, and signed by the Director of the Department of City Planning

**L.U. No. 1261**  
**WESTERN RAIL YARD**

**MANHATTAN CB - 4**

**C 090422 HAM**

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 West 48<sup>th</sup> and West 49<sup>th</sup> streets, west of 10<sup>th</sup> Avenue (Block 1077, part of Lot 29), 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 developer to be selected by HPD;

to facilitate the development of a mixed-use building, tentatively known as The Westside Rail Yard/DEP Site, with residential and retail space.

**L.U. No. 1262**  
**WESTERN RAIL YARD**

**MANHATTAN CB - 4**

**C 090423 HAM**

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 806 Ninth Avenue (Block 1044, part of Lot 3), 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 developer to be selected by HPD;

to facilitate the development of a mixed-use building, tentatively known as the Westside Rail Yard/MTA Site, with residential and commercial space.

**L.U. No. 1263**  
**WESTERN RAIL YARD**

**MANHATTAN CB - 4**

**N 090429 ZRM**

Application submitted by the Department of City Planning pursuant to Section 201

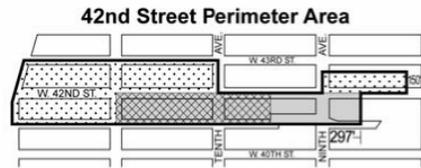
of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 (Special Clinton District), Community District 4, Borough of Manhattan.

Appendix A

Special Clinton District Map



- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
  - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
  - Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)
- C** Other Area
- Excluded Area



- Subarea 1 of 42nd St. Perimeter Area
- Subarea 2 of 42nd St. Perimeter Area
- Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies

**L.U. No. 1264**  
**WESTERN RAIL YARD**

**MANHATTAN CB - 4**

**C 090430 ZMM**

Application submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New<sub>17</sub> York City Charter for an amendment of

the Zoning Map, Section No. 8c: establishing within an existing R8 District a C1-5 District bounded by West 54<sup>th</sup> Street, a line 525 feet easterly of Ninth Avenue, a line midway between West 54<sup>th</sup> Street and West 53<sup>rd</sup> Street, and a line 100 feet easterly of Ninth Avenue, as shown on a diagram (for illustrative purposes only) dated May 18, 2009.

**L.U. No. 1265**  
**WESTERN RAIL YARD**

**MANHATTAN CB - 4**

**C 090433 ZMM**

Application submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b, by changing from an M2-3 District to a C6-4 District and establishing a Special Hudson Yards District on property bounded by West 33<sup>rd</sup> Street, Eleventh Avenue, West 30<sup>th</sup> Street, and Twelfth Avenue, Borough of Manhattan Community District 4, as shown in a diagram (for illustrative purposes only) dated May 18, 2009.

**L.U. No. 1266**  
**WESTERN RAIL YARD**

**MANHATTAN CB - 4**

**N 090434 ZRM**

Application submitted by RG WRY LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) relating to the addition of Western Rail Yard Subdistrict F and the expansion of the Special Hudson Yards District, Community District 4, Borough of Manhattan.

Matter in underline is new, to be added;

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

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

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

**Article IX - Special Purpose Districts**

**Chapter 3**

**Special Hudson Yards District**

\* \* \*

**93-00**

**General Purposes**

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

\* \* \*

- (j) to provide flexibility of architectural design within<sub>18</sub> limits established to assure adequate access of light

and air to the street, and thus to encourage more attractive and economic building forms;

(k) to provide a transition between the Hudson Yards District and the Hudson River to the west;

(l) to facilitate the restoration and reuse of the #High Line# elevated rail line as an accessible, public open space through special height and setback regulations; and

(m)(k) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City’s tax revenues.

**93-01 Definitions**

\* \* \*

**Hudson Yards Redevelopment Area**

The “Hudson Yards Redevelopment Area” shall be the areas within the #Special Hudson Yards District#, Area P-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the center line of Eleventh Avenue, the northern #street line# of West 43<sup>rd</sup> Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, the area bounded by the westerly side of Eleventh Avenue, the southerly side of West 43rd Street, the westerly side of Twelfth Avenue and the northerly side of West 30th Street West 33<sup>rd</sup> Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use. Furthermore, the #Hudson Yards Redevelopment Area# shall not include any underground connections from a subway station to any #use# located on such excluded #blocks# or between any such #uses#.

\* \* \*

**Special Hudson Yards District (repeated from Section 12-10)**

The “Special Hudson Yards District” is a Special Purpose District designated by the letters “HY” in which special regulations set forth in Article IX, Chapter 3, apply to all #developments#. The #Special Hudson Yards District# appears on the #zoning maps# superimposed on other districts and its regulations supplement and supersede those of the districts on which it is superimposed.

**High Line**

For the purposes of this Chapter, the “High Line” shall refer to the elevated rail line structure located between Gansevoort Street and West 34<sup>th</sup> Street in the north-south direction, and between Washington Street and Twelfth Avenue in the east-west direction.

**High Line Bed**

The “High Line bed” is the highest level of the horizontal surface (platform) of such elevated rail line structure.

**93-03**

**District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special Hudson Yards District Plan#.

The District Plan includes the following ~~four~~ nine maps:

- Map 1 - Special Hudson Yards District, Subdistricts and Subareas
- Map 2 - Mandatory Ground Floor Retail
- Map 3 - Mandatory Street Wall Requirements
- Map 4 - Mandatory Sidewalk Widening
- Map 5 - Transit Easements and Subway Entrances
- Map 6 - Subdistrict F Site Plan

Map 7- Subdistrict F Public Access Area Plan

Map 8- Subdistrict F Mandatory Ground Floor Requirements

Map 9- Subdistrict F Mandatory Street Wall Requirements

The Maps are located within Appendix A of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

**93-04**

**Subdistricts and Subareas**

In order to carry out the provisions of this Chapter, six subdistricts are established, as follows: The

Large-Scale Plan Subdistrict A

Farley Corridor Subdistrict B

34th Street Corridor Subdistrict C

Hell’s Kitchen Subdistrict D

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Hudson Yards District#. Within certain subdistricts, subareas are established, as follows:

\* \* \*

**93-052**

**Applicability of Chapter 3 of Article I**

#Public parking lots# authorized pursuant to Section 13-552 (Public parking lots) prior to January 19, 2005, and #accessory# off-street parking facilities for which a special permit has been granted pursuant to Section 13-561 prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Chapter 3 of Article I in its entirety shall be applied to Subdistrict F.

\* \* \*

**93-06**

**Declaration of Restrictions in Subdistrict F**

No #building# permit shall be issued for any #development# or #enlargement# within Subdistrict F unless a declaration of restrictions in substantially the form reviewed by the City Planning Commission pursuant to CEQR No. 09DCP007M and referenced in and made an exhibit to the findings of the Commission pursuant to 6 NYCRR Section 617.11 in connection with its adoption of the regulations of this chapter applicable to Subdistrict F (as such declaration may be revised prior to filing and recordation in accordance with the provisions thereof applicable to amendments made subsequent to filing and recordation) shall have been filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against all property interests in Subdistrict F proposed for #development# or #enlargement# pursuant to this Chapter.

**93-10**

**USE REGULATIONS**

The #use# regulations of the underlying districts are modified as set forth in this Section, inclusive.

The only permitted change of #use# for the #High Line# shall be to provide publicly accessible open space in accordance with the provisions of Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

\* \* \*

**93-13**

## Special Office Use Regulations

### 93-131

#### Certification for office use

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

- (a) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# in the #Hudson Yards Redevelopment Area# that includes Use Group 6B offices constructed after January 19, 2005, until the Chairperson of the Department of City Planning certifies to the Commissioner of Buildings that:

\* \* \*

### 93-132

#### Authorization for office use

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

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

\* \* \*

### 93-14

#### ~~Retail Continuity Along Designated Streets~~ Ground Floor Level Requirements

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

- (a) Retail continuity along designated streets in Subdistricts A-E

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

#Uses# located on the ground floor level or within five feet of #curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D.

A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the building's total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

For any new #development# or #enlargement# on such designated #streets# glazing shall be provided in accordance with the provisions set forth in paragraph (c) of this Section 93-14.

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

Map 8 (Subdistrict F Mandatory Ground Floor Requirements) in Appendix A of this Chapter specifies

locations where the special ground floor #use# and transparency requirements of this Section 93-14 apply. Such regulations shall apply along either 100 percent or 70 percent of the building's #street# frontage, as indicated on Map 8.

(1) Along Eleventh Avenue

The ground floor retail provisions established in paragraph (a) of this Section 93-14 shall apply to the ground floor #street# frontage of #buildings# along Eleventh Avenue. In addition if a #street# frontage is occupied by a 'Bank' as listed in Use Group 6, such a #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

(2) Along designated streets other than Eleventh Avenue

In addition to the #uses# listed in paragraph (a) of this Section 93-14, the following #community facility uses# from Use Groups 3 and 4 as well as the following #commercial use# from Use Group 6B shall be permitted on the ground floor level of a #building# or within five feet of #curb level# for frontages along designated #streets#, as shown in Map 8 (Subdistrict F Mandatory Ground Floor Requirements) other than Eleventh Avenue.

From Use Group 3:

Art galleries (Non-Commercial) Libraries

Museums

Nursery, kindergarten, elementary or secondary #schools# (with no living or sleeping accommodations)

From Use Group 4:

Ambulatory diagnostic and treatment health care facilities

Community centers

Recreation centers, non-commercial

Houses of worship

From Use Group 6B:

Veterinary medicine, limited to small animals

A minimum of 70 percent of the #aggregate width of street wall# shall be occupied by #uses# permitted in this Section 93-14. A minimum of 50 percent of the #street# frontage of a #building# shall be allocated exclusively to #uses# listed in paragraph (a) of this Section and/or Use Group 3 #uses# listed in this subparagraph (b)(2). In addition, a maximum of 20 percent of the #street# frontage of a #building# shall be permitted to provide the Use Group 4 and 6B #uses# listed in this subparagraph (b)(2). However, if a #street# frontage is occupied by a 'Bank' as listed in Use Group 6, such a #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

The remaining portion of the #street wall# may be occupied by #uses# listed in this Section 93-14, or by lobby space, mechanical space or entrances to #accessory# parking garages, provided that:

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

For any new #development# or #enlargement# on such designated #streets# glazing shall be provided in

accordance with the provisions set forth in paragraph (c) of this Section.

(c) Transparency requirements along designated streets in Subdistricts A-F

Each ground floor level #street wall# of a #commercial# or #community facility use#, as set forth in this Section 93-14, shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, or public access area, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

~~For any new #development# or #enlargement# on such designated #streets#, 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 the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.~~

For #developments# or #enlargements# fronting upon Hudson Boulevard that are adjacent to existing #buildings# located within the Hudson Boulevard #street# bed or #public park#, the Hudson Boulevard #street wall# of such new #development# or #enlargement# shall be designed in a manner that will enable the glazing requirements of this Section to be met upon demolition of the #buildings# within such #street# bed or #public park# and, within six months of such demolition, such glazing requirements shall be complied with.

(d) Non-transparent walls within Subdistrict F

Within Subdistrict F, any non-transparent area of a new or existing wall with a width in excess of 40 feet and a height in excess of five feet fronting upon a public sidewalk or publicly accessible open space shall be treated with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be required to a height of 15 feet above the level of the public sidewalk or publicly accessible open space, or the height of the wall, whichever is less.

~~The provisions of this Section shall not apply along the northern #street# frontage of West 35<sup>th</sup> through West 39<sup>th</sup> Streets within 100 feet of Eleventh Avenue, as shown on Map 2. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35<sup>th</sup>, West 36<sup>th</sup>, West 37<sup>th</sup>, West 38<sup>th</sup> or West 39<sup>th</sup> Street frontage of the #zoning lot#.~~

**93-141**

**Certification to modify ground floor level requirements in Subdistrict F**

Within Subdistrict F, the Chairperson of the City Planning Commission may modify the ground floor level requirements of paragraphs (b), (c) and (d) of Section 93-14 (Ground Floor Level Requirements), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is the minimum necessary to accommodate the ventilation requirements of the below-grade rail operations. Any application for such change shall include a Mechanical Plan that conveys the extent of the needs and required modifications, as well as a letter from the Metropolitan Transportation Authority describing the needs for such modifications.

\* \* \*

**93-17**

**Modification of Sign Regulations**

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

Within Subdistricts A through E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Furthermore, #flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yards Subarea A1, pursuant to Section 93-71.

(b) Subdistrict F

For the purposes of calculating the permitted #surface area of a #sign#, each Site set forth on Map 6 (Subdistrict F Site Plan) shall be considered a separate #zoning lot#.

(1) Along the #High Line#

The #sign# regulations of the underlying districts 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:

- (i) 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;
- (ii) Provide, at a minimum, directional, informational and interpretive signage consistent with the use of the #High Line# as a public open space;
- (iii) Be integrated with the design of the #High Line# open space; and
- (iv) Not adversely affect #development# adjacent to the #High Line# and in the surrounding neighborhood.

(2) Other locations

Within Subdistrict F, the underlying #sign# regulations shall apply for #signs# located beyond 50 feet of the #High Line#, and for portions of #signs# located entirely below the level of the #High Line bed# along West 30th Street. However, #flashing signs# shall not be permitted in Subdistrict F, except along frontages within 200 feet of the intersection of the West 33<sup>rd</sup> Street and 11<sup>th</sup> Avenue #street line#.

