



## Legislation Details (With Text)

<b>File #:</b>	Res 0222-2006	<b>Version:</b>	*	<b>Name:</b>	LU 77 - Zoning, Special West Chelsea District, Manhattan (060199ZRM)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Adopted
		<b>In control:</b>		<b>In control:</b>	Committee on Land Use
<b>On agenda:</b>	3/22/2006				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution approving the decision of the City Planning Commission on Application No. N 060199 ZRM, an amendment to the text of the Zoning Resolution of the City of New York relating to Article IX, Chapter 8 (Special West Chelsea District) (L.U. No. 77).				
<b>Sponsors:</b>	Melinda R. Katz, Tony Avella				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Committee Report, 2. Hearing Transcript - Stated Meeting 3/22/06				

Date	Ver.	Action By	Action	Result
3/16/2006	*	Committee on Land Use	Approved by Committee	
3/22/2006	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 222

Resolution approving the decision of the City Planning Commission on Application No. N 060199 ZRM, an amendment to the text of the Zoning Resolution of the City of New York relating to Article IX, Chapter 8 (Special West Chelsea District) (L.U. No. 77).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on February 13, 2006 its decision dated February 8, 2006 (the "Decision"), on the application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 060199 ZRM) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 9, 2006;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues (CEQR No. 03DCP069M);

A Notice of Minor Modification was issued on October 27, 2005, which determined that the proposed text changes set forth in Application N 060199 ZRM would not result in any new or additional significant adverse

impact not already set forth in the FEIS.

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

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

Matter within # # is defined in Section 12-10 (DEFINITIONS)

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

\* \* \*

## Article IX - Special Purpose Districts

### Chapter 8

#### Special West Chelsea District

\* \* \*

#### 98-10

#### **SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT**

#### 98-11

#### **Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line**

The Commissioner of Buildings shall not issue any building permit for demolition, excavation or foundation work to be performed above or beneath the #High Line# or within 25 feet of support structures of the #High Line#, except by determination by such Commissioner that such work would not adversely affect the structural integrity of the #High Line# and by determination by the ~~City agency or official designated by the Office of the Mayor for such purpose~~ Commissioner of Parks that such work would not adversely affect the City's ability to inspect and maintain as necessary to ensure the structural integrity of the #High Line#.

\* \* \*

#### 98-18

#### **Parking Regulations in Subarea H**

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning

lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
- (b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than 4 feet below curb level; and
- (c) ~~and that~~ no more than 377 spaces are provided within such facility

For purposes of this Section, the governmental offices on Block 688, Lots 1001-1002 as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

\* \* \*

## 98-22

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

\* \* \*

Maximum Floor Area Ratio by Subarea

Sub - area	Basic #floor area ratio# (max)	Increase in FAR <del>Within</del> from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required for transfer (minimum)	Increase in FAR for Inclusionary Housing Program (26)	
A	6.5	2.65	2	2.65	2.85	12.0
B	5.0	2.5	2	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D <sup>5</sup>	5.0	2.5 <sup>3</sup>	2.5 <sup>3</sup>	1.25	1.25	7.5
E	5.0	1.0 <sup>3</sup>	1.0 <sup>2,3</sup>	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 <sup>3</sup>	1.0 <sup>3</sup>	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I <sup>4</sup>	5.0	NA	2.5	NA	NA	7.5

<sup>1</sup> Minimum #floor area ratios# required to be transferred pursuant to Section 98-30), inclusive, before Inclusionary Housing #floor area# bonus can be utilized

<sup>2</sup> In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)

<sup>3</sup>For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section 98-24 (Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E and G).

<sup>4</sup>For #zoning lots# over which the #High Line# passes.

<sup>5</sup>For #zoning lots# between West 22nd Street and West 24th Street, the ~~maximum~~ #floor area ratio#s shall be 7.5, and no #floor area# increases shall be permitted.

\* \* \*

## 98-23

### Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

~~#Lot coverage# requirements shall not apply to the portion of the #zoning lot# that lies directly beneath the #High Line#. That portion of the #zoning lot# that lies directly beneath the #High Line# shall be exempt from #lot coverage# requirements below the level of the #High Line bed#. The remaining portion of the #zoning lot# shall be considered a separate #zoning lot# for the purposes of calculating maximum #lot coverage#. Easement volumes provided in accordance with the provisions of Section 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS) and access structures constructed therein, as well as any structure required pursuant to Appendix D or E in relation to an increase in the basic maximum #floor area # ratio of a #zoning lot# pursuant to Section 98-25 (High Line Improvement Bonus), shall not be considered #floor area# or #lot coverage#.~~

However, at or above the level of the #High Line bed#, #lot coverage# requirements shall apply to the entire #zoning lot#.

\* \* \*

## 98-40

### SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

\* \* \*

## 98-423

### Street wall location, minimum and maximum base heights and maximum building heights

The provisions set forth in paragraph (a) of this Section shall apply to all #developments# and #enlargements#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (f) of this Section.

- (a) On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in the table of this Section. On #corner lots# with both #wide# and #narrow street# frontages, a #street wall# with a minimum height of 15 feet shall be located on a the #narrow street line# beyond 50 feet of its intersection with a #wide street# and extend along such entire #narrow street# frontage of the #zoning lot# between 50 and 100 feet from its intersection with a #wide street#. On all other #narrow street# frontages, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section.