\* \* \*

**93-20**

**FLOOR AREA REGULATIONS**

\* \* \*

**93-22**

**Floor Area Regulations in Subdistricts B, C, D, and E and F**

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

In Subdistricts B, C, D, E the basic maximum #floor area ratio# is determined by the subdistrict and, where applicable, subarea, as specified in the table in this Section. The basic maximum #floor area ratios# for non-#residential buildings# are set forth in Row A, and the basic maximum #floor area ratios# for #buildings# containing #residences# are set forth in Row B. Such basic maximum #floor area ratios# may be increased to the amount specified in Row C only pursuant to Section 93-31 (District Improvement Fund Bonus) or as otherwise specified in Sections 93-22 1 through 93-224.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on an “adjacent lot” pursuant to Section 74-79 (Transfer of Development Rights from Landmark Sites), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

\* \* \*

(b) Subdistrict F

In Subdistrict F, the #floor area ratio# provisions of Section 93-225 (Floor area regulations in Subdistrict F) shall apply.

**93-225**

**Floor area regulations in Subdistrict F**

In Subdistrict F, the maximum #floor area ratio# for #residential#, #community facility# and #commercial use# shall be as follows:

- (a) The maximum #floor area ratio# for #residential uses# shall be 8.0;
- (b) The maximum #floor area ratio# for #community facility uses# shall be 2.0. However, any floor space occupied by a public #school# constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#;
- (c) The maximum #floor area ratio# for #commercial uses# shall be 8.0; and
- (d) The total maximum #floor area ratio# shall be 10.0, except as modified pursuant to Section 93-23 (Modifications of Inclusionary Housing Program).

**93-23**

**Modifications of Inclusionary Housing Program**

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

**93-232**

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

The provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, and E, and F) or 121-3 1 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# for #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing Program may be increased, as follows:

**93-233**

**Floor area increase for affordable housing in Subdistrict F**

The #floor area# of any #building# containing #residences# in Subdistrict F may be increased by up to five percent, and such increase may be in excess of the maximum #floor area ratio# of 8.0 for #residential use#, and the total maximum #floor area ratio# of 10.0 provided that:

- (a) At least 20 percent of the #residential# units in such #building#, inclusive of any #floor area increase# permitted by this Section, shall be occupied by #lower income households#, as defined in Section 23-911 (General definitions);
- (b) Such #building# shall comply with the provisions of:
  - (i) Section 23-954 (Additional requirements for compensated developments), paragraphs (b) and (c);
  - (ii) Section 23-96 (Requirements for Generating Sites), paragraphs (b) through (i); and

- (iii) Section 23-96 1 (Additional requirements for rental affordable housing), paragraphs (a) through (d); and  
(c) The sum of all #floor area# increases permitted pursuant to this Section does not exceed 0.4 times the total #lot area# of Subdistrict F.

\* \* \*

## 93-30

### SPECIAL FLOOR AREA REGULATIONS

## 93-31

### District Improvement Fund Bonus

Except in Subdistrict F, I in the #Special Hudson Yards District# and Area P-2 of the #Special Garment Center District#, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections 93-21, 93-22 or 121-3 1, as applicable, provided that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

\* \* \*

## 93-40

### HEIGHT AND SETBACK REGULATIONS

## 93-41

### Rooftop Regulations

#### (a) Permitted obstructions

##### (1) Subdistricts A through E

The provisions of Section 3 3-42 (Permitted Obstructions) shall apply to all #buildings# within Subdistricts A through E , except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate 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 23-62 1 (Permitted obstructions in certain districts).

##### (2) Subdistrict F

In Subdistrict F, the provisions of paragraph (c) of Section 3 3-42 (Permitted Obstructions) shall not apply. In lieu thereof, the following shall apply:

##### (i) #Building# bases and transition heights

For all #building# bases and transition heights, rooftop mechanical structures, including, but not limited to, elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment, and their required enclosures, may penetrate 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.

(ii) Towers

For all towers, rooftop mechanical equipment, including, but not limited to, elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment, and their required enclosures, may penetrate a maximum height limit. For towers above a height of 350 feet, such rooftop mechanical structures shall comply with the tower top articulation provisions set forth in Section 93-569 (Tower top articulation).

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

\* \* \*

**93-42**

**Height and Setback in Subdistricts A through E F**

In Subdistricts A through E F, the underlying height and setback regulations shall not apply, except as set forth in Section 93-542 (Height and setback in Subareas D4 and D5). In lieu thereof, the provisions of this Section shall apply. These regulations are further modified in certain locations as set forth in Section 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A THROUGH E). The rooftop regulations set forth in Section 93-41 shall apply. The height of all #buildings or other structures# shall be measured from #curb level#.

In Subareas D4 and D5 of the Hell’s Kitchen Subdistrict D, the underlying height and setback regulations shall apply as set forth in Section 93-542 (Height and setback in Subareas D4 and D5), as modified by Section 93-41 (Rooftop Regulations).

In Subdistricts A, B, and C, Subareas D1, D2 and D3 of the Hell’s Kitchen Subdistrict D, and Subdistrict E, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section 93-41 (Rooftop Regulations) and paragraphs (a) through (d) of this Section shall apply. These regulations are further modified in certain locations as set forth in Section 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS). The height of all #buildings or other structures# shall be measured from #curb level#.

In Subdistrict F, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section 93-41 (Rooftop Regulations) and Section 93-56 (Special Height and Setback Regulations in Subdistrict F) shall apply.

\* \* \*

**93-50**

**SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A THROUGH E**

In Subdistricts A through E, B, and C, and Subareas D1, D2 and D3 of the Hell’s Kitchen Subdistrict D, and Subdistrict E, the height and setback regulations set forth in paragraphs (a) through (d) of Section 93-42 (Height and Setback in Subdistricts A through F) shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, minimum base heights and maximum length of building walls for towers, and modifications of maximum base heights, depths of required setbacks, and tower #lot coverage#. Special provisions for recesses and sidewalk widenings are as follows:

\* \* \*

(b) Sidewalk Widenings

Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening. Where corner articulation rules apply, the inner boundary of any required sidewalk widening may be considered to be the #street line#. The mandatory #street wall# requirements are illustrated on Map 3 (Mandatory Street Wall Requirements) in Appendix A of this Chapter. Where sidewalk widening lines are specified, such lines shall be parallel to and five or ten feet from the #street line#, as required pursuant to Section 93-6 1 and illustrated on Map 4 (Mandatory Sidewalk Widening) in Appendix A.

In Subdistrict F, the provisions of Section 93-41 (Rooftop Regulations) and Section 93-56 (Special Height and Setback Regulations in Subdistrict F) shall apply.

\* \* \*

### **93-512**

#### **Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A**

##### **(a) Hudson Boulevard**

For the purposes of this paragraph, (a), Hudson Boulevard shall be considered to be a #wide street#. The #street wall# of the #development# or #enlargement# shall be located on the Hudson Boulevard sidewalk widening line and extend along at least 70 percent of the length of the Hudson Boulevard frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 120 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow street lines# for a distance of 100 feet from its intersection with Hudson Boulevard. Above a height of 120 feet, a setback at least 25 feet in depth is required from the Hudson Boulevard #street line#, and setbacks from intersecting #narrow streets# shall comply with the provisions of paragraph (b) of Section 93-42 (Height and Setback in Subdistricts A through EF).

\* \* \*

### **93-56**

#### **Special Permit for Modification of Height and Setback Regulations Special Height and Setback Regulations in Subdistrict F**

The height and setback regulations set forth in this Section 93-56, inclusive, shall apply to specific sites identified as Sites 1 through 6 on Map 6 (Subdistrict F Site Plan) in Appendix A of this Chapter. All #developments# or #enlargements# of a #building or other structure# within Subdistrict F, with the exception of those approved as part of a public access area pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), shall occur within these designated site locations. However, portions of a #building# located entirely below grade, and exempt from the definition of #floor area# shall be permitted to extend beyond such designated site locations. Furthermore, the boundary of Site 6 may be extended in a westerly direction, by up to 40 feet to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6).

Map 4 (Mandatory Sidewalk Widening) in Appendix A of this Chapter identifies the location of a sidewalk widening required along Eleventh Avenue that is referenced in this Section 93-56, inclusive. Regulations governing the design of this sidewalk widening are set forth in Section 93- 61 (Sidewalk Widening).

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways. Map 7 (Subdistrict F Public Access Area Plan) in Appendix A of this Chapter, identifies the location of publicly accessible open spaces, private streets, and pedestrian ways which are referenced in this Section 93-56.

Publicly accessible open spaces are comprised of the ‘Western Open Space’, the ‘Central Open Space’, the ‘Southwest Open Space’, the ‘Northeast Plaza’, the ‘Midblock Connection’, and the ‘#High Line#’. General rules governing such publicly accessible open spaces are set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

Publicly accessible private streets are comprised of the ‘West 32nd Street Extension’ (including the alley) and the ‘West 31st Street Extension’. Publicly accessible pedestrian ways are comprised of the ‘West 30th Street

Corridor', and the 'Connector'. General rules governing such private streets and pedestrian ways are set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

## **93-561**

### **General rules for Subdistrict F**

The following regulations shall apply to all #buildings or other structures# within Sites 1 through 6:

(a) #Street wall# location

For the purposes of applying the height and setback regulations of this Section 93-56, inclusive, wherever a #building# fronts upon any publicly accessible open space, private street, or pedestrian way as shown on Map 7 (Subdistrict F Public Access Area Plan), the boundary of such publicly accessible open spaces, private streets, pedestrian ways shall be considered to be a #street line#. Furthermore, for the purposes of applying such height and setback regulations, the sidewalk widening line required along Eleventh Avenue shall be considered the Eleventh Avenue #street line#.

Wherever a #building# on Sites 1, 5 or 6 faces the #High Line#, the #street wall# shall not be located closer than five feet to the edge of the #High Line#, as shown on Map 7. Such five foot separation shall remain unobstructed, from the level of finished grade adjacent a #building# to the sky, except:

- (1) As permitted for that portion of a #building# on Site 5 located above a height of 50 feet as measured from the #High Line bed# pursuant to Section 93-567 (Site 5);
- (2) As permitted for that portion of a #building# on Site 6 located below the #High Line# pursuant to Section 93-568 (Site 6); and
- (3) As permitted pursuant to paragraph (d) of Section 93-756 (General requirements for the #High Line#).

(b) Measurement of #building# heights

(1) Measurement of #building# base and transition heights

For portions of a #building# that front upon a publicly accessible sidewalk, the maximum #building# base height, and, where applicable, maximum transition height of a #street wall# shall be measured from the mean level of the public sidewalk that such #street wall# fronts upon. For portions of a #building# that front upon publicly accessible open spaces in which no sidewalks are provided adjacent to a #street wall#, the maximum #building# base height, or, where applicable, maximum transition height of a #street wall# shall be measured from the mean level of the final grade of the open space that such #street wall# fronts upon. However, the following #street wall# heights shall be measured from the #High Line bed#:

- (i) On Site 6, the portion of a #street wall# above the #High Line bed# facing the #High Line# beyond 60 feet of Eleventh Avenue; and
- (ii) On Site 6 along the Southwest Open Space within 60 feet of the #High Line#.

(2) Measurement of tower heights

The height of a tower shall be measured from the highest level of the public sidewalk or finished grade located nearest such tower, to the ceiling of the highest #story# of the tower where #floor area# occupies more than 75 percent of the gross area of such #story#. However, on Site 5, the height of the tower shall be measured from the #High Line bed#.

Where minimum height differences are required between towers, such heights, for each tower, shall be measured from the Manhattan Datum, which is 2.75 feet above Sea Level.

(c) Towers

Criteria for towers on Sites 1 through 6 are set forth in this Section 93-56, inclusive. The minimum distance between all such towers shall be 60 feet.

## Street wall regulations for certain streets

The locations of all #street walls# identified in this Section 93-562 are shown on Map 9 (Subdistrict F Mandatory Street Wall Requirements) in Appendix A of this Chapter.

### (a) Applicability

The provisions of this Section 93-562 shall apply to:

#### (1) All #street walls# of #buildings# on Site 1:

- (i) That front along the West 32nd Street Extension;
- (ii) That front along the Western Open Space within 60 feet of the West 32nd Street Extension;  
and
- (iii) That front along the Midblock Connection within 60 feet of the West 32nd Street Extension.

#### (2) All #street walls# of #buildings# on Site 2:

- (i) That front along Eleventh Avenue south of the Northeast Plaza;
- (ii) That front along the West 32nd Street Extension; and
- (iii) That front along the Midblock Connection within 60 feet of the West 32nd Street Extension.

#### (3) All #street walls# of a #building# on Site 4:

- (i) That front along Eleventh Avenue;
- (ii) That front along the West 32nd Street Extension within 50 feet of Eleventh Avenue; and
- (iii) That front along the West 31st Street Extension within 50 feet of Eleventh Avenue.

#### (4) All #street walls# of a #building# on Site 6:

- (i) That front along Eleventh Avenue five feet north of the #High Line#;
- (ii) That front along the West 31st Street Extension;
- (iii) That front along the #High Line#, completely above the #High Line bed#;
- (iv) That front along the Southwest Open Space within 60 feet of the #High Line#; and
- (v) That front along the Southwest Open Space within 60 feet of the West 31st Street Extension.

### (b) #Street wall# location

All #street walls# of #developments# or #enlargements# identified in paragraph (a) of this Section shall be located on the #street line#.

All such #street walls# shall extend along the entire #street# frontage of the site, or required portion identified in paragraph (a) of this Section. However, such #street wall# location rules may be modified in accordance with the recess provisions of paragraph (c) of this Section.

### (c) R e c e s s e s

- (1) Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances;
- (2) To allow for corner articulation, the required #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines;
- (3) To ensure variation in the required #street wall#, a #building# shall provide recesses or ground floor level setbacks in accordance with the following provisions.
  - (i) A minimum of 20 percent of the #aggregate width of street walls# shall provide a minimum recess of three feet from the #street wall# above the level of the second #story#, except for the portion of Site 6 which fronts along the High Line, such recess shall be provided above the level of the first #story#. However, no portion of such recess shall be located within 30 feet of the intersection of two #street lines#, except where corner articulation is provided in accordance with subparagraph (2) of this

paragraph (c).

- (ii) A maximum of 30 percent (or 50 percent for Site 4) of the aggregate width of street walls may provide a recess of up to 15 feet at any level, which may extend to the height of the building base, and, may allow for portions of towers to rise without setback from the ground floor level. However, no such setbacks shall be permitted within 30 feet of the intersection of two street lines, except where corner articulation is provided in accordance with subparagraph (2) of this paragraph (c).

## **93-563**

### **Site 1**

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets) the provisions of this Section 93-563 shall apply to buildings on Site 1.

#### (a) Building base

##### (1) Facing West 33rd Street

The street wall of the development or enlargement facing West 33rd Street may rise without setback to a maximum base height of 120 feet before a setback is required. However, no setbacks shall be required within 150 feet of Twelfth Avenue.

##### (2) Facing the West 32nd Street Extension

The provisions of this subparagraph (a)(2) shall apply to street walls facing the West 32nd Street Extension, the Western Open Space and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such street walls shall rise without setback to a minimum base height of 60 feet and a maximum base height of 90 feet.

##### (3) Facing the Western Open Space

The provisions of this subparagraph (a)(3) shall apply to street walls facing the Western Open Space beyond 60 feet of its intersection with the West 32nd Street Extension. The street wall of the development or enlargement may rise without setback to a maximum base height of 90 feet before a setback is required. However, no setbacks shall be required within 150 feet of Twelfth Avenue.

#### (b) Transition height

All portions of a building that exceed the applicable maximum base height specified in paragraph (a) of this Section shall be set back in accordance within the provisions of this paragraph (b), except that where towers are provided directly above a portion of the transition height, such a portion of transition height located directly below a tower shall provide setbacks in accordance with the tower provisions of paragraph (c) of this Section.

Portions of a transition height facing West 33rd Street shall be set back from the West 33rd Street street line a minimum of 20 feet. Portions of a transition height facing the Western Open Space that exceed the maximum base height shall be set back from the street wall of a building facing the Western Open Space a minimum of 30 feet. However, in both cases, no such setback shall be required within 150 feet of Twelfth Avenue.

Above the maximum base height a street wall may rise to a maximum transition height equal to one-half the height of the street wall of the building base facing the Western Open Space. Such a transition height shall not exceed a maximum height of 135 feet.

All portions of a building that exceed the maximum transition height shall comply with the tower

provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above the maximum transition height shall be considered a ‘tower’ and shall comply with the provisions of this paragraph.

(1) Required setbacks

All towers, or portions of a transition height located beneath a tower, shall be set back at least 15 feet from the #street line# of West 33rd Street and from the #street walls# of the #building# facing the West 32nd Street Extension, except that the depth of such set back distance may include the depth of any permitted recesses. However, no setbacks shall be required within 150 feet of Twelfth Avenue, along the Western Open Space, or along the Midblock Connection to allow portions of towers that comply with the provisions of subparagraphs (2) and (3) of this paragraph (c) to rise without setback.

(2) Maximum floor plate

If more than one tower is provided on Site 1, the aggregate gross area of any such tower #stories#, measured at any height, shall not exceed 25,000 square feet.

(3) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 110 feet and the north-south dimension shall not exceed a length of 160 feet. Where more than one tower is located on Site 1, each tower shall comply independently with such maximum dimensions.

If more than one tower is located on Site 1, the height of the easternmost tower shall be a minimum of 100 feet greater than the height of the westernmost tower.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

**93-564**

**Site 2**

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section 93-564 shall apply to #buildings# on Site 2.

(a) Building base

(1) Facing Eleventh Avenue

The provisions of this subparagraph (a)(1) shall apply to #street walls# facing Eleventh Avenue (exclusive of #street walls# facing the Northeast Plaza, which need not setback), and the West 32nd Street Extension within 60 feet of Eleventh Avenue. Such #street walls# shall rise without setback to a minimum height of 120 feet and a maximum height of 150 feet. Above a height of 150 feet, all portions of such #building# shall be set back from the #street wall# of the #building# at least 15 feet, except such set back distance may include the depth of any permitted recesses. These building base provisions may apply along the West 32nd Street Extension #street line# beyond 60 feet of Eleventh Avenue, up to a maximum distance of 100 feet from Eleventh Avenue.

(2) Facing the West 32nd Street Extension

The provisions of this subparagraph (a)(2) shall apply to #street walls# facing the West 32nd Street Extension beyond 60 feet of Eleventh Avenue (or beyond 100 feet if the optional building base provisions of subparagraph (1) of this paragraph (a) are applied along the West 32nd Street Extension), and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of such #buildings# facing the West 32nd Street Extension shall be set back from the #street wall# of the #building# at least 15 feet, except such set back distance may include the depth of any permitted recesses. Portions of #street walls# along the Midblock Connection within 60 feet of the West 32nd Street Extension need not setback after the maximum base height to allow tower portions that comply with the provisions of paragraph (b) of this Section to rise without setback.

(3) Facing West 33rd Street

#Street walls# facing West 33rd Street (exclusive of the Northeast Plaza) may rise without setback to a maximum base height of 150 feet. Above a height of 150 feet, setbacks shall be required as follows:

- (i) Portions of a #building# facing West 33rd Street within 150 feet of the Eleventh Avenue #street line# shall provide a 15 foot setback from the #street line# of West 33rd Street;
- (ii) Portions of a #building# beyond 150 feet of Eleventh Avenue that do not exceed an #aggregate width of street wall# of 150 feet, as measured along the West 33rd Street #street line# shall be permitted to rise without setback; and
- (iii) Portions of a #building# located beyond 150 feet of Eleventh Avenue, which exceed the #aggregate width of street wall# of 150 feet as measured along the West 33rd Street #street line# shall be set back a minimum of 15 feet from the #street line# of West 33rd Street.

All portions of a #building# that exceed a height of 150 feet shall comply with the tower provisions of paragraph (b) of this Section.

(b) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 150 feet shall be considered a ‘tower’ and shall comply with the provisions of this paragraph (b). Not more than one tower shall be allowed on Site 2.

(1) Maximum floor plate

The gross area of any tower #story# shall not exceed 40,000 square feet.

(2) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 250 feet.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

**93-565**

**Site 3**

The regulations of this Section 93-565 shall apply to all #buildings# within Site 3.

All #stories# of a #development# or #enlargement# located wholly or partially above the highest level of the adjoining public sidewalk or finished grade on Site 3 shall be considered a ‘tower’ and shall comply with the provisions of this Section 93-565. Not more than one tower shall be permitted on Site 3.

(a) Ground floor

A maximum of 6,000 square feet of the ground floor shall be permitted to provide #residential uses#. The remaining portion of the ground floor shall provide an area that is accessible to the surrounding publicly accessible open spaces listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F). Such space may provide ground floor #uses# pursuant to Section 93-14 (Ground Floor Level Requirements), or may be considered part of the Central Open Space and comply with the regulation set for in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

If such remaining ground floor level space provides ground floor #uses# pursuant to the requirements of subparagraph (b)(2) of Section 93-14 (Ground Floor Level Requirements), such #uses# shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

If such remaining ground floor level space is considered part of the Central Open Space, such space may be open or enclosed. An open space provided pursuant to this paragraph (a) shall have a clear height of at least 40 feet measured from the level of an adjoining finished grade or sidewalk. An enclosed publicly accessible space provided pursuant to this paragraph (a) shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

(b) Maximum floor plate

The gross area of any #story# of a tower on Site 3 shall not exceed 12,000 square feet.

(c) Maximum length and height

The maximum horizontal dimension of a tower, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 3 rectangle in plan, as shown on Map 6 (Subdistrict F Site Plan), then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower within Site 3 shall be a minimum of 100 feet taller than the tower height of Site 5.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

## **93-566**

### **Site 4**

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section 93-566 shall apply to #buildings# on Site 4.

(a) Street wall location along West 31st and West 32nd Street Extensions

Any portion of a #street wall# facing the West 32nd Street Extension within 100 feet of Eleventh Avenue shall be set back at least 15 feet from the West 32nd Street Extension #street line#, which shall coincide with the northern edge of the Site 4 boundary. Any portion of a #street wall# facing the West 32nd Street Extension that extends beyond 100 feet of Eleventh Avenue as measured along the West 32nd Street Extension #street line# shall be set back<sub>3 4</sub> at least 30 feet from the West 32nd Street Extension

#street line#. Any portion of a #street wall# facing the West 31st Street Extension that extends beyond 100 feet of Eleventh Avenue as measured along the West 31st Street Extension #street line# shall be set back at least 15 feet from the West 31st Street Extension #street line#.

(b) Building base facing Eleventh Avenue

The provisions of this paragraph (b) shall apply to #street walls# below a height of 120 feet facing Eleventh Avenue and the West 31st and West 32nd Street Extensions within 50 feet of Eleventh Avenue. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of a #building# facing Eleventh Avenue shall be set back from the #street wall# of the #building# at least 15 feet, except such set back distance may include the depth of any permitted recesses. Portions of #street walls# along the West 31st and West 32nd Street Extensions within 50 of Eleventh Avenue need not setback after the maximum base height to allow tower portions that comply with the provisions of paragraph (c) below to rise without setback.

All portions of a #building# that exceed the maximum base height of 120 feet shall comply with the tower provisions of paragraph (c) of this Section.

(c) T o w e r s

All #stories# of a #development# or #enlargement# located partially or wholly above the maximum base height of 120 feet shall be considered a ‘tower’ and shall comply with the provisions of this paragraph. Not more than one tower shall be permitted on Site 4.

(1) Maximum floor plate

The gross area of any such #story# shall not exceed 12,000 square feet.

(2) Maximum length and height

For any portion of a tower above 120 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower’s maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 4 rectangle in plan, as shown on Map 6 (Subdistrict F Site Plan), then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower on Site 4 shall be a minimum of 100 feet taller than any tower located on Site 3.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

**93-567**

**Site 5**

All #stories# of a #development# or #enlargement# located wholly or partially above finished grade on Site 5 shall be considered a ‘tower’ and shall comply with the provisions of this Section 93-567.

On Site 5, a #building or other structure# may be located adjacent to and above the #High Line#, provided no portion of such #building# or an associated structural column is located within five feet of the edge of the

#High Line# from the level of finished grade to a level of 50 feet above the level of the #High Line bed#, as shown on Map 7 (Subdistrict F Public Access Area Plan).

(a) Maximum floor plate

The gross area of any #story# within that portion of a #building or other structure# located east of the #High Line# and wholly or partially above the finished grade to a height of 50 feet above the #High Line bed# shall not exceed 5,000 square feet.

The aggregate gross area of any portion of a #building or other structure# located west of the #High Line# and wholly or partially above the finished grade to a height of 50 feet above the #High Line bed# shall not exceed 700 square feet, and the maximum aggregate horizontal dimension of such portions, individually measured in their longest dimension, shall not exceed 30 feet.

The gross area of any #story# within that portion of a tower located above a height of 50 feet above the #High Line bed# shall not exceed 12,000 square feet.

(b) Maximum length and height

At or below a height of 50 feet above the #High Line bed#, if a #building or other structure# is #developed# with portions on both sides of the #High Line#, the minimum horizontal dimension, measured in any direction between such portions shall be 60 feet.

For that portion of a tower located above a height of 50 feet above the #High Line bed#, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 5 rectangle in plan, as shown on Map 6 (Subdistrict F Site Plan), then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet. Furthermore, the maximum horizontal dimension for that portion of a tower which spans over the #High Line#, measured in any direction, shall not exceed 120 feet.

The maximum height of a tower on Site 5 shall be 350 feet.

## **93-568**

### **Site 6**

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section 93-568 shall apply to #buildings# on Site 6.

(a) Height and setback regulations

(1) Street wall facing West 30th Street, beneath the #High Line#.

The provisions of this paragraph (a) shall apply to #street walls# on Site 6 beneath the #High Line# that face West 30th Street, Eleventh Avenue and the Southwest Open Space.

All such #street walls# shall extend along the entire #street# frontage of the site, except that along West 30th Street, the #street wall# shall be no closer to the northerly #street line# of West 30th Street than the northerly edge of the southern row of structural columns of the #High Line#, and along the Southwest Open Space and Eleventh Avenue, the #street wall# shall extend to a point five feet north of the #High Line#. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances.

All such #street walls# shall rise without setback to a maximum height of the underside of the #High Line bed#.