\* \* \*

(b) Subareas A and D

(1) #Street wall# location

In Subarea D, on #corner lots# between the north side of West 18th Street and the south side of West 22nd Street, a #street wall# with a minimum height of 15 feet shall be located on the #narrow street line# between 50 and 150 feet of its intersection with Eleventh Avenue.

In Subarea D, for #buildings# that do not include towers as set forth in paragraph (b)(3) of this Section, the #street wall# location provisions set forth in paragraph (a) shall not apply to any #zoning lot# that occupies the entire Eleventh Avenue #block# front. In lieu thereof, #street walls# with a minimum base height of 60 feet shall be located within 10 feet of all #street lines# bounding such #zoning lot# and extend along at least 70 percent of each #street# frontage of the #zoning lot#.

\* \* \*

**98-424**

**Authorization to modify height and setback certain bulk regulations**

For #zoning lots# located entirely within 75 feet of the west side of the #High Line#, the City Planning Commission may authorize the modification of height and setback regulations set forth in Section 98-40 and 98-50, inclusive, ~~and~~ the transparency requirements set forth in Sections 98-141 and 98-54, and the underlying #rear yard# and minimum distance between #legally required windows# and walls or #lot lines# regulations. The Commission shall find that such modification will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public areas.

\* \* \*

**98-50**

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

98-51

Height and Setback Regulations on the East Side of the High Line

\* \* \*

(b) In C6-3A Districts and in Subareas C, F and G

For #zoning lots# extending less than 120 115 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of a #building# shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

For #zoning lots# that extend for at least 120 115 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of the #building# shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#, except that a maximum of 40 percent of such #High Line frontage# may rise without setback above a height of 3 feet, 6 inches above the level of the #High Line bed# provided such portion of the #building# is not located directly between the #High Line# and any #street wall# of a #building# that is subject to a maximum height of 45 feet in accordance with paragraph (c) (Subareas C, F and I) of Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights).

However, the provisions of this paragraph, (b), shall not apply to any #zoning lot# existing on June 23, 2005 where the greatest distance between the eastern side of the #High Line# and a #side lot line# east of the #High Line# is 35 feet when measured parallel to the nearest #narrow street line#.

\* \* \*

## 98-60

### SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS

## 98-61

### High Line Access Easement Volume Requirement

\* \* \*

(e) such #development# or #enlargement# is located wholly within an M1-5 District and no portion of such #development# or #enlargement# has more than 10,000 square feet of #floor area# and is located within five feet of the #High Line#; or

(f) such #development# or #enlargement# is located on a #zoning lot# that fronts on West 23rd Street.

\* \* \*

## 98-70

### SUPPLEMENTAL REGULATIONS

In the Special West Chelsea District, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (HARASSMENT) shall apply as modified in this Section.

For the purposes of this Section, the following definitions in Section 93-90 (HARASSMENT) shall be modified:

Anti-harassment area

“Anti-harassment area” shall mean the #Special West Chelsea District# Referral date

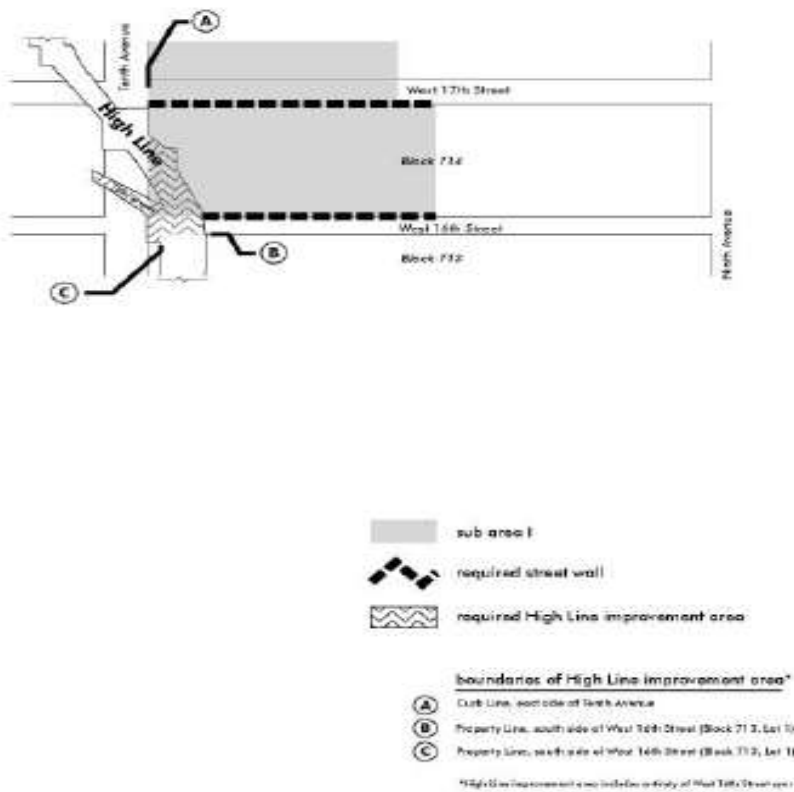
“Referral date” shall mean December 20, 2004.

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

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

(a) increase the #floor area ratio# pursuant to the provisions of the #Special West Chelsea District#, #Special Hudson Yards District#, #Special Garment Center District#, #Special Clinton District# or Section 23-90, or

(b) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.



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

\* revised diagram

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The

City of New York on March 22, 2006, on file in this office.

.....  
City Clerk, Clerk of The Council