(2) Building base

(i) Facing Eleventh Avenue and the West 31st Street Extension, north of the #High Line#

The provisions of this subparagraph (a)(2)(i) shall apply north of the #High Line# to

#street walls# facing Eleventh Avenue, the West 31st Street Extension, portions of #street walls# facing the #High Line# within 60 feet of Eleventh Avenue, and portions of #street walls# facing the Southwest Open Space within 60 feet of the West 31st Street Extension. Such #street walls# shall rise without setback to a minimum height of 60 feet and a maximum height of 90 feet. Above a height of 90 feet, all portions of a tower, or portions of a transition height located beneath a tower facing Eleventh Avenue, the #High Line# and the West 31st Street

Extension shall be set back from the #street wall# of the #building# at least 15 feet, except such set back distance may include the depth of any permitted recesses. Portions of #street walls# along the Southwest Open Space within 60 feet of the West 31st Street Extension need not set back after the maximum base height to allow portions of towers, or portions of a transition height located beneath a tower that comply with the provisions of subparagraph (4) and subparagraph (3), respectively, of this paragraph (a) to rise without setback. These building base provisions may apply along the #High Line# beyond 60 feet of Eleventh Avenue, up to a maximum distance of 100 feet from Eleventh Avenue.

(ii) Facing West 30th Street, north of the #High Line#.

The provisions of this subparagraph (a)(2)(ii) shall apply to #street walls# above the #High Line bed#, facing the #High Line# beyond 60 feet of Eleventh Avenue, and to those portions of #street walls# facing the Southwest Open Space that are within 60 feet of the #High Line#. Such #street walls# shall rise without setback to a minimum height of 50 feet as measured above the level of the #High Line bed#, and a maximum height of 60 feet as measured above the level of the #High Line bed#. Above a height of 60 feet, all portions of a tower, or portions of a transition height located beneath a tower facing the #High Line# shall be set back from the #street wall# of the #building# at least 15 feet, except such set back distance may include the depth of any permitted recesses. Portions of #street walls# along the Southwest Open Space within 60 feet of the #High Line# need not setback after the maximum base height to allow portions of a tower, or portions of a transition height located beneath a tower that comply with the provisions of subparagraph (4) and subparagraph (3), respectively, of this paragraph (a) to rise without setback.

All portions of a #building# that exceed the maximum base height of 90 feet or shall comply with the tower provisions of subparagraph (4) of this paragraph (a), with the exception of a #building# which provides a transition height in accordance with the provisions of subparagraph (3) of this paragraph (a).

### (3) Transition height

If the outermost walls of all #stories# of any tower provided in accordance with the tower provisions of subparagraph (4) of this paragraph (a) are individually inscribed within a rectangle where the east-west dimension does not exceed a length of 110 feet, a transition height may be provided above the #building# base in accordance with the provisions of this subparagraph (3).

Above the maximum base height a #street wall# may rise to a maximum transition height equal to two-thirds the height of the #street wall# of the #building# base facing the West 31<sup>st</sup> Street Extension. Such a transition height shall not exceed a maximum height of 150 feet as measured above the West 31<sup>st</sup> Street Extension #street line#.

All portions of a transition height shall be set back 30 feet from the #street wall# of the #building# base along the West 31<sup>st</sup> Street Extension and the #High Line#, except that where towers are

provided directly above a portion of the transition height, such a portion of transition height located directly below a tower shall provide setbacks in accordance with the #building# base provisions of subparagraph (2) of this paragraph (a).

All portions of a #building# that exceed the maximum transition height shall comply with the tower provisions of subparagraph (4) of this paragraph (a).

(4) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 90 feet, or 150 feet if a transition height is provided in accordance with the provisions of subparagraph (3) of this paragraph (a), shall be considered a 'tower' and shall comply with the provisions of this subparagraph (4) .

(i) Maximum floor plate

If more than one tower is provided on Site 6, the aggregate gross area of any such tower #stories#, measured at any height, shall not exceed 25,000 square feet.

(ii) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 160 feet and the north-south dimension shall not exceed a length of 110 feet. Where more than one tower is located on Site 6, each tower shall comply independently with such maximum dimensions.

The #aggregate width of street walls# of all #stories# of a tower facing the West 31st Street Extension or the #High Line# shall not exceed 220 feet within 40 feet of the #street wall# of the #building# base.

If more than one tower is provided on Site 6, such towers shall either be equal in height, or the easternmost tower shall have a height greater than the height of the westernmost tower.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

(b) Certification to expand Site 6

The area of Site 6, as shown on Map 6 (Subdistrict F Site Plan), may be extended westward by up to 40 feet in order to accommodate a public #school# upon certification of the Chairperson of the City Planning Commission that:

- (1) The Chairperson of the City Planning Commission is in receipt of a letter from the School Construction Authority that describes the need for the additional area;
- (2) The Site and Landscape Plans for the Southwest Open Space have been approved by the Chairperson of the City Planning Commission, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F);
- (3) No portion of a tower located on Site 6 extends beyond 395 feet west of the Eleventh Avenue #street line#; and
- (4) Any portion of a #building# located beyond 395 feet from the Eleventh Avenue #street line# affects southwesterly view corridors from the Central Open Space towards the Hudson River to the minimum extent necessary to accommodate a public #school#.

**93-569**

**Tower top articulation**

All towers that exceed a height of 350 feet shall provide articulation in accordance with this Section.

For the purposes of this Section, a minimum of the uppermost 15 percent of the height of a #building or other structure#, including all rooftop mechanical structures and their required enclosures pursuant to the

regulations of paragraph (b) of Section 93-4 1 (Rooftop Regulations), shall henceforth be referred to as the ‘Tower Top Zone’. However, chimneys, antennae or decorative spires shall not be considered part of the Tower Top Zone, provided no such structures contain #floor area#.

The height of such #building or other structure# shall be measured from the highest level of the public sidewalk or finished grade located nearest such #building or other structure#.

The Tower Top Zone shall contain an ‘Upper Zone’ and a ‘Lower Zone’. The Lower Zone shall be a minimum of 50 percent of the height of the Tower Top Zone and shall contain tower #stories#. The Upper Zone shall contain the highest tower #story# where #floor area# occupies more than 75 percent of the gross area of such #story#, and any enclosed rooftop mechanical equipment.

For the purposed of this Section 93-569, each tower of a #building or other structure# shall be comprised of four separate tower top elevation views which shall be used to measure compliance with the regulations of this Section. Each elevation view shall have an angle of 90 degrees from another such view.

Each tower top shall provide the following forms of articulation: (a) Change in the

#building or other structure# profile

(1) Constructing the profile change boundary

To comply with the provisions of this subparagraph (a)(1), a rectilinear boundary within the Tower Top Zone shall be created in each elevation view to determine the required amount of profile change. In order to construct such boundary, two datum lines shall first be drawn in each elevation view. Such datum lines shall begin at the average outermost edges of those portions of tower floor plates above a height of 350 feet containing #floor area# below the Tower Top Zone, and shall extend upward for the entirety of the height of the #building or other structure#. The rectilinear profile change boundary shall include the portion of these two datum lines within the Tower Top Zone, as well as their intersection with two datum lines indicating the uppermost elevation and the lowermost elevation of the Tower Top Zone. In addition, a datum line shall indicate the boundary between the Upper and Lower Zone, creating a boundary for both the Upper Zone and Lower Zone.

(2) Required profile change

A minimum of 10 percent of the area of the profile change boundary within the Lower Zone shall remain open to the sky in each required elevation view. Such profile change shall begin upward at the lowermost datum line of the Tower Top Zone. In addition, a minimum of 20 percent of the area of the profile change boundary within the Upper Zone shall remain open to the sky in each required elevation view.

However, for portions of a #building or other structure# providing enclosed rooftop mechanical equipment within the Upper Zone, the width (as viewed in elevation) of the lowermost portion of enclosed rooftop mechanical space at that point in elevation which coincides with the uppermost portion of the highest tower #story# shall in no event be reduced beyond 50 percent of the width of such highest tower #story#. Upwards of such a point in elevation, no restriction on maximum width reduction for enclosed rooftops mechanical spaces shall apply.

(b) Change in the #building or other structure lot coverage#

For portions of a #building or other structure# within the Lower Zone, the average #lot coverage # for all tower #stories# within such zone shall not exceed 80 percent of the #lot coverage# of the tower #story# with the largest #lot coverage# below the Tower Top Zone and above a height of 350 feet.

(c) Material continuity

A minimum of ten percent of the surface area of the exterior portion of the facade of the #building or other structure# within the Tower Top Zone, as viewed in elevation, shall be composed of a single material. Such material shall be continuously visible (in each elevation view) from the lowermost datum line of the Tower Top Zone to the uppermost datum line of the Tower Top Zone. However, within each #story# of the Lower Zone, a break in the vertical continuity of the material shall be permitted, provided that the vertical break does not

exceed twelve inches.

**93-57**

**Special Permit for Modification of Height and Setback Regulations**

Within the #Special Hudson Yards District#, except within C1-7A Districts or C2-5 Districts mapped within R8A Districts, for #developments# or #enlargements# on #zoning lots# with at least 20,000 square feet of #lot area# or #developments# or #enlargements# on any size #zoning lot# that occupy the entire #block# front along a #wide street#, the City Planning Commission may modify the regulations set forth in Sections 93-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, and 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A THROUGH E), inclusive, provided the Commission finds that:

\* \* \*

**93-60**

**MANDATORY IMPROVEMENTS**

**93-61**

**Sidewalk Widening**

Map 4 (Mandatory Sidewalk Widening) in Appendix A of this Chapter specifies locations of mandatory sidewalk widenings. The depth of such sidewalk widenings shall be as indicated on Map 4 in Appendix A and shall be measured perpendicular to the #street line#. All sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

\* \* \*

**93-70**

**PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES**

\* \* \*

**93-71**

**Public Access Areas in the Eastern Rail Yards Subarea A1**

\* \* \*

(b) Outdoor plaza

\* \* \*

Building walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and shall rise to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such building wall may rise

without setback at such prolongation line, provided the aggregate width of such building wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet.

The retail and glazing requirements of Section 93-14 (~~Retail Continuity Along Designated Streets~~ Ground Floor Level Requirements) shall apply to at least 70 percent of the length of all building walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building# containing only #uses# in Use Group 3 or 4 located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.

**93-75**

**Publicly Accessible Open Spaces in Subdistrict F**

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible open spaces are listed in this Section 93-75, inclusive. Such publicly accessible open spaces shall be comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection, and the #High Line# as described within this Section 93-75, inclusive. Map 7 (Subdistrict F Public Access Area Plan) in Appendix A of this Chapter identifies the location of publicly accessible open spaces.

General requirements for each publicly accessible open space are set forth within this Section. Design requirements for each publicly accessible open space are set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible open space is set forth in Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

All publicly accessible open spaces listed in this section shall be accessible to the public from the hours of 6:00 am to 1:00 am with the exception of the #High Line#, and the Northeast Plaza. The Northeast Plaza shall provide hours of access pursuant to Section 37-727 (Hours of access).

### **93-751**

#### **General requirements for the Western Open Space**

A publicly accessible open space, (henceforth referred to as the ‘Western Open Space’), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that amenities that are provided in accordance with this Section 93-75, and Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Western Open Space.

##### (a) General purpose

The Western Open Space is intended to serve the following purposes:

- (1) To provide a major open space that joins the northern portion of the #High Line# open space network on its west to the open space networks leading to the Hudson Park and Boulevard on its east;
- (2) To provide a large open lawn area overlooking the Hudson River for public use and enjoyment; and
- (3) To provide transition areas that offer shade, supplemental space between the open lawn and surrounding buildings, and connections between surrounding publicly accessible open spaces.

##### (b) Location and minimum dimensions

The Western Open Space shall be located east of the #High Line#, and encompass the area between Sites 1 and 5 as shown on Map 7 (Subdistrict F Public Access Area Plan). The Western Open Space shall have a minimum easterly boundary of 225 feet as measured from the easterly #street line# of Twelfth Avenue.

##### (c) Core elements

The Western Open Space shall provide the following core elements:

###### (1) Lawn area

An accessible lawn area shall be provided with a minimum area of one acre. Any lawn area located within 40 feet of a #building# wall on Sites 1 or 5 shall not contribute towards this one acre requirement. The required lawn area shall be comprised of the following amenities:

- (i) A continuous lawn area shall be provided over a minimum of 75 percent of the required one acre. Such area shall have a maximum slope of three degrees and unobstructed visual access toward the Hudson River.
- (ii) A transitional lawn area may be provided for a maximum of 25 percent of the required one acre of lawn area. Such area need not be continuous, and shall have a maximum slope of 15

degrees. Trees and other plantings shall be permitted in such area.

(2) #High Line# connection

Access to the #High Line# shall be provided along a minimum of 75 feet and a maximum of 150 feet of #High Line# frontage length. Such frontage need not be continuous, however, in order to qualify as unobstructed access that contributes to the minimum 75 foot requirement set forth in this subparagraph (c)(2), a minimum frontage width of five feet is required. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93-756 (General requirements for the High Line).

(3) Supplemental area

Any space provided in the Western Open Space which does not meet the criteria for lawn area set forth in subparagraph (c)(1) of this Section or the criteria for the #High Line# connection set forth in subparagraph (c)(2) of this Section shall be designated as supplemental area and shall comply with the requirements set forth in this subparagraph (c)(3).

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 2,000 square feet of supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One such pedestrian access shall link the West 32nd Street Extension's allee to the #High Line#, and the second such pedestrian access shall link the West 31st Street Extension to the #High Line#.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Permanent structures such as food or information kiosks, pavilions or public restrooms, may be placed within the supplemental area provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet, and shall be exempt from the definition of #floor area#.

(d) Transparency

For portions of #buildings# on Site 1 and Site 5 fronting upon the Western Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, un-tinted transparent material.

(e) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 32nd Street Extension shall be permitted to encroach upon the supplemental area of the Western Open Space, provided that the Site and Landscape Plans incorporating the private street or pedestrian way are approved in conjunction with the Western Open Space pursuant to Section 93-7 8 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

## **93-752**

### **General requirements for the Central Open Space**

A publicly accessible open space, (henceforth referred to as the 'Central Open Space'), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that portions of a #building# on Site 3 and amenities that are provided in accordance with this Section 93-75, and Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F), shall be permitted to cover a portion of the Central Open Space.

(a) General purpose

The Central Open Space is intended to serve the following purposes:

- (1) To serve as a neighborhood open space;
- (2) To provide amenities for area residents, workers, and the general public; and
- (3) To provide areas that offer varied programs, supplemental spaces between amenities and surrounding #buildings# and connections between surrounding publicly accessible open spaces.

(b) Location and dimensions

The Central Open Space shall be located within the area bounded by the West 32nd Street Extension, the West 31st Street Extension, the Connector and Eleventh Avenue, and shall also be comprised of any portion of Sites 3 and 4 which are not covered by #buildings# at the ground level as shown on Map 7 (Subdistrict F Public Access Area Plan).

The Central Open Space shall have a minimum dimension in the north-south direction as measured from the southerly #street line# of the West 32nd Street Extension to the northerly #street line# of the West 31st Street Extension of 175 feet. In addition, the minimum dimension of the Central Open Space in the north-south direction between the northern boundary of Site 3 and the southerly #street line# of the West 32nd Street Extension shall be 55 feet.

The Central Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of the Connector to the westerly #street line# of Eleventh Avenue of 545 feet. In addition, the minimum dimension of the open space in the east-west direction between the eastern boundary of Site 3 and the western boundary of Site 4 shall be 265 feet.

Within 350 feet of the Eleventh Avenue #street line#, the maximum height of the finished grade of the Central Open Space shall be 45 feet above the Manhattan Datum, which is 2.75 feet above Sea Level. Beyond 350 feet of Eleventh Avenue, the maximum height of the finished grade shall be 47 feet above the Manhattan Datum.

(c) Core elements

The Central Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum aggregate area of 10,000 square feet and a maximum slope of three degrees. Such area need not be continuous.

Any lawn area located within 12 feet of a #building# wall on Sites 3 or 4 shall not contribute towards such minimum gross area.

(2) Playground

A playground shall be provided with a minimum area of 10,000 square feet.

(3) Supplemental area

Any space in the Central Open Space other than the required lawn area set forth in subparagraph (c)(1) of this Section or the required playground space set forth in subparagraph (c)(2) of this Section, shall be designated as supplemental area and shall comply with the requirements set forth in this Section.

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 1,500 square feet of the supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. Such pedestrian access shall link the West 31st and West 32nd Street Extensions and be no closer than 150 feet to one another at any point.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area.

At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Within 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 7.5 degrees, or a maximum height of two feet. Beyond 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 15 degrees.

(c) Permanent structures

Permanent structures, such as food or information kiosks, pavilions or public restrooms may be placed within the Central Open Space, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet and shall be exempt from the definition of #floor area#.

(d) Transparency

For portions of #buildings# in Site 4 fronting upon the Central Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, un-tinted transparent material.

(f) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 31st Street Extension shall be permitted to encroach upon the supplemental area of the Central Open Space, provided that the Site and Landscape Plans incorporating the private street or pedestrian way are approved in conjunction with the Central Open Space pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

**93-753**

**General requirements for the Southwest Open Space**

A publicly accessible open space, (henceforth referred to as the ‘Southwest Open Space’), shall be provided in Subdistrict F. Such accessible open space shall be open to the sky, except that portions of a #building or other structure# on Site 5, the #High Line# and amenities that are provided in accordance with this Section 93-75, and Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Southwest Open Space.

(a) General purpose

The Southwest Open Space is intended to serve the following purposes:

- (1) To serve as an inviting pedestrian gateway to the Western Rail Yard from open space networks along the Hudson River;
- (2) To provide pedestrian amenities and connections between surrounding public spaces both on and adjacent to the Western Rail Yard; and
- (3) To offer a unique open space experience for pedestrians through the negotiation of the area’s grade changes.

(b) Location and minimum dimensions

The Southwest Open Space shall be located within the area bounded by Twelfth Avenue, the Western Open Space, the West 31st Street Extension, Site 6, and West 30th Street, and shall also be comprised of any portion of Site 5 which is not covered by a #building or other structure# at the ground level as shown on Map 7 (Subdistrict F Public Access Area Plan).

The Southwest Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of Twelfth Avenue to the western boundary of Site 6 of 400 feet. However, if the length of Site 6 is extended to accommodate a public #school# in accordance with the provisions of paragraph

(b) of Section 93-568 (Site 6), the minimum dimension of the Southwest Open Space shall be 360 feet.

The Southwest Open Space shall have a minimum dimension in the north-south direction as measured from the northerly #street line# of West 30th Street to the southern boundary of the Western Open Space of 180 feet and a maximum dimension of 200 feet.

(c) Core elements

The Southwest Open Space shall have the following core elements. For the purpose of determining the amount of an amenity to provide in relation to the area of the Southwest Open Space in this paragraph (c), the area of the Southwest Open Space shall exclude the area occupied by a #building or other structure# on Site 5 and the #High Line#.

A minimum of 50 percent of the area of the Southwest Open Space shall be landscaped with soft ground cover, and the remaining 50 percent of the Southwest Open Space may be paved. At least one tree shall be provided for every 1,500 square feet of Southwest Open Space.

An unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the West 31st Street Extension. If such pedestrian access contains 'switchbacks' comprised of a series of ascending pedestrian ways, the minimum distance between midpoints of each way, as measured in plan from the northerly edge of one way to the southerly edge of the next ascending way shall be 15 feet.

A second unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the #High Line bed# or with an elevator located adjacent to the #High Line# that provides public access to the #High Line bed#. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93-756.

A minimum of one linear foot of seating shall be provided for every 75 square feet of soft ground cover provided within the Southwest Open Space. At least 50 percent of such required seating shall provide seatbacks.

Permanent structures, such as food or information kiosks, pavilions or public restrooms shall be permitted within the Southwest Open Space provided the height of such structures does not exceed 20 feet. The maximum area #lot coverage# that all such permanent structures may occupy shall be 1,000 square feet, provided that such structures are located entirely west of the #High Line#. Such permanent structures shall be exempt from the definition of #floor area#.

(d) Permitted encroachments from private streets

The terminus of the West 31st Street Extension shall be permitted to encroach upon the Southwestern Open Space, provided that the Site and Landscape Plans for the West 31<sup>st</sup> Street Extension are approved in conjunction with the Southwestern Open Space pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

**93-754**

**General requirements for the Northeast Plaza**

A publicly accessible open space, (henceforth referred to as the 'Northeast Plaza'), shall be provided at the intersection of West 33rd Street and Eleventh Avenue, as shown on Map 7 (Subdistrict F Public Access Area Plan). The area of such space shall be at least 2,600 square feet, and shall have a minimum #street# frontage of 40 feet along each #street#. The Northeast Plaza shall be #developed# in accordance with the standards of a #public plaza# as set forth in Section 37-70 (PUBLIC PLAZAS), exclusive of the area dimensions set forth in Section 37-712.

**93-755**

**General requirements for the Midblock Connection**

A pedestrian way (henceforth referred to as the 'Midblock Connection'), shall be provided between West 33rd Street and the West 32nd Street Extension, (as shown on Map 7 (Subdistrict F Public Access Area Plan).

(a) General purpose

The Midblock Connection is intended to serve the following purposes:

- (1) To provide pedestrian access between West 33rd Street and the Western Rail Yard Subdistrict F; and
- (2) To provide amenities similar to a through block public plaza.

(b) Location and dimensions

The entirety of the Midblock Connection shall be located between 335 feet and 455 feet west of the westerly Eleventh Avenue #street line#.

The minimum width of the Midblock Connection, measured in the east-west direction, shall be 60 feet.

(c) Core elements

The Midblock Connection shall provide the following core elements:

- (1) A minimum of one unimpeded pedestrian access, with a minimum width of 12 feet, shall be provided to connect the West 32nd Street Extension with West 33rd Street;
- (2) A minimum of one linear foot of seating shall be provided for every 75 square feet of the Midblock Connection. A minimum of 50 percent of the required seating shall provide seatbacks; and
- (3) A minimum of 20 percent of the gross area of the Midblock Connection shall be landscaped with soft ground cover, and shall provide a minimum of one tree per every 1,500 square feet.

**93-756**

**General requirements for the High Line**

For the portion of the #High Line# which is located within the boundary of Subdistrict F, the following provisions shall apply.

(a) General purpose

The #High Line# is intended to serve the following purposes:

- (1) To serve as a continuation of the #High Line# public open space to the east and to the south of West 30th Street;
- (2) To offer a pedestrian and passive open space experience similar to the #High Line# open space south of West 30th Street, through planting, materials and amenities, while taking into account the nature and character of the Western Rail Yard Subdistrict F; and
- (3) To allow for connections to other public areas on the Western Rail Yard Subdistrict F.

(b) Permitted #uses#

Any permitted change of #use# for the #High Line# shall be made pursuant to the provisions of Section 93-10 (USE REGULATIONS).

(c) Core Elements

The #High Line# open space shall provide amenities including, but not limited to, planting, seating, and lighting designed so as to complement and be integrated with portions of the #High Line# south of West 30<sup>th</sup> Street in a manner that provides both visual and pedestrian continuity along the #High Line# open space network. The #High Line# open space shall not be subject to the design criteria for public access areas in Subdistrict F set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F).

The Site and Landscape Plans for the High Line approved pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F) shall make provision for access points to and from the High Line Open Space, including the public access provided in the Southwest Open Space pursuant to Section 93-753 (General requirements for the Southwest Open Space) and, subject to agreement, shall include support facilities necessary for the operation, maintenance, and public enjoyment of the #High Line# open space

located in Subdistrict F, or at other locations north of West 30<sup>th</sup> Street.

(d) Certification to modify requirements adjacent to the #High Line#

The Chairperson of the City Planning Commission may modify certain regulations on adjacent #development# sites provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary in order to provide access to the #High Line# open space, or to accommodate facilities for the #High Line# open space, and that such change is compatible with the character of #developed# portions of the #High Line# south of West 30<sup>th</sup> Street.

The following regulations may be modified:

- (1) The ground floor level requirements set forth in Section 93-14 (Ground Floor Level Requirements), where applicable;
- (2) The unobstructed five foot separation between the #High Line# and a #street wall# on Sites 1, 5 and 6 required pursuant to paragraph (a) of Section 93-561 (General rules for Subdistrict F) in order to accommodate a pedestrian access way, open to the sky, between the #High Line# and such #building# sites. However, the required five foot #street wall# separation from the edge of the #High Line# shall not be modified;
- (3) The #street wall# requirements for Site 6 set forth in Section 93-562 (Street wall regulations for certain streets), only as necessary to accommodate pedestrian access onto the #High Line#;
- (4) The general requirements for the Western Open Space and the Southwest Open Space set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F); and
- (5) The general requirements for the 30<sup>th</sup> Street Corridor set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

Any application for such change shall be included in the application for the Site and Landscape Plans submitted pursuant to the provisions of Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F) for the #High Line# open space.

## **93-76**

### **Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F**

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible private streets and pedestrian ways shall be provided in Subdistrict F in addition to the publicly accessible open spaces required in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F). Such

private streets and pedestrian ways shall be comprised of the West 31st and West 32nd Street Extensions, the West 30th Street Corridor and the Connector. Map 7 (Subdistrict F Public Access Area Plan) in Appendix A of this Chapter identifies the location of these publicly accessible private streets and pedestrian ways.

General requirements for each publicly accessible private street and pedestrian way are set forth within this Section. Design requirements for each publicly accessible private street and pedestrian way are set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible private street and pedestrian way are set forth in Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Publicly accessible private streets and pedestrian ways listed in this section shall be accessible to the public at all times.

## **93-761**

### **General requirements for the West 32nd Street Extension**

A private street, (henceforth referred to as the ‘West 32nd Street Extension’), shall be provided south of and parallel to West 33<sup>rd</sup> Street.

(a) General purpose

The West 32nd Street Extension is intended to serve the following purposes:

- (1) To serve as the primary publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;
- (2) To provide an experience substantially similar to active public #streets# in other high- density, mixed-use districts;
- (3) To provide a unique urban park-like experience for an active public street by connecting the Western Open Space and the Eastern Rail Yard plaza with a pedestrian allee; and
- (4) To provide a private street with core elements which are substantially similar to the surrounding public #streets#.

(b) Location and Dimensions

The West 32nd Street Extension shall have its northerly edge located a minimum of 180 feet and a maximum of 200 feet south of the West 33rd Street #street line#, as shown on Map 7 (Subdistrict F Public Access Area Plan), except that a terminus to the West 32nd Street Extension, located west of the Connector shall be permitted to expand beyond the maximum dimensions, provided that such a terminus extends to provide a #building# entrance drive along Site 1, and complies with the provisions set forth in paragraph (e) of Section 93-75 1 (General requirements for the Western Open Space).

(c) Core Elements

The West 32nd Street Extension shall provide the following core elements:

(1) Streets and sidewalk requirements

The West 32nd Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#. Such private street shall consist of a road bed, paved with asphalt, with a minimum width pursuant to the requirements set forth by the Fire Department; a 20 foot minimum sidewalk along its entire northern curb; and a 25 foot minimum sidewalk along its entire southern curb.

(2) Planting and seating requirements for the southern sidewalk and allee

Two trees shall be planted for every 20 feet of southern curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this

calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension.

Along the southern sidewalk trees shall be planted within five feet of the curb and the southern edge of the sidewalk. One row of trees shall be planted within five feet of the curb and a second row of trees shall be planted within five feet of the southern edge of the sidewalk. This double row of tree planting along the southern sidewalk of the West 32nd Street Extension between Eleventh Avenue and the Connector shall henceforth be referred to as the 'allee', as shown on Map 7 (Subdistrict F Public Access Area Plan). No #development# shall be permitted within 15 feet of the southern edge of the allee.

The allee shall provide a minimum of one linear foot of seating for every 75 square feet of the allee. A minimum of 50 percent of the required seating shall provide seatbacks.

(3) Planting requirements for the northern sidewalk

One tree shall be planted for every 25 feet of curb length of the West 32nd Street Extension along its northern curb between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension, until the

Connector. Along the northern sidewalk, trees shall be planted within five feet of the curb.

(4) Curb cuts

No curb cuts shall be permitted along the West 32nd Street Extension, except for access to the Connector if required by the Fire Department.

**93-762**

**General requirements for the West 31st Street Extension**

A private street, (henceforth referred to as the ‘West 31st Street Extension’), shall be provided north of and parallel to West 30th Street.

(a) General purpose

The West 31st Street Extension is intended to serve the following purposes:

- (1) To serve as a publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;
- (2) To provide an experience substantially similar to active public #streets# in other high- density, mixed-use districts; and
- (3) To provide a private street with core elements which are substantially similar to the surrounding public #streets#.

(e) Location and Dimensions

The West 31st Street Extension shall have its southerly edge located a minimum of 180 feet and a maximum of 200 feet north of the West 30th Street #street line#, as shown on Map 7 (Subdistrict F Public Access Area Plan), except that a terminus to the West 31st Street Extension, located west of the Connector, shall be permitted to expand beyond the maximum dimensions, provided that such a terminus extends to provide a #building# entrance drive along Site 5, and complies with the provisions set forth in paragraph (d) of Section 93-753 (General requirements for the Southwest Open Space), and/ or paragraph (f) of Section 93-754 (General requirements for the Northeast Plaza) as applicable.

(c) Core Elements

The West 31st Street Extension shall provide the following core elements:

(1) Street and sidewalk requirements

The West 31st Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#. Such private street shall consist of a road bed, paved with asphalt, with a minimum width pursuant to requirements set forth by the Fire Department; a 15 foot minimum sidewalk along its entire northern curb; and a 20 foot minimum sidewalk along its entire southern curb.

(2) Planting requirements for sidewalks

One tree shall be planted for every 25 feet of curb length of the West 31st Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street between Eleventh Avenue and the Connector.

(3) Curb cuts

One curb cut shall be permitted along each side of the West 31st Street Extension. The maximum width of such curb cut shall be 30 feet. A third curb cut accessing the Connector shall be permitted if required by the Fire Department.

**93-763**

**General requirements for the West 30th Street Corridor**

A pedestrian way (henceforth referred to as the ‘West 30th Street Corridor’), shall be provided along the northerly sidewalk of West 30th Street adjacent to the area below the #High Line#.

(a) General purpose

The West 30th Street Corridor is intended to serve the following purposes:

- (1) To serve as a transition space between the #High Line# and the West 30th Street sidewalk;
- (2) To allow for active frontages with publicly-accessible open areas for establishments below the #High Line#; and
- (3) To provide an overall streetscape design that compliments and provides views of the #High Line# along West 30th Street.

(b) Location and Dimensions

The West 30th Street Corridor shall be located in the area bounded by the #High Line#, Eleventh Avenue, West 30th Street, and the eastern edge of the Southwest Open Space, as shown on Map 7 (Subdistrict F Public Access Area Plan).

In the north-south direction, the West 30th Street Corridor shall extend from the #street wall# of #buildings# beneath the #High Line# facing West 30th Street (which shall coincide with the northerly edge of the southern row of structural columns of the #High Line#) to the northerly #street line# of West 30th Street.

(c) Core Elements

The West 30th Street Corridor shall have the following provisions for its core elements:

- (1) A pedestrian access area at least 10 feet in width shall be provided along the entire length of the West 30th Street Corridor, linking Eleventh Avenue with the sidewalk adjacent to the Southwest Open Space. Such area shall be located a minimum of five feet beyond the northerly curb line of West 30th Street, and shall be free of obstructions;
- (2) Portions between the required pedestrian access area and the #High Line# may be paved or landscaped; and
- (3) Street trees shall be planted within five feet of the northern curb of West 30<sup>th</sup> Street. One tree shall be planted for every 25 feet of curb length. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 30<sup>th</sup> Street.

**93-764**

**General requirements for the Connector**

A publicly accessible connection (henceforth referred to as the ‘Connector’), shall be provided between the West 32nd Street Extension and the West 31st Street Extension.

(a) General purpose

The Connector is intended to serve the following purposes:

- (1) To serve as a connection between the West 32nd Street Extension and the West 31st Street Extension;
- (2) To provide a space that compliments the surrounding publicly accessible open spaces; and
- (3) To provide an emergency egress connector pursuant to Fire Department standards.

(b) Location and Dimensions

The western #street line# of the Connector shall be located a minimum of 225 feet east of the easterly #street line# of Twelfth Avenue, as shown on Map 7 (Subdistrict F Public Access Area Plan).

(c) Core Elements

The Connector shall provide the following core elements:

- (1) The Connector shall be constructed to minimum Fire Department standards for an emergency egress connection between the West 32nd Street Extension and the West 31st Street Extension, including, but not limited to, the width and materials of paved area, and permitted obstructions within such area; and
- (2) The Connector shall not be located within 15 feet of a #building#.

93-77

### **Design Criteria for Public Access Areas in Subdistrict F**

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

#### (a) Design Criteria

Where publicly accessible open spaces, with the exception of the #High Line#, private streets and pedestrian ways provide elements listed in this Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F), such elements shall comply with the applicable minimum design standards set forth below as a minimum design standard.

##### (1) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1-7) of Section 37-741 (Seating), inclusive.

##### (2) Planting and trees

Where planting areas are provided, they shall meet the planting bed requirements, and irrigation requirements of Section 37-742 (Planting and trees).

Where trees are provided, they shall meet the applicable minimum tree caliper standards, soil requirements, and irrigation standards set forth in Section 37-742 (Planting and trees), except that within the Western Open Space, the Central Open Space, and the Southwest Open Space, the soil requirements for tree planting shall not apply. In lieu thereof, all trees in the Central and Western Open Spaces shall be planted in areas with soil depth of at least five feet. In the Southwest Open Space, all trees shall be planted in continuous planted areas that have a minimum depth of five feet and a minimum area of 500 square feet of soil.

##### (3) Paving

Paving, exclusive of the required asphalt paving of the West 31st and West 32nd Street Extension roadbeds shall meet the minimum standards set forth in Section 37-718 (Paving).

##### (4) Steps

Steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps).

##### (5) Kiosks and open air cafes

Kiosks or open air cafés shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes). Seating provided as part of an open air café shall not count towards meeting the seating requirements of a public access area listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

##### (6) Standards of accessibility for persons with disabilities

All publicly accessible open spaces, private streets and pedestrian ways shall be designed pursuant to the standards of accessibility for persons with disabilities set forth in Section 37-728 (Standards of accessibility for persons with disabilities).

##### (7) Lighting and electrical power

All publicly accessible open spaces, private streets and pedestrian ways shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743 (Lighting and electrical power).

(8) Litter receptacles

All publicly accessible open spaces, private streets and pedestrian ways shall provide litter receptacles pursuant to the standards set forth in Section 37-744 (Litter receptacles).

(9) Bicycle parking

Bicycle racks sufficient to accommodate at least 25 bicycle parking spaces shall be provided in the Southwest Open Space. Bicycle racks sufficient to accommodate at least 30 bicycle parking spaces shall be provided in the Central Open Space, and bicycle racks sufficient to accommodate at least 33 bicycle parking spaces shall be provided in the Western Open Space. Such racks shall be located adjacent to a paved circulation path within the open space or in public sidewalks adjacent to the open space.

(10) Playgrounds and additional amenities

Where playgrounds and additional amenities are provided in publicly accessible open spaces, such amenities shall be designed pursuant to the standards set forth in Section 37-748 (Additional amenities).

(11) Signs

All open spaces within the publicly accessible open spaces shall provide open space signage pursuant to the standards set forth in Section 37-75 1 (Public space signage systems).

(12) Canopies, awnings and marquees

Where #buildings# front onto publicly accessible open spaces, private streets and pedestrian ways, canopies, awnings and marquees shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions).

(13) Gates and fences

Gates, fences or other barriers shall be permitted at the perimeter of any playgrounds, tot lots, or dog runs provided as part of a publicly accessible open space or pedestrian way. Additional gates, fences or other barriers shall be permitted in the Midblock Connection, the Southwest Open Space and the #High Line# only as approved as part of the Site and Landscape Plans submitted pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Such gates, fences or other barriers shall have a maximum height of 48 inches as measured from the adjoining grade level, and shall be at least 70 percent open. However, where gates, fences or other barriers are mounted on a solid curb, such minimum transparency shall not include the surface area of the curb, provided that the height of such curb does not exceed six inches.

Chain link fencing or barbed or razor wire shall not be permitted.

(14) Public restrooms

At least one public restroom shall be provided to serve either the Central Open Space or the Western Open Space, whichever is #developed# first pursuant to the provisions of Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F). Such public restroom shall provide separate restroom spaces for each gender, and may be located in either the publicly accessible open space or within the ground floor of any adjacent #building#.

(b) Maintenance

The owner of each of Sites 1 through 6 in Subdistrict F shall be responsible for the maintenance of the all publicly accessible open spaces, private streets and pedestrian ways, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the portion of the Subdistrict associated with such Site in the phased

#development# provided in the Site and Landscape Plans required pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F). Notwithstanding the foregoing, maintenance of the #High Line# shall be governed by such agreements as are entered into with respect thereto.

(c) Interim #use#

Open #uses# listed in Use Group 4B, with the exception of ‘Cemeteries’ and ‘Golf courses’ shall be permitted as interim #uses# within the designated boundary of any public access area described in Sections 93-75 (Publicly Accessible Open Spaces in Subdistrict F) or 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F) with the exception of the #High Line# open space, or within the designated boundary of any #building# site described in Section 93-56 (Special Height and Setback Regulations for Subdistrict F). Such interim #uses# may be #developed# prior to the approval of the Site and Landscape Plans for the public access area in which it is located, and may continue until such time as #development# commences on such public access area pursuant to the approved Site and Landscape Plans. Any such interim #uses# shall be open to and usable by the public, and may include temporary structures, provided that all associated #floor area# is appurtenant to the interim #use#.

## **93-78**

### **Site and Landscape Plans for Public Access Areas in Subdistrict F**

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

All publicly accessible open spaces, or portions thereof listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways, or portions thereof listed in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), shall comply with the following provisions:

(a) No #building# permit shall be issued for any #development# or #enlargement# within Subdistrict F unless the Chairperson of the City Planning Commission has certified to the Commissioner of Buildings that the Site and Landscape Plans for the Subdistrict F Public Access Area have been approved by the Chairperson pursuant to the provisions of this Section 93-78. Notwithstanding the foregoing, the Chairperson shall allow for the phased

#development# of public access areas or portions thereof upon certification to the Commissioner of Buildings that Site and Landscape Plans have been submitted that provide for the completion of public access areas in association with the #development# or #enlargement# of a #building# or #buildings# within each phase.

(b) An application under this section shall be filed with the Chairperson of the City Planning Commission and such application shall include:

- (1) A Site Plan indicating the area and dimensions of the public access area or portions thereof and the location of all proposed #buildings# in the phase subject to the application;
- (2) A Landscape Plan, prepared by a registered landscape architect for the public access area or portions thereof in the phase subject to the application; and
- (3) A report to the Chairperson demonstrating:
  - (i) That the Site and Landscape Plans have been presented by the applicant to the affected Community Board, City Council Member and Borough President and the Community Board, City Council Member and Borough President have had at least 60 days to review; and
  - (ii) That any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered by the applicant, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall identify53 how the design has been modified.

(c) The Chairperson of the City Planning Commission shall approve the Site and Landscape Plans within 45 days following filing provided that the following provisions are met:

- (1) That the Site and Landscape Plans provide for the improvement of the public access area or portions thereof which, taking into account relevant considerations relating to platform construction and engineering:
  - (i) Are of sufficient size to provide a valuable public amenity and promote site access for the benefit of residents and/ or workers in the #buildings# in the phase to which they relate as well as for the general public; and
  - (ii) Are appropriately sited and located in suitable proximity to the #building# locations in the phase to which they relate.
- (2) That the Site and Landscape Plans are consistent with the general purposes and contain the core elements listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F) and Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), inclusive;
- (3) That all elements in the Site and Landscape Plans comply with the design criteria as set forth in Section 93-77 (Design Criteria for Open Spaces in Subdistrict F), or, in the case of the #High Line#, that the elements in the Landscape Plan comply with the criteria set forth in paragraph (c) of Section 93-756 (General requirements for the #High Line#);
- (4) That the Site and Landscape Plans are consistent and appropriate in relation to any previously approved Landscape Plan for other phases and in relation to conceptual plans for future phases, as applicable;
- (5) That the level of public amenity provided in the Landscape Plan is equal to or better than the level of public amenity provided in #public plazas developed# under the standards of Section 37-70 (PUBLIC PLAZAS), or, in the case of the #High Line#, than the level of public amenity provided on #developed# portions of the #High Line# south of West 30<sup>th</sup> Street. All public amenities that are provided in the Landscape Plan shall take into account the nature and character of the Subdistrict F public access areas; and
- (6) That a maintenance plan including any necessary maintenance facilities for the public access area or portions thereof in the phase has been established that will ensure compliance with the provisions of paragraph (b) of Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F).

Approved Site and Landscape Plans shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

(d) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with the Site and Landscape Plans, and that such public access area, or portions thereof are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof are fully complete, and that all requirements of this Section 93-78 have been met in accordance with the Site and Landscape Plans for the public access area, or portions thereof associated with such phase. Notwithstanding the foregoing, in the event that a Temporary Public Access Area Plan is approved pursuant to Section 93-782 (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within the phase until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with such Temporary Public Access Area Plan, and the public access area or portions thereof are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson

certifies to the Department of Buildings that the public access area, or portions thereof associated with the phase previously improved pursuant to the Temporary Public Access Area Plan has been fully completed in accordance with the Site and Landscape Plans therefore, and that the public access area or portions thereof are open to and useable by the public.

- (e) Where a phase of #development# results in all #building# sites in Subdistrict F, as shown on Map 6 (Subdistrict F Site Plan), having been #developed# in whole or in part pursuant to the provisions of Section 93-56 (Special Height and Setback Regulations in Subdistrict F), the Department of Buildings shall not issue a certificate of occupancy for the last #building# of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all public access areas within Subdistrict F are substantially complete, and are open to and useable by the public. However, in the event that the Site and Landscape Plans for the #High Line# open space have not been approved pursuant to paragraph (c) of this Section 93-78 at the time such last #building# is eligible for a certificate of occupancy, the Department of Buildings shall issue such certificate of occupancy upon certification of the Chairperson that all public access areas other than the #High Line# open space are substantially complete.

### **93-781**

#### **Certification to modify general requirements of public access areas for ventilation demands**

The Chairperson of the City Planning Commission may modify the general requirements of the publicly accessible open spaces listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways listed in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F) provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Western Rail Yard. In addition to the Site and Landscape Plans required pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), a Mechanical Plan shall be provided demonstrating the need to modify such general requirements.

### **93-782**

#### **Certification to temporarily modify public access areas for construction staging**

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that a public access area will be required for construction staging or similar activities in a future phase of #development# or #enlargement#, the application for the Site and Landscape Plans may be accompanied by a request for approval of a Temporary Public Access Area Plan for the public access area which may include fewer than all core elements required as part of a phase of #development# or #enlargement# of such public access area pursuant to subparagraph (c)(2) of Section 93-78 (Site and Landscape Plans for Public Access

Areas in Subdistrict F), as necessary to accommodate such future construction staging or similar activities. Such Temporary Public Access Area Plan shall be subject to review and approval in the same manner as the Site and Landscape Plans pursuant Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), and if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of #development# or #enlargement#. Following the expiration of such period, the Site and Landscape Plans including all core elements for such public access area shall be implemented.

### **93-80**

#### **OFF-STREET PARKING REGULATIONS**

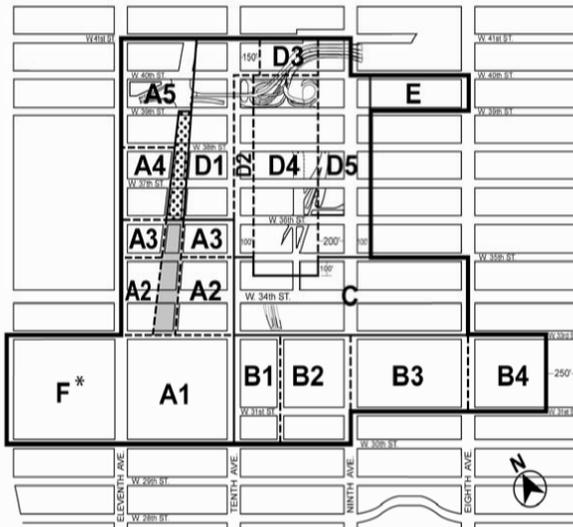
In Subdistricts A-E, the The regulations governing permitted and required #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of 55 Community Districts 1 and 2 in the Borough of

Queens) and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

In Subdistrict F, the regulations of Article I, Chapter 3 shall apply.

\* \* \*

Map 1 Special Hudson Yards District, Subdistricts and Subareas



- Special Hudson Yards District
- Subdistricts
- Subareas within subdistricts
- Phase 1 Hudson Boulevard and Park
- ▨ Phase 2 Hudson Boulevard and Park

**Large-Scale Plan Subdistrict A**

- Eastern Rail Yards Subarea A1
- Four Corners Subarea A2
- Subareas A3 through A5

**Farley Corridor Subdistrict B**

- Western Blocks Subarea B1
- Central Blocks Subarea B2
- Farley Post Office Subarea B3
- Pennsylvania Station Subarea B4

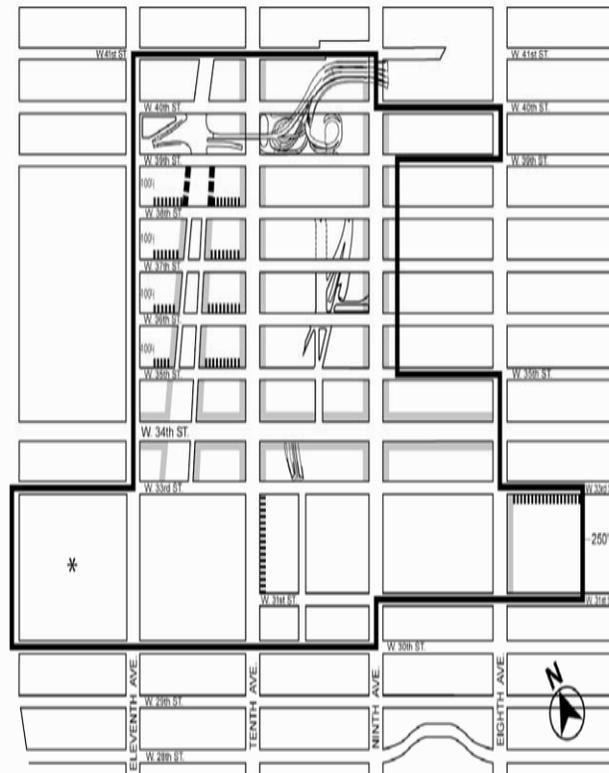
**34th Street Corridor Subdistrict C**

**Hell's Kitchen Subdistrict D**  
Subareas D1 through D5

**South of Port Authority Subdistrict E**

**Western Rail Yard Subdistrict F**

Map 2 Mandatory Ground Floor Retail



- Special Hudson Yards District
- ▨ 100% Retail and Glazing Requirement
- ▤ 50% Retail and Glazing Requirement
- ▣ Glazing Requirement Only

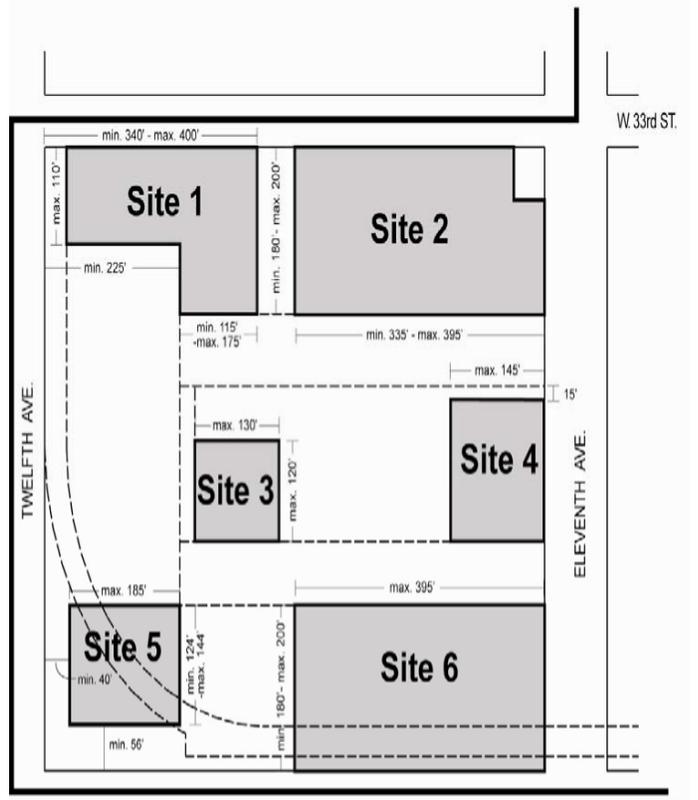
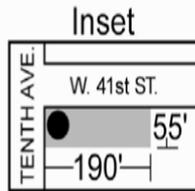
\*For Site locations and permitted dimensions within Subdistrict F See Map 6 \*For Mandatory Ground Floor requirements of Subdistrict F See Map 8



# Map 5 Transit Easements and Subway Entrances

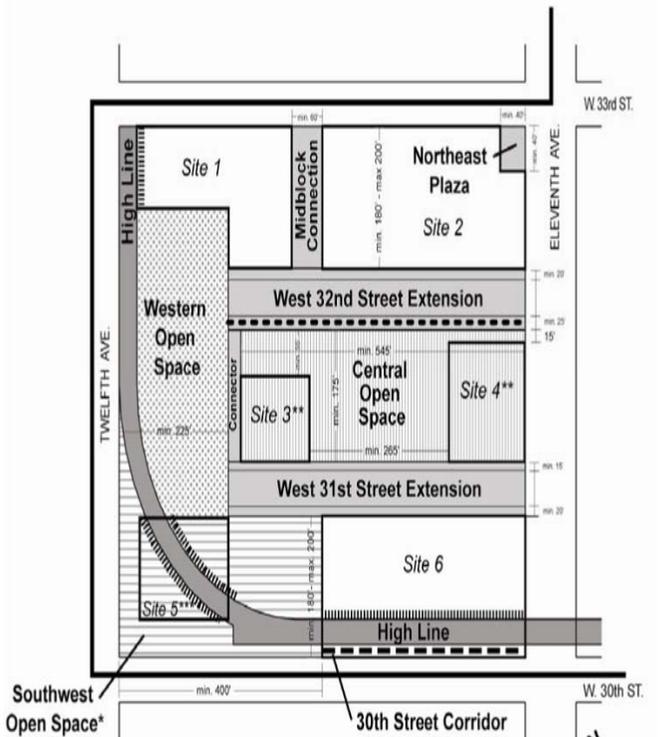


- Special Hudson Yards District
- Transit Easement
- Subway Entrance



- Special Hudson Yards District
- Site Boundaries
- Maximum Area within Site
- Open Space Boundaries

Map 7 Subdistrict F Public Access Area Plan



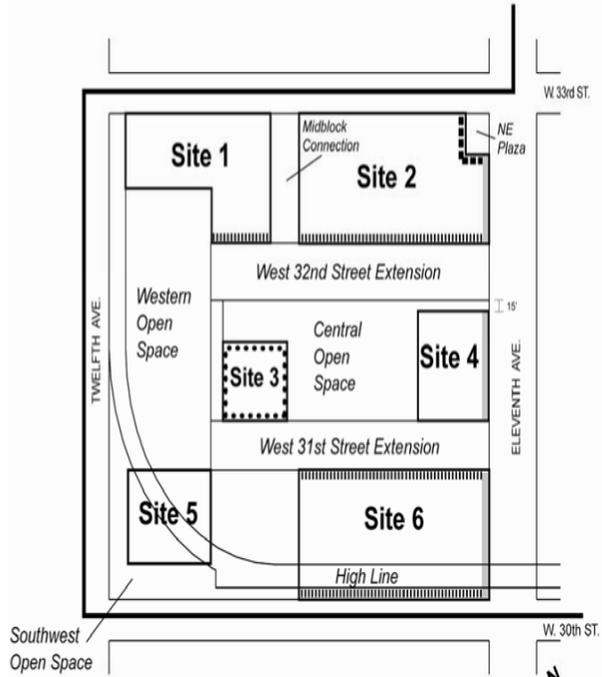
- Special Hudson Yards District
- Site Boundaries
- Open Space Boundaries
- Streets, Pedestrian Ways, and Northeast Plaza
- Western Open Space
- Central Open Space
- Southwest Open Space
- High Line
- 30th Street Corridor
- Required 5' Setback from High Line
- Allee

\* The Southwest Open Space connects beneath the High Line.

\*\* The area of Site 3 and Site 4 which is not part of a building is part of the Central Open Space.

\*\*\*The area of Site 5 which is not part of a building is part of the Southwest Open Space.

Map 8 Subdistrict F Mandatory Ground Floor Requirements

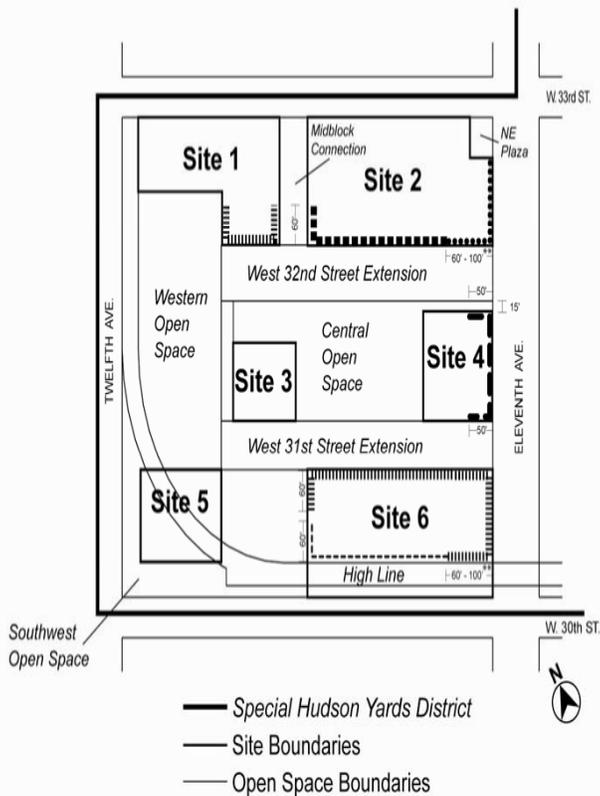


- Special Hudson Yards District
- 100% Retail and Glazing Requirement
- 70% Retail or Community Facility\* and Glazing Requirement
- Public Plaza 50% Retail and Glazing Requirements\*\*
- 70% Publicly Accessible Space and Glazing Requirement\*\*\*

\*Additional uses permitted pursuant to paragraph (b)(2) of Section 93-14.

\*\*Retail and glazing requirements pursuant to Section 37-76.

\*\*\*Publicly accessible space and glazing requirements pursuant to paragraph (a) of Section 93-565.



	Minimum Base Height	Maximum Base Height	Percentage of frontage that must be occupied by a street wall	Percentage of street wall which must recess	Max. percentage of street wall which may set back
-----	50*	60*	100%	20%	30%
	60'	90'	100%	20%	30%
-----	90'	120'	100%	20%	50%
.....	90'	120'	100%	20%	30%
.....	120'	150'	100%	20%	30%

\*As measured above the High Line bed.

\*\*Street wall must continue within 60 feet of 11th Ave., but may continue to within 100 feet of 11th Ave.

**L.U. No. 1267  
WESTERN RAIL YARD**

**MANHATTAN CB - 4**

**C 090435 ZSM**

Application submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 93- 052 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage (North Parking Garage) with a maximum capacity of 1100 spaces on portions of the ground floor and plaza level of a proposed mixed-use development on property bounded by West 33<sup>rd</sup> Street, Eleventh Avenue, West 30<sup>th</sup> Street, and Twelfth Avenue (Block 676, Lot 3), in a C6-4 District, within the Special Hudson Yards District.

**L.U. No. 1268**  
**WESTERN RAIL YARD**

**MANHATTAN CB - 4**

**C 090436 ZSM**

Application submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 93- 052 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage (South Parking Garage) with a maximum capacity of 800 spaces on portions of the plaza level, mezzanine 1 level, mezzanine 2 level and cellar level of a proposed mixed-use development on property bounded by West 33<sup>rd</sup> Street, Eleventh Avenue, West 30<sup>th</sup> Street, and Twelfth Avenue (Block 676, Lot 3), in a C6-4 District, within the Special Hudson Yards District.

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The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matter in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 9:30 a.m. on Monday, November 16, 2009.

**L.U. No. 1240**  
**POLICE ACADEMY**

**QUEENS CB - 7**

**C 090403 PSQ**

Application submitted by the New York City Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for site selection of property generally bounded by 28<sup>th</sup> Avenue, Ulmer Street, 31<sup>st</sup> Avenue and College Point Boulevard:

<b>BLOCK</b>	<b>LOTS</b>
4301	p/o 1
4321	48
4323	19
4324	1
4325	1
4326	1
4327	p/o 1
4328	p/o 1
4329	1, 7, 10, 75
4359	p/o 1
4358	p/o 1
4357	p/o 1
4356	p/o 30
4354	50

including all portions of the former streets located within the boundaries of the project site that are shown on the available tax maps (including portions of the following streets which were demapped on City Map 4700 as of February 28, 1977: 124th Street, 125th Street, 126th Street, 127th Street, 128th Street, 129th Street/20th Street, 130th Street/21st Street, 22nd Street) for use as a police academy.

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**SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS**

The Subcommittee on Planning, Dispositions and Concessions will hold a public

hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 1:00 p.m. on Thursday, November 12, 2009.

**L.U. NOS. 1227 - 1230 ARE RELATED**

**L.U. No. 1227**

**BROADWAY TRIANGLE URBAN RENEWAL AREA**

**BROOKLYN CB - 1**

**C 090413 ZMK**

Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from a C8-2 District to an R6A District property bounded by Lynch Street, Broadway, Middleton Street and its northeasterly centerline prolongation, and Union Avenue;
2. changing from an M1-2 District to an R6A District property bounded by Middleton Street, Throop Avenue, Walton Street, Harrison Avenue, and Union Avenue;
3. changing from an M3-1 District to an R6A District property bounded by Lorimer Street, Harrison Avenue, the southwesterly centerline prolongation of Walton Street, and Union Avenue;
4. changing from an M1-2 District to an R7A District property bounded by Walton Street, Throop Avenue, Whipple Street, Flushing Avenue, and Harrison Avenue;
5. changing from an M1-2 District to a C4-3 District property bounded by Whipple Street, Throop Avenue, and Flushing Avenue;
6. establishing within a proposed R6A a C2-4 District bounded by Lynch Street, Broadway, the northeasterly centerline prolongation of Middleton Street, Throop Avenue, Lorimer Street, a line 100 feet southwesterly of Throop Avenue, a line midway between Lynch Street and Middleton Street, a line 100 feet northeasterly of Union Avenue, a line 100 feet northeasterly of Harrison Avenue, Lorimer Street, Harrison Avenue, the southwesterly centerline prolongation of Walton Street, and Union Avenue; and
7. establishing within a proposed R7A a C2-4 District bounded by:
  - a. Walton Street, Throop Avenue, Bartlett Street, and a line 100 feet southwesterly of Throop Avenue; and
  - b. Walton Street, a line 100 feet northeasterly of Harrison Avenue, a line 100 feet northerly of Flushing Avenue, a line perpendicular to the northwesterly street line of Whipple Street distant 50 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Whipple Street and the northerly street line of Flushing Avenue, Whipple Street, Flushing Avenue, and Harrison Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only), dated May 18, 2009, and subject to the conditions of CEQR Declaration E-238.

**L.U. No. 1228**

**BROADWAY TRIANGLE URBAN RENEWAL AREA**

**BROOKLYN CB - 1**

**N 090414 ZRK**

Application submitted by the Department of Housing Preservation and Development pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the extension of the Inclusionary Housing Program to proposed R6A and R7A districts, in Community District 1, Borough of Brooklyn.

Matter in underline is new, to be added;

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

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

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

#### **APPENDIX F (7/29/09) INCLUSIONARY HOUSING DESIGNATED AREAS**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

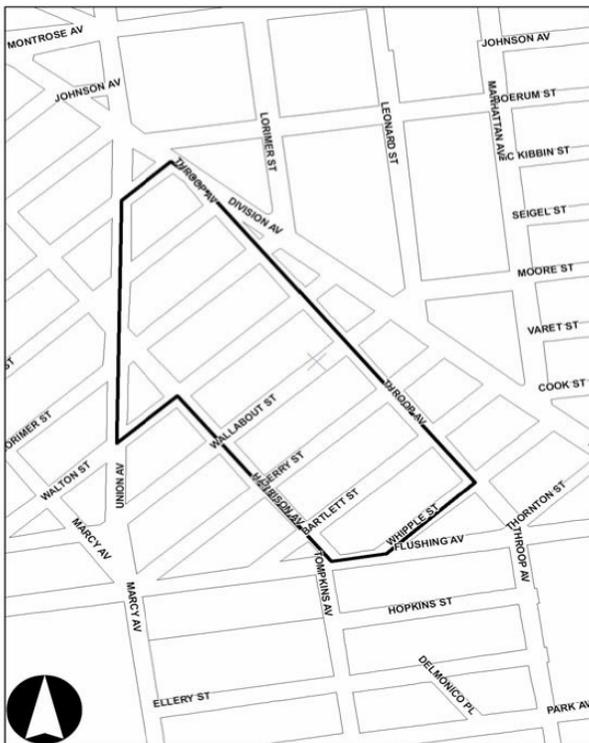
\* \* \*

#### **Brooklyn, Community District 1**

In Waterfront Access Plan BK-1, as set forth in Section 62-352, and in the R6, R6A, R6B, R7A and R7-3 Districts within the areas shown on the following Maps 1, 2, and 3 and 4:

\* \* \*

#### **PROPOSED NEW MAP Map 4**



Portion of Community District 1 , Brooklyn

**L.U. No. 1229**

**BROADWAY TRIANGLE URBAN RENEWAL AREA**

**BROOKLYN CB - 1**

**C 090415 HUK**

Application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the First Amended Broadway Triangle Urban Renewal Plan for the Broadway Triangle Urban Renewal Area.

The First Amendment updates the land use of existing Sites 4A, 4B, 7A, and 7B from industrial to residential (the remaining industrial sites, 1A, 1B, 2 and 3 are being de-designated since these sites were not acquired pursuant to the Plan – the plan no longer includes any industrial sites); three privately owned properties, Block 2272, Lots 45, 46 and 147, are being acquired and added to existing Sites 7A and 7B to form a new Site 4; the plan no longer includes a commercial or public/semi-public land use; sites were renumbered to reflect site de-designations and reconfigurations; the boundary of the area has been modified to reflect site de-designations, and the language and format of the Plan have been revised to conform with HPD’s current format for urban renewal plans; to facilitate the development of six sites containing residential, commercial and community facility uses within the Broadway Triangle Renewal Area Community District 1, Borough of Brooklyn.

**L.U. No. 1230**

**BROADWAY TRIANGLE URBAN RENEWAL AREA**

**BROOKLYN CB - 1**

**C 090416 HAK**

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 :

BLOCK	LOT	ADDRESS (UR Site Number and Name)
2269	14	68 Gerry Street : p/o Site 4 (Broadway Triangle Urban Renewal Area)
2269	16	72 Gerry Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	17	74 Gerry Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	18	76 Gerry Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	19	78 Gerry Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	23	86 Gerry Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	24	88 Gerry Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	25	90-92 Gerry Street (p/o Site 4 Broadway Triangle Urban Renewal Area)

2269	27	84 Throop Avenue (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	28	86 Throop Avenue (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	29	88 Throop Avenue (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	30	90 Throop Avenue (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	31	92-94 Throop Avenue (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	33	69 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	35	65 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	36	59-63 Bartlett Street(p/oSite 4 Broadway Triangle Urban Renewal Area)
2269	39	57 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	40	55 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	41	53 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	42	51 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	43	47 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	45	43-45 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	47	41 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	48	39 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	49	37 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2269	50	35 Bartlett Street (p/o Site 4 Broadway Triangle Urban Renewal Area)
2272	11	34-3 6 Bartlett Street (p/o Site 7A Broadway Triangle Urban Renewal Area)
2272	45	11 Whipple Street
2272	46	9 Whipple Street
2272	49	669 Flushing Avenue (p/o Site 7B Broadway Triangle Urban Renewal Area)
2272	51	667 Flushing Avenue (p/o Site 7B Broadway Triangle Urban Renewal Area)
2272	52	665 Flushing Avenue (p/o Site 7B Broadway Triangle Urban Renewal Area)
2272	53	663 Flushing Avenue (p/o Site 7B Broadway Triangle Urban Renewal Area)
2272	108	24 Bartlett Avenue (p/o Site 7B Broadway Triangle Urban Renewal Area)
2272	147	5 Whipple Street

as an Urban Development Action Area; and

b) an Urban Development Action Area Project for 66 such area; and

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

to facilitate the development of six sites, tentatively known as Broadway Triangle, with approximately 488 residential units, commercial and community facility uses.

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**L.U. No. 1269**  
**CYPRESS VILLAGE**

**BROOKLYN CB - 5**

**C 100014 HAK**

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 371 Van Siclen Avenue (Block 4026, Lot 2), 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 to be selected by HPD;

to facilitate development of a four-story building, tentatively known as Cypress Village, with approximately 8 residential units, to be developed under the Department of Housing Preservation and Development's New Foundations Program.

**L.U. NOS. 1221, 1223 AND 1250.**

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law for L.U. No. 1221 and 1250; and pursuant to Section 577 of the Private Housing Finance Law for L.U. No. 1223.

<b>L.U. No.</b>	<b>Non-ULURP No.</b>	<b>Address</b>	<b>Block/Lot</b>	<b>Program</b>	<b>CB</b>	<b>Tax Exemption</b>
<b>1221</b>	20105058 HAK	480-482 Warwick Street Brooklyn	4030/19, /20	New Foundations	05	Section 696
<i>Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on September 22, 2009, October 6, 2009 and October 26, 2009.</i>						
<b>1223</b>	20105060 HAM	3603-3605 Broadway Manhattan	2095/31, /32	Tenant Interim Lease	09	Section 577
<i>Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on September 22, 2009, October 6, 2009 and October 26, 2009.</i>						
<b>1250</b>	20105186 HAK	64 Harman Street 1231 Putnam Avenue 69 Cornelia Street Brooklyn	3285/22 3368/51 3374/57	Asset Control Area	3	Section 696
<i>Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on October 26, 2009.</i>						

## **LAND USE COMMITTEE**

The Land Use Committee will hold a meeting in the Council Committee Room, City Hall, New York City, New York, commencing at 10:00 a.m. on Monday, November 16, 2009, and will consider all items reported out of the Subcommittees at the meetings held on Wednesday, November 12, 2009 and Monday, November 16, 2009 and conduct such other business as may be necessary